

# PLANNING COMMITTEE

## AGENDA



**Wednesday 20 June 2018**

**at 10.00am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Brown, Buchan, Cook, Fleming, James, Loynes, Morris and Vacancy

#### 1. APOLOGIES FOR ABSENCE

#### 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

#### 3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 9<sup>th</sup> May 2018

#### 4. ITEMS REQUIRING DECISION

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

1. H/2017/0627 30 Clifton Avenue (page 1)
2. H/2018/0102 Wynyard C of E Primary School, Wynyard Woods, Wynyard, Billingham (page 15)
3. H/2018/0075 The Saxon (Former PH), Easington Road (page 31)
4. H/2018/0016 Crookfoot Farm, Coal Lane, Elwick (page 41)
5. H/2018/0096 Middle Warren Local Centre, Mulberry Rise (page 53)
6. H/2018/0097 Middle Warren Local Centre, Mulberry Rise (page 69)

##### 4.2 Appeal at 12-14 Church Street, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*

##### 4.3 Appeal at Stotfold Crest Stables, Trunk Road A19, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*



- 4.4      Negotiating Planning Obligations - *Assistant Director (Economic Growth and Regeneration)*

**5.      ITEMS FOR INFORMATION**

- 5.1      Appeal at 33 Silverwood Close, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.2      Appeal at Low Throston House, Netherby Gate - *Assistant Director (Economic Growth and Regeneration)*
- 5.3      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      Unauthorised Works to Listed Building (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 July 2018.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **9<sup>th</sup> May 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, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes and Ray Martin-Wells

Officers: Andrew Carter, Assistant Director, Economic Growth and Regeneration  
Jim Ferguson, Planning and Development Manager  
Mike Blair, Transport and Infrastructure Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Sarah Scarr, Heritage and Countryside Manager  
Daniel James, Planning Team Leader (DC)  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Laura Chambers, Senior Planning Officer  
Ryan Cowley, Senior Planning Officer  
Andrew Maughan, Locum Solicitor  
Jo Stubbs, Democratic Services Officer

## **125. Apologies for Absence**

Apologies were submitted by Councillors Sandra Belcher and George Morris.

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

Councillor Ray Martin-Wells declared a prejudicial interest in planning application H/2015/0551 (Section 106 and conditions update – Land South of Elwick Road) and indicated he would leave the meeting during consideration of this item.

Councillor Ray Martin-Wells declared a personal interest in planning application H/2017/0418 (156 Grange Road)

## 127. Confirmation of the minutes of the meeting held on 4<sup>th</sup> April 2018.

Minutes confirmed

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

**Number:** H/2017/0418

**Applicant:** MR JAMIE BORTHWICK GRANGE ROAD HARTLEPOOL

**Agent:** MR JAMIE BORTHWICK 156 GRANGE ROAD  
HARTLEPOOL

**Date received:** 07/09/2017

**Development:** Outline application for the erection of two semi-detached dwellinghouses and associated access.

**Location:** 156 GRANGE ROAD HARTLEPOOL

The Agent David Loughrey spoke in favour of the application saying that the applicant had tried to incorporate the architectural features of other houses in the vicinity into the design for the front elevation. Consultation had taken place over several months and all the amendments suggested had been accepted.

Ms Sherwood spoke against the application on behalf of her family particularly her late Grandmother who had lived nearby and had previously objected to the plans. She felt that the development would cast a shadow on her late Grandmother's property by blocking the sunlight to a number of rooms and the garden. The plans to place 2 properties onto the site would increase noise and parking problems in the area and would necessitate the resiting of a nearby bus stop.

Members approved the application by a majority.

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

### 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 appearance and landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To clarify the period for which the permission is valid.

3. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; 2017/268/S[00]01 (Existing Outbuilding Plan & Elevations) received 12th July 2017 by the Local Planning Authority; 2004/P/4 Rev A (Proposed Plans), 2004/P/5 Rev A (Proposed Elevations) received 1st February 2018 by the Local Planning Authority; and amended plans 2004 Rev X (Site Location Plan), 2004/P/1 Rev A (Existing Site Plan) received 1st February 2018 by the Local Planning Authority; 2004/P/6 Rev B (Existing & Proposed Street Scene) received 20th March 2018 by the Local Planning Authority; and 2004/P/2 Rev B (Proposed Site Plan) received 28th March 2018.

For the avoidance of doubt.

4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

5. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

6. No development shall take place until a scheme for the management of remediation, demolition and construction works has been submitted to and agreed in writing with the Local Planning Authority, including the effective control of dust emissions from the site. The scheme shall address offsite dust monitoring and include details of adequate dust suppression facilities on site. Thereafter the development shall be carried out in accordance with the approved details. There shall be no burning on site of materials arising from the demolition or construction phases of the development.

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

7. Notwithstanding the submitted information, development of the dwellings hereby approved shall not commence until a detailed scheme for the disposal of surface water from 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 surface water flooding from any sources in accordance with the NPPF.

8. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to 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.
9. Prior to the commencement of the development, details of integral bat roost bricks to be incorporated into the apex of the north and south facing side elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details.  
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
10. Notwithstanding the submitted information, a scheme for means of enclosure (including proposed alteration to any existing enclosures) shall be submitted to and approved by the Local Planning Authority before the dwellings hereby approved are occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected/provided prior to the occupation of the dwellings hereby approved.  
In the interests of the amenity of proposed occupiers of the dwelling and that of surrounding neighbouring properties.
11. Notwithstanding the submitted information and prior to the occupation of the dwelling hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.  
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.
12. Notwithstanding the submitted details, a scheme for the protection of existing trees to be retained on site during the demolition and construction phases of development and for the replacement of tree T4 (mature pear (*Pyrus*)), as described in the submitted Tree Report Root Protection Plan & Arboricultural Impact Assessment prepared by Jonson's Tree Care & Survey Services (dated 22nd August, 2017), shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development. The scheme

- shall include details of the type of replacement tree, the size/height of the tree at planting stage, a plan indicating its location (which shall be in public view at the front (west) of the site, in proximity to the site of the tree it is to replace) and a timetable for the works to be carried out. In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of an amenity value.
13. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
  14. 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 or altered 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.
  15. 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 free-standing buildings or structures shall be erected within the curtilage of the dwelling(s) hereby approved 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.
  16. The proposed first floor side (north) elevation bathroom window facing 113 Granville Avenue and first floor side (south) elevation bathroom window facing 156 Grange Road, shall be fixed and glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the window(s). The agreed scheme shall be implemented thereafter and shall remain for lifetime of the development hereby approved. The application of translucent film to clear glazed windows would not satisfy the requirements of this condition.  
To prevent overlooking.
  17. The development hereby approved shall be laid out in strict accordance with drawing 2004/P/2 Rev B (Proposed Site Plan) received 28th March 2018 by the Local Planning Authority. The curtilage of the two dwellings hereby approved shall be confined within the red line boundary as shown on the abovementioned approved plan.  
For the avoidance of doubt.
  18. The existing outbuildings on site (as shown on drawing 2017/268/S[00]01 received 12th July 2017 by the Local Planning Authority) shall be demolished prior to the occupation of the dwellings hereby approved, in accordance with drawing 2004/P/2 Rev B

(Proposed Site Plan). The site of the demolished outbuildings shall thereafter be made good prior to the occupation of the dwellings hereby approved.

In the interests of the amenities of future occupiers.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2018/0038
<b>Applicant:</b>	MRS RUTH FARNABY 5 GRANGE ROAD HARTLEPOOL
<b>Agent:</b>	MRS RUTH FARNABY SAFEHAVEN CHILDRENS RESIDENTIAL WILLOW HOUSE 5 GRANGE ROAD HARTLEPOOL
<b>Date received:</b>	12/03/2018
<b>Development:</b>	Erection of boundary fence to front and side (retrospective application)
<b>Location:</b>	5 GRANGE ROAD HARTLEPOOL

The owner of the property, Ruth Farnaby, addressed the Committee. She explained that it was used as a supportive accommodation for young people who were experiencing difficulties in the family home. The fence had been erected to give the young people privacy and prevent them from sitting on the wall of the neighbouring property. The intention was to paint the fence green at a later date in order to match the existing woodwork. It had been erected in good faith and she was unaware of any undesirable behaviour on the part of the young people. It had been suggested that the fence be replaced by metal or iron railings but she felt this was unrealistic in terms of cost.

Mrs Sowerby spoke against the application saying it went against the Council's conservation policies for that area. She looks onto the fence. She pointed out the number of properties on Grange Road that had erected fences which did not adhere to the policy and commented that if members approved this application the conservation area was null and void and conservation officers had failed to do their jobs. She also highlighted that she had paid to install a metal fence around her property at a cost of £1200.

Members queried whether the applicant would be willing to reduce the fence height to match the top of the gate and to stain the fence a dark colour. Ms Farnaby advised they would be happy to do this.

Members voted to approve the application by a majority as they felt the impact on the conservation area taking into account the suggested amendments would be acceptable.



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

1. The fence(s) hereby approved shall within one month from the date of the decision notice be reduced in height to no more than 1.65m above ground level (to match the height of the existing gate), and thereafter retained as such for the lifetime of the development. The works shall be completed to the satisfaction of the Local Planning Authority.  
In the interests of the visual amenity of the surrounding conservation area and to ensure a satisfactory form of development.
2. The fence(s) and gate hereby approved shall be stained in a 'dark oak' colour within one month from the date of the decision notice. The development shall be completed to the satisfaction of the Local Planning Authority.  
In the interests of the visual amenity of the surrounding conservation area and to ensure a satisfactory form of development.

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0627

**Applicant:** MR MRS DODDS 30 CLIFTON AVENUE  
HARTLEPOOL

**Agent:** MR JASON BATES 3 PANMORE WALK  
EAGLESCLIFFE

**Date received:** 15/12/2017

**Development:** Erection of boundary wall to side and detached  
pergola to rear (part retrospective)

**Location:** 30 CLIFTON AVENUE HARTLEPOOL

Members felt that a site visit would be beneficial in this case in order that they be better aware of the visual issues surrounding the site given the lack of photographic evidence provided within the presentation.

**Decision: Deferred for a site visit**

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**Councillor Ray Martin-Wells left the meeting**

**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

At the meeting on 31<sup>st</sup> January (minute 87 refers) members had indicated they were minded to approve this application subject to changes to planning conditions 9, 43 and 44 and subject to the final planning conditions and details of the section 106 legal agreement being reported back to the planning committee for their final agreement. Further details were provided for members and officers requested that the final details be delegated to the Planning and Development Manager in consultation with the Chair. Members asked that the Vice-Chair also be included in this consultation and all similar consultation as a matter of course. The Solicitor indicated that as the current Vice-Chair had not been present when the matter had previously been discussed he was unable to take any part in this decision. He also noted that the Vice-Chair could change in the new municipal year and have also had no involvement when the matter was previously discussed. Members felt that in this situation the Chair or Vice-Chair would disbar themselves if they felt it necessary.

Members approved the application by a majority. **Councillor Stephen Akers-Belcher asked that his abstention be recorded.**

- Decision:** **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act and the matter be delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee (and Vice Chair, if appropriate) to conclude the Section 106 Agreement and issue the permission on the terms and conditions outlined in supplemental report dated 9<sup>th</sup> May 2018 with the additional provision being made to bring forward Highways Contributions to fund the gap closure works on the A19 as required.**

### 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.

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### **Councillor Ray Martin-Wells returned to the meeting**

**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

At the meeting on 31<sup>st</sup> January (minute 87 refers) members had indicated they were minded to approve this application subject to changes to planning conditions 3 and 22 and subject to the final planning conditions and details of the section 106 legal agreement being reported back to the planning committee for their final agreement. Further details were provided for members and officers requested that the final details be delegated to the Planning and Development Manager in consultation with the Chair and Vice-Chair (where appropriate). Members noted that this application and the previously considered application by Story Homes/Tunstall Homes (H/2015/0551), would contribute toward much needed safety improvements to the A19 and provide a third access point into Hartlepool via Elwick Village. They acknowledged this would cause some inconvenience and disruption to residents during the building phase but overall safety was paramount.

Members approved the application by a majority. **Councillor Stephen Akers-Belcher asked that his abstention be recorded.**

**Decision:** **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act, and the matter be delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee (and Vice Chair, if appropriate) to conclude the Section 106**

**Agreement and issue the permission on the terms and conditions outlined in supplemental report dated 9<sup>th</sup> May 2018 with the additional provision being made to bring forward Highways Contributions to fund the gap closure works on the A19 as required.**

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

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

31. All Hedgerows as shown on the Built Form Master Plan as existing received by the Local Planning Authority on the 7th December 2015 shall be retained unless otherwise agreed in writing by the Local Planning Authority.

In the interest of biodiversity.

Councillor Ray Martin-Wells declared a prejudicial interest in application H/2017/0150 (Land to the North of A689, Wynyard Park) and announced his intention to leave the meeting during consideration of this item

### **Councillor Ray Martin-Wells left the meeting**

**Number:** H/2017/0150

**Applicant:** REDCO LTD

**Agent:** SAVILLS (L&P) LIMITED Martin Bonner  
EASTFIELD HOUSE MAIN STREET CORBRIDGE

**Date received:** 03/05/2017

**Development:** Outline application for the erection of up to 13 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved (AMENDED RED LINE SITE BOUNDARY)

**Location:** LAND TO THE NORTH OF A689 (THE LYNDHURST) WYNARD PARK HARTLEPOOL

Members approved this application by a majority.

**Decision:** **Minded to APPROVE subject to the completion of a legal agreement under S106 of the Planning Act securing the planning obligations as set out in the report.**

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

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

or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

In order to ensure these details are satisfactory.

3. The development hereby permitted shall be carried out in accordance with the following plans: drawing number SL101, revision P01 (Proposed Site Plan Showing 15m Radius to North West Boundary), date received by the Local Planning Authority 22/01/18, drawing number 1603:LP.01 (Location Plan), date received by the Local Planning Authority 27/02/18.

For the avoidance of doubt.

4. The total quantum of development hereby approved shall not exceed 13 no. dwellinghouses (C3 use class).  
To ensure a satisfactory form of development and for the avoidance of doubt.

5. The details submitted at reserved matters stage shall be in general conformity with drawing number SL101, revision P01 (Proposed Site Plan Showing 15m Radius to North West Boundary), date received by the Local Planning Authority 22/01/18.

To ensure a satisfactory form of development.

6. The development hereby approved shall be carried out in accordance with the mitigation measures regarding bat protection identified in section 6.1 (page 22) of the Ecological Impact Assessment Revision 5, produced by Naturally Wild, date received by the Local Planning Authority 06/03/18.

In order to prevent disturbance to bats.

7. Prior to the submission of any Reserved Matters application(s), a Detailed Design Code shall be submitted to and agreed in writing with the Local Planning Authority. All applications for Reserved Matters approval shall thereafter be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Detailed Design Code.

To ensure a satisfactory form of development.

8. The external walls and roofs of individual buildings shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority on a plot by plot basis. The materials shall accord with the agreed Detailed Design Code (as required by condition 7). Thereafter the development shall be carried out in accordance with the approved details.

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

9. Prior to the submission of any Reserved Matters application(s), a scheme for tree and hedge protection shall be 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'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) 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, 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.

10. A detailed scheme of soft landscaping, hedge, tree and shrub planting up to the boundary of the individual plots and details of the requisite 15m radius buffer zone as annotated on plan SL101 Rev P01 (Proposed Site Plan Showing 15m Radius to North West Boundary), date received by the Local Planning Authority on 22nd January 2018) 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. The scheme shall make provision for new lengths of hedgerow to be planted and/or retained hedges gapped up to mitigate for sections of hedge lost with a recommended mix of 80% hawthorn with 20% blackthorn, hazel, holly and field maple, planted as a double row at 30cm intervals and fitted with tree guards. Thereafter any landscaping details required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.



11. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Thereafter the finished floor levels required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. Development shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
12. 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.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
13. Notwithstanding the submitted information and the measures outlined within the WYG Flood Risk and Foul Drainage Assessment March 2017 (date received 17th March 2017), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to 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 prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.
14. Details of all external finishing materials associated with the roads and service infrastructure of the development shall be submitted to and approved by the Local Planning Authority before development

commences. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. Thereafter prior to any individual plots being occupied, details of all external finishing materials including car parking areas, footpaths and any other areas of hard standing to be created within each individual plot shall be provided as part of the reserved matters.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

15. Details of all walls, fences, gates and other means of boundary enclosure to be constructed up to the individual plots shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter prior to any individual plots being developed details of boundary enclosures shall be provided on a plot by plot basis. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity and the amenity of the occupiers of the site.
16. 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.  
In the interest of the proper planning of the area to ensure plots can be clearly identified when reserved matters applications are submitted.
17. Notwithstanding the submitted plans and prior to the commencement of development, a detailed plan of the proposed access road shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the proposed carriageway, footways, cycleway and crossing points. Thereafter the development shall be carried out in accordance with the approved details.  
In the interest of highway safety.
18. Notwithstanding the submitted plans and prior to the commencement of development, details of the proposed junction radii and footways serving the development up to the individual plots and any street lighting shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interest of highway safety.
19. Notwithstanding the requirements of condition 18 and prior to the commencement of any development, a scheme for low level lighting for the areas of development, including road lighting, adjacent to the northern and western perimeters of the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme should demonstrate how light spill will be minimised on the adjacent

habitat, including the angle of lighting, type of lighting and height of lighting columns. The scheme shall provide details of any low level lighting to be erected i) during the construction phase and ii) as part of the completed development. The development shall be carried out in accordance with the approved details.

In order to prevent disturbance to bats and other wildlife and to ensure a satisfactory form of development.

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

To avoid excessive noise and disturbance to the occupants of nearby properties and in the interests of highway safety.

21. Prior to the commencement of development of each individual dwelling hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development (measured by the Dwelling Fabric Energy Efficiency) and its CO<sub>2</sub> emissions (measured by the Dwellings Emission Rate) would be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulation 27 and 27a, 2010 as amended prevailing at the time of development (or any Regulation revoking and re-enacting that Regulation with or without modification), this will require submission of both the DFEE, DER and their comparable target figures TFEE and TER (Target Fabric Energy Efficiency and Target CO<sub>2</sub> Emission Rate) and the list of specifications to which the building is to be constructed. Prior to the residential occupation of the dwelling the final Building Regulation 27 notice detailing the as built TER/DER, TFEE/DFEE and list of specifications shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented.

In the interests of promoting sustainable development.

22. Prior to the commencement of development of each individual dwelling hereby approved, a report identifying how the scheme will generate 10% of the predicted CO<sub>2</sub> emissions from on-site renewable energy shall be first submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed/installed in line with the approved scheme prior to the residential occupation of the dwellinghouse.

In the interests of promoting sustainable development.

23. 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.

24. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6.3 metres and ridge of 10 metres.  
In the interests of visual amenity.
25. Each of the dwellings hereby approved shall include an integral bat roost brick or swift next brick into the apex of the house or garage.  
In the interests of biodiversity enhancement.
26. The roads, footpaths and cycleways and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In order to ensure the roads are constructed and maintained to an acceptable standard.
27. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure any site contamination is satisfactorily addressed.
28. The clearance of any vegetation, including trees, hedgerows and arable land, 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 order to avoid harm to birds.
29. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no

construction activity including demolition on Sundays or on Bank Holidays.

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

30. Notwithstanding the requirements of condition 29, no construction work shall take place outside of daylight hours, all fencing erected for the purposes of construction work shall have a minimum gap of 20cm to allow badgers to pass underneath, all trenches shall be covered overnight to prevent badgers falling in (unless an escape ramp of a minimum of 30cm wide and at an angle of no more than 45° is provided) and earth mounds shall not be stockpiled during construction to remove the potential for badgers to excavate into them.  
In order to avoid harm to badgers.
31. Any hedgehogs are found during site clearance or construction shall be moved to the closest area of woodland.  
In order to avoid harm to hedgehogs.
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 16, 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 visual amenity of the surrounding area.
33. 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 garages, outbuildings or other detached structures shall be erected within the 15m radius 'no build zone' as annotated on plan SL101, revision P01 (Proposed Site Plan), date received by the Local Planning Authority 22/01/18 without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of protecting the adjacent Ancient Woodland and the amenities of the occupants of the adjacent residential properties.

## **129. Appeal at 30 Wasdale Close, Hartlepool** (*Assistant Director Economic Growth and Regeneration*))

Members were advised that an appeal had been submitted against the decision to refuse retrospective planning permission for the erection of a boundary fence at the front of 30 Wasdale Close. The application had been refused by Planning Committee on 6<sup>th</sup> September 2017 as it was felt to unduly detract from the predominantly open plan character and appearance of the immediate surrounding area.

### **Decision**

That officers be authorised to contest the appeal.

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

Members were updated as to 13 complaints currently under investigation and 9 complaints which had been concluded.

### **Decision**

That the report be noted

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

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

### **132. English Martyrs Development**

The Vice-Chair highlighted a problem being caused by a cabin/toilet being used by builders on the site located directly outside a property. He asked that some action be taken as the resident and their young children were being quite badly affected. The Planning and Development Manager advised that compounds on a work site did not require planning permission however the developer had been contacted by an Enforcement Officer and it was hoped that agreement to move the cabin would be reached.

### **133. 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 134 – (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.

**134. Enforcement Action** (*Director of Regeneration and Neighbourhoods*)

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.

This item was withdrawn. Further details are provided in the closed minutes.

**Decision**

Item withdrawn

The meeting concluded at 11:20am

CHAIR

**No:** 1  
**Number:** H/2017/0627  
**Applicant:** MR MRS DODDS 30 CLIFTON AVENUE  
HARTLEPOOL TS26 9QN  
**Agent:** MR JASON BATES 3 PANMORE WALK  
EAGLESCLIFFE TS16 9EN  
**Date valid:** 15/12/2017  
**Development:** Erection of boundary wall to side and retrospective  
application for detached pergola to rear  
**Location:** 30 CLIFTON AVENUE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 There is no relevant planning history associated with the application site.

1.3 The application was referred to planning committee in May 2018 as three or more objections had been received, the application was deferred at that meeting to allow a Committee site visit to be carried out.

## PROPOSAL

1.4 The application seeks planning permission to erect a boundary wall to the side of the plot and a detached 'pergola' structure in the rear garden. Work has already commenced on the pergola and therefore the application is part-retrospective.

## SITE CONTEXT

1.5 The applicant property is a substantial two-storey semi-detached Victorian villa on the northern side of Clifton Avenue. Properties in the street are positioned forward on the plot with relatively small front gardens but substantial rear gardens. The property has a concrete driveway to the side, as does the adjacent neighbour to the east.

1.6 The property is within the Grange Conservation Area, characterised by large Victorian properties, though Clifton Avenue has a prevailing sense of character though the use of materials and some unifying features, there are a variety of designs and styles of property throughout the street, reflecting its gradual development by individual plot owners.



## PUBLICITY

1.7 The application has been advertised by way of neighbour letters (10no), site notice and a press notice. To date, objections from three neighbouring properties have been received, these can be summarised as follows:

- Queries regarding the name of the applicant/owner of the property,
- Submitted plans are inaccurate/misleading,
- The proposed boundary wall would limit access to and parking on the neighbouring property's driveway,
- Security concerns due to proposed boundary wall screening doors and windows of neighbouring property,
- Proposed boundary wall would affect visibility and highway safety,
- Loss of light,
- Impact on stability of adjacent boundary walls/buildings,
- Loss of character of Grange Conservation Area,
- Proposed pergola is dominant due to its height,
- Proposed pergola structure does not meet the usual definition of a 'pergola',
- Concerns that the proposed pergola could be enclosed in future,
- Pergola does not meet planning regulations regarding height and proximity to a boundary,
- Pergola too close to the boundary to allow maintenance,
- Queries regarding the structural integrity of the pergola,
- BBQ and pizza oven indicated beneath the pergola would be a fire risk,
- Impact on trees.

1.8 One letter of no objection has been received.

1.9 Copy Letters **A**

1.10 The period for publicity has expired.

## CONSULTATIONS

1.11 The following consultation responses have been received;

**HBC Heritage & Countryside – Comments of 08/03/18** It is noted that the proposed wall has been reduced in part to 1m high which is welcomed. Where the step is proposed a pier cap is shown on the plan; the detailing to the wall on this section with a pier providing the break between the two different levels of wall would be appropriate to the character of the conservation area; consideration should be given to including this.

With regard to the two storey extension. There does not appear to have been any additional information provided to outline why the existing historic fabric cannot be retained and converted to suit the needs of the applicant.

In relation to the proposed extension it is noted that this has been reduced in size however it is still a considerable size and the detailing does not reflect that of the

wider conservation area with a horizontal emphasis. Windows are wide and multi-paned rather than the taller one over one sash windows generally seen within the area.

Whilst the extension cannot be viewed from the front of the property the arrangements of the street mean that there are views through to the rear of the building from Hutton Avenue. Such glimpses of rear elevations feature throughout the conservation area but are particularly prevalent in Hutton /Clifton Avenues. Currently these view show paired extensions to the rear of properties in Clifton Avenue and whilst they vary in design they do have common features such as sash windows with bays featuring on the rear elevations of offshots, simply designed chimneys and a common pallet of materials, namely red brick and slate.

The Grange Conservation Area Appraisal states that, “Extensions should respond to the form of the host building and should be subservient to it.” This is not the case in this instance with the loss of original fabric being replaced with a substantial extension, the design of which does not reflect the conservation area and will be viewed from Hutton Avenue. It is considered that this element of the proposal would cause less than substantial harm to the conservation area. No information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal.

Updated comments of 19/04/18 – With regards to the amended plans, the removal of the proposed extension addresses the concerns raised in my previous comments therefore I have no objections to the proposal in its current form.

**HBC Public Protection** – No objections. Further to your email in relation to the BBQ and pizza oven, we wouldn't require any flues for such equipment. The pergola isn't an enclosed structure and flues wouldn't be required to remove any cooking odours for such equipment. I can't comment in relation to any concerns in relation to fire risk, however Cleveland Fire Service may be able to assist.

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

**HBC Arboricultural Officer** – A lightly loaded structure on top of the ground with no deep foundations is unlikely to be a problem to a tree such as this sycamore. The proposed Pizza oven and BBQ which is integral with the structure should not produce enough direct heat onto the tree to affect it but there will be a nuisance issue of sap dripping onto the pagoda from the branches which the applicant should be aware of.

As this Sycamore is within the Grange Conservation Area any proposed work to it will need to be authorised by the Local Planning Authority as it is a legally protected tree.

**Cleveland Fire** – With regards to your query the first thing is our legislation (Regulatory Reform (Fire Safety) Order 2005) does not extend to such structures mainly due to it being of private domestic use so we do not have any authority to oppose such a thing.

We can however provide advice, in this situation the risk of fire occurring would be limited, although normal timber is treated for protection to rot this does not always afford any fire resistance but it remains that a substantial ignition source would be required to ignite such a structure.

Since the structure is away from any houses even if this ignited we would not have any concerns over its spread that may cause any threat to life.

**HBC Building Control** – We have looked at this and as the construction does not have any walls (just a roof) I have made the decision that it is not classed as a 'building' under the Building Regulations.

We would therefore not ask for an application in this instance.

I would however point out to them that it is still their responsibility to ensure that the structure it is constructed correctly and safely.

**Hartlepool Civic Society** – We have scrutinised the plans for the extension and erection of boundary wall.

It does appear that little notice has been taken of the fact that the property is within the Conservation Area which was established some years ago and presumably prior to the applicant purchasing the property.

We observe that there already is an extension and that which is proposed does not fit in with the surroundings. It is a concern that the size of the extension will have the effect of reducing the amenity of the neighbouring properties regarding light and general quality of life.

As regards the proposed wall – in the Avenue as a whole – the walls are low – could not the planned replacement wall be reduced to enhance the appearance of this Conservation Area which is an asset to the town and should continue to be so.

We would suggest the applicant has further meetings with Council staff to progress to conform to standards expected in a Conservation Area.

**Cleveland Police** – It is advisable from a crime prevention and security point view that dwellings are positioned to allow neighbours to easily view the frontage of the each other's surroundings thus making the any potential offender fell vulnerable to detection. In this case the front door entrance is to the side of the premises which is not the ideal location which without the wall would have limited natural surveillance form nearby premises. Although the wall will obviously reduce natural surveillance from the immediate neighbours premises from the drawings I am not able to say exactly how much surveillance of the front door will be reduced from other neighbourhood properties. To maintain the present surveillance it would be recommended to have a continuous boundary wall of 1metre with 1metre railings fitted to the top of the wall to the boundary between the properties.

## PLANNING POLICY

### National Planning Policy Framework (NPPF)

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

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

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

### Hartlepool Local Plan 2018

1.14 Since the previous committee meeting, the Council has resolved to adopt the Local Plan and as such full weight is given to this document. The following policies are relevant to this application:

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

HE1	Heritage Assets
HE3	Conservation Areas

## PLANNING CONSIDERATIONS

1.15 The main material planning considerations when considering this application are the impact on the character and appearance of the existing dwelling and wider conservation area, the impact on the amenity of neighbouring land users, highway safety and parking, security, fire risk and trees. These and any other matters are considered as follows.

### SITE AND SURROUNDINGS

1.16 The applicant property is a substantial two-storey semi-detached Victorian villa on the northern side of Clifton Avenue. Properties in the street are positioned forward on the plot with relatively small front gardens but substantial rear gardens. The property has a concrete driveway to the side, as does the adjacent neighbour to the east.

1.17 The property is within the Grange Conservation Area, characterised by large Victorian properties, although Clifton Avenue has a prevailing sense of character though the use of materials and some unifying features, there are a variety of designs and styles of property throughout the street, reflecting its gradual development by individual plot owners.

### PROPOSAL

1.18 The application relates to two separate elements, as outlined below. The application as originally submitted also included a two-storey extension to the rear of the property, however following concerns raised by the Council's Heritage and Countryside Manager, that element of the proposals has been withdrawn.

1.19 Boundary wall to side – a brick wall is proposed to the east of the plot, between the applicant property and the neighbouring property at 28 Clifton Avenue. At present there are intervening driveways between the two dwellings, the proposed wall would denote the boundary. The proposed wall is to be 2m in height between the two dwellings but would reduce in height to 1m for a length of 6m up to the point the driveway meets the public footpath. Piers with coping stones are proposed at the boundary with the highway and at the point the wall reduces in height.

1.20 Pergola to rear – an open sided, timber framed structure with covered pitched roof is under construction at the northern extent of the rear garden. The footprint of the structure would be 8m by 4.7m and the eaves height is to be 1.8m with an overall height of 4.2m. As work on this element of the works has already commenced, this part of the application is retrospective.

## IMPACT ON CHARACTER OF EXISTING DWELLING & SURROUNDING CONSERVATION AREA

1.21 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137). 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). Furthermore, the relevant local plan policies are set out and are considered within the Council's Heritage and Countryside Manager's comments above.

1.22 The application site is within the Grange Conservation Area, a predominantly residential area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. Boundary walls, particularly low walls to the front of plots, are also a common feature.

1.23 The proposed boundary wall to the side is the element of the scheme that would be most visible within the wider street scene; it is for this reason that concerns were initially raised in relation to its height. Following the reduction in height forward of the front of the house to 1m with a coping above and piers both where the height changes and abutting the public footpath, the design reflects other original boundary walls to side in the area and the Council's Heritage and Countryside Manager has advised that the proposed wall is appropriate to the character of the conservation area.

1.24 The proposed pergola, being positioned within the rear garden where outbuildings are a common feature of the area, is not considered to impact the significance of the conservation area. Accordingly, the Council's Heritage and Countryside Manager has no objections to this element of the proposal.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

### Light & Outlook

1.25 The adjacent neighbour at 28 Clifton Avenue has raised concerns with respect to loss of light to the side of their property as a result of the proposed boundary wall, specifically in relation to a porch and window serving a sewing room on the side elevation of the property. Where the proposed boundary wall is between the two houses it is proposed to be 2m in height, it is acknowledged this would change the outlook from the room to the side and the level of light achieved, however neither the porch/hallway of the property nor the room to side are considered to be principle habitable rooms and therefore only limited weight could be given to protecting the aspect from them.

1.26 Notwithstanding the above, a fallback position exists for the applicant in that this section of wall could be erected up to 2m in height without the need for planning permission. Permission is only required for the section of wall that is forward of the

front elevation of the property due to the Article 4 direction limiting permitted development rights in the Conservation Area. Therefore the potential impact could be created in any event.

1.27 With respect to the proposed pergola at the rear of the applicant property's garden, given the size of the gardens of properties in Clifton Avenue and Hutton Avenue to the north (in excess of 20m in length); there would be no impact on light to any neighbouring occupier as a result of this element of the scheme.

### Privacy

1.28 The distance between the proposed pergola and neighbouring properties and that the rear gardens are enclosed by a boundary wall would mean this element of the scheme would not impact the privacy of neighbouring occupiers.

### HIGHWAY SAFETY & PARKING

1.29 Concerns have been raised by neighbouring occupiers in relation to both parking and highway safety as a result of the proposed boundary wall. It is suggested the proposed wall would reduce the availability of parking in Clifton Avenue and would impinge visibility when entering/exiting the applicant's and neighbouring property's driveways.

1.30 The proposed wall would physically divide the driveways of the applicant property and neighbouring property at number 28 Clifton Avenue, whereas the driveways are currently open to the side with both properties only having low boundary walls to the front. This has historically meant cars parked on either property's driveway may result in individuals crossing onto their neighbour's land when entering/exiting their vehicle.

1.31 The neighbouring property's driveway is smaller than that of the applicant's and is further reduced by a porch to the main door at the side of the house and a turreted bay at the corner of the property, both of which narrow the driveway width. It is contended by the neighbouring occupier that the introduction of a boundary wall would prevent the current number of vehicles being parked on their drive by preventing access onto the neighbour's side. This in turn would increase on-street parking.

1.32 Private rights of access or matters of trespass are civil issues and not material planning considerations. It may be the case that a right of access has been established, however that would be a legal matter between the two parties and while it may prevent a wall being built even if planning permission were to be granted, that cannot be a reason to refuse planning permission. In planning terms, it would be unreasonable to prevent the development of one site because a neighbouring land owner wishes to make use of land they do not own or have control over. Further to this, it would be possible for parking on the neighbour's land to be limited in a similar manner by introducing features that did not require planning permission – such as landscaping.

1.33 While parking as it currently takes place would be limited by the proposed wall, it would still be possible to park on the neighbour's drive and there is nothing to suggest there would be a highway safety issue if parking in Clifton Avenue were to increase.

1.34 The proposed wall has been substantially reduced in height forward of the front elevation of the property, from 2m in height to 1m in height. This would increase visibility for drivers entering and exiting the drive and therefore satisfactorily addresses concerns in relation to highway safety.

1.35 HBC Traffic and Transport have been consulted on the application and do not consider there would be a significant adverse effect on the highway as a result of the proposed wall and do not object; it is therefore difficult to attribute great weight to the objections received in this regard.

## SECURITY

1.36 Concerns have been raised in relation to the potential for the proposed boundary wall to cause a security risk by enclosing the front/side of the applicant and neighbouring properties and therefore allowing potential intruders to remain unseen. Cleveland Police's Architectural Liaison Officer has been consulted on the application and has indicated that visibility of the neighbouring property's main entrance door is already reduced due to its position on the side rather than the front and this is not ideal. It has been suggested that a 1m wall with railings above would prevent a further reduction in visibility.

1.37 This concern is noted, however it is considered the reduction in height to 1m forward of the houses is considered to create a suitably open aspect that would allow visitors to both properties to be visible from the street. Notwithstanding that, the fallback position regarding a wall being erected under permitted development referred to above would apply and it would therefore be unreasonable to insist on an alternative design than could otherwise be achieved without the need for planning permission.

## FIRE RISK

1.38 The objections received indicate concern that the proposed pergola structure could be a fire risk, due to the indication on the submitted plan that a BBQ and pizza oven would be located in that area and these would be in close proximity to a eucalyptus tree, which is flammable. Cleveland Fire Brigade have been consulted and advised that Fire Safety regulations would not extend to such structures but their advice would be that the risk of fire occurring would be limited as a substantial ignition source would be required to ignite such a structure. Given the distance of the structure from houses, there are no concerns that even if it did ignite there would be a threat to life.

## TREES

1.39 The proposed pergola is in close proximity to trees both within the applicant's garden and those of adjacent properties; however advice from the Council's



Arboricultural Officer is that such a structure is unlikely to affect the health of the trees and accordingly no objections have been raised.

## RESIDUAL MATTERS

1.40 Queries have been raised in relation to the name of the applicant and whether the application form has been completed correctly. This stems from a simple error in using the maiden name of the applicant and has since been rectified; there are no concerns that this affects the veracity of the rest of the application form.

1.41 It is suggested the submitted plans are inaccurate as they do not depict neighbouring properties or outbuildings that have recently been demolished. The plans as submitted are sufficiently clear to allow an assessment of the proposed development and do not therefore warrant resubmission. The suggestion an outbuilding has been removed without first securing prior notification or planning permission is noted, however it is not considered to require further investigation as it is unlikely it would be expedient to take any action on that matter.

1.42 The potential for the proposed development, primarily the pergola, to undermine the stability of adjacent boundary walls or buildings would be a civil issue. It has been confirmed by the Council's Building Control service that the pergola structure is not considered a building and does not therefore require building regulations approval, notwithstanding that it is the owner's responsibility to ensure it is constructed safely and without damaging neighbouring properties.

1.43 The application refers to the proposed outbuilding as a 'pergola' and objections received query the accuracy of this, suggesting the structure as built does not reflect what would be traditionally defined as a pergola. This is not considered to be a material planning consideration; the structure has been considered as a domestic outbuilding irrespective of what is named in the application.

1.44 Future alterations to the proposed pergola structure could be carried out should permission be granted, unless a planning condition were imposed preventing such works. There would, however, need to be sound planning reasons to justify the imposition of such a condition. Had the outbuilding been proposed with enclosed sides, it is likely permission could still be granted as it would be unlikely due to the position of the outbuilding to have any greater impact on the amenity of neighbouring occupiers or the character of the conservation area. Notwithstanding that, it may be prudent to include a condition stipulating the outbuilding must remain as ancillary to the existing dwelling and not subdivided for use as a separate dwelling for the avoidance of doubt.

1.45 Concern has been raised that the proposed pergola is positioned very close to the rear boundary of the site, which would prevent future maintenance. There are no planning restrictions that would prevent buildings on or adjacent to the shared boundary that would prevent such a proposal. Future maintenance of the structure is the responsibility of the owner and cannot be a reason to refuse the application. It is suggested that planning regulations prevent such buildings so close to the boundary, however this appears to be a misunderstanding of the permitted development regulations, which requires buildings within 2m of a boundary to be not more than

2.5m in height. This only means that the structure requires planning permission, not that a building cannot be built close to a boundary.

1.46 The submitted plans indicate a pond within the rear garden; the applicant has indicated this is an existing pond that has been cleared out rather than a new feature. In any event, the level of excavation required to form a domestic pond, is not considered an engineering operation of such a degree to warrant the need for planning permission. As such, that element of the proposals is not considered in further detail in this report.

## CONCLUSION

1.47 The proposed development consists of two separate forms of development, a boundary wall to side and a pergola/outbuilding to rear. The proposed boundary wall and pergola have been found to be acceptable in that they would not detract from the character or appearance of the Grange Conservation Area, the amenity of neighbouring occupiers or highway safety and there are no other material planning considerations that would warrant their refusal individually.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.48 There is no evidence of equality or diversity implications.

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

1.49 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.

1.50 There are no Section 17 implications.

## REASON FOR DECISION

1.51 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 plans: Location Plan, date received by the Local Planning Authority 14/12/17, drawing number 2017/0082/0002 revision D (Plan and Elevations as Proposed, Pergola and Boundary Wall as Proposed) date received by the Local Planning Authority 20/04/18.  
For the avoidance of doubt.

3. Details of all external finishing materials for the boundary wall to side and the roof of the pergola to rear hereby approved shall be submitted to and approved by the Local Planning Authority before construction 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. The pergola to rear hereby approved shall remain as an ancillary outbuilding to the main dwelling and shall not be subdivided to form a separate residential dwelling.  
In the interests of proper planning and for the avoidance of doubt.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

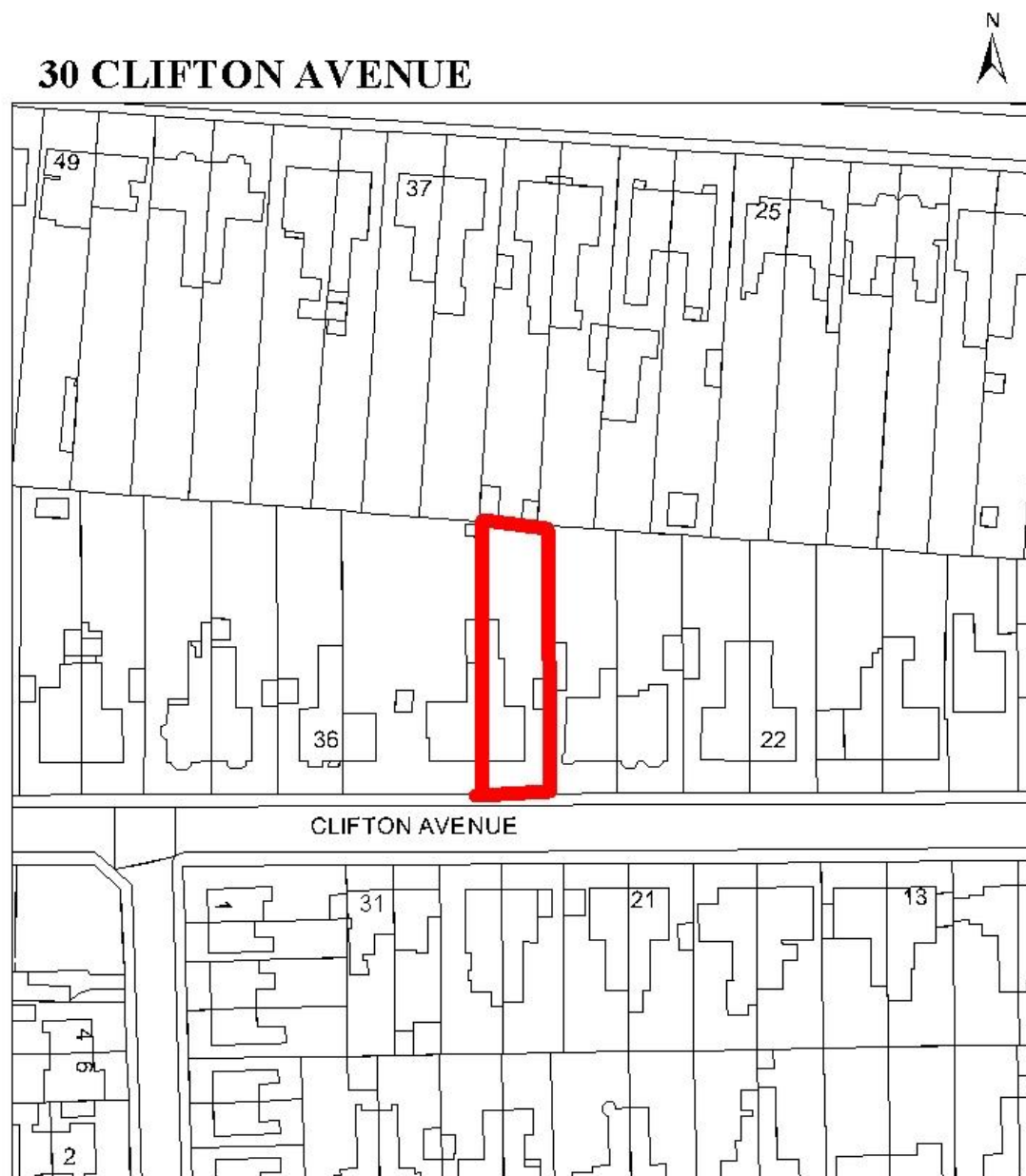
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>23/03/18</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0627</b>	REV



**No:** 2  
**Number:** H/2018/0102  
**Applicant:** MR WARD WYNYARD WOODS WYNYARD  
BILLINGHAM TS22 5GJ  
**Agent:** JLL MRS BERNADETTE BRODERICK ONE PICADILLY  
GARDENS MANCHESTER M1 1RG  
**Date valid:** 28/03/2018  
**Development:** Continued use of existing temporary school and  
installation of three additional classroom blocks,  
associated tarmac and artificial grass play area and an  
extension to the existing 2m high acoustic fence until the  
end of March 2019  
**Location:** WYNYARD C OF E PRIMARY SCHOOL WYNYARD  
WOODS WYNYARD BILLINGHAM

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## PURPOSE OF REPORT

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

## BACKGROUND/RELEVANT PLANNING HISTORY

2.2 The following application is relevant to the current application site;

2.3 **H/2015/0147** – A planning application was considered by Members for the proposed siting of a temporary school for a period of up to two years, consisting of a single storey classroom block and a single storey administration building, associated soft play and tarmac play areas, access and car parking areas, and 1.8m high boundary fence and gates. Planning permission was granted on 08.07.2016 subject to a number of planning conditions.

2.4 **H/2016/0504** – Erection of a timber outdoor classroom. Planning permission was granted 19.01.17 subject to a number of planning conditions.

2.5 **H/2016/0155** - Continued use of existing temporary school and installation of two additional temporary classroom blocks (for a period up to September 2018), associated tarmac play area, access and car parking areas, and an extension to the existing 1.8m high boundary fence and 2m high acoustic fence. Planning permission was granted 07.07.2016 subject to a number of planning conditions.

2.6 **H/2017/0166** - Temporary change of use of land to allow for the erection of 1no. additional temporary double classroom building with associated macadam and grassed play area, 4no. additional car parking spaces to the existing car park area and the erection of 1.8m high weld mesh and 2m high acoustic boundary fences, in conjunction with existing temporary primary school (approved under planning reference H/2016/0155 for a period up to September 2018).

**2.7 H/2017/0383** - Construction of car park comprising 25 parking spaces, access point to Wynyard Woods and re positioning of pedestrian crossing on Wynyard Woods, approved for a temporary period in line with the temporary school.

**2.8 H/2018/0098** – Variation of condition on planning approval H/2017/0383 to extend the temporary time period until 31<sup>st</sup> March 2019.

**2.9 H/2018/0099** – Variation of condition on planning approval H/2017/0166 to extend the temporary time period until 31<sup>st</sup> March 2019.

Residential Development to the north of the site;

**2.10 H/2014/0176** - An application seeking outline planning permission for the erection of 134 dwellings on agricultural land lying to the north west of Wynyard Village (approximately 31 ha) was recommended for approval by Members in September 2014, subject to the completion of a section 106 (s106) legal agreement which included securing an affordable housing contribution, a contribution towards secondary education, off site highway mitigation, a commitment to public transport provision and travel planning. To date the 106 has not been signed.

**2.11 H/2015/0386** - Planning permission was granted on 1<sup>st</sup> April 2016 for the erection of 64 dwellings, access and associated works on land at Wynyard Woods. The approved scheme falls within the redline boundary of the aforementioned outline application H/2014/0176 (minded to approve). These works have commenced.

**2.12 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 15.02.2016.

**2.13** The current planning application for the retention and extension to the temporary school falls within the red line boundary of application H/2014/0176 and outside the redline boundary of approved application H/2015/0386 (and H/2016/0501) – the school site is indicatively shown on the proposed residential scheme(s) as a landscape buffer between the proposed development and the existing residential properties along Black Wood, Wynyard.

Proposed permanent school site within Wynyard;

**2.14 Stockton on Tees Borough Council reference 13/0342/EIS** - Outline application 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), approved 30th January 2017. This approval included the erection of a permanent primary school (Church of England school).

**2.15 Stockton on Tees Borough Council reference 17/0526/FUL** - Erection of a Primary Free School (including sport facilities) and Nursery together with access from Wynyard Woods. This application has been approved, and is currently under construction.

2.16 **H/2017/0122** - A duplicate of this application has also been submitted to Hartlepool Borough Council (HBC) for consideration as a small area of the proposed site access falls within HBC. This has been approved, and is currently under construction.

2.17 Within the supporting planning statement for the current planning application, the applicant's agent has advised that *"the permanent school was anticipated to be finished by September 2018. However, due to delays beyond the control of the applicant, the permanent site will not be available until February 2019. The temporary school needs to expand to facilitate additional children moving into the new housing area, within the school's catchment area"*.

## **SITE CONTEXT**

2.18 The application site relates to a parcel of land to the west of Wynyard Woods, Wynyard, Hartlepool. The site currently consists of temporary school buildings and structures, associated with planning approvals H/2015/0147, H/2016/0155 and H/2017/0166 as detailed above. Beyond the enclosed site to the west is an area of mounding with agricultural land beyond.

2.19 The land lies immediately to the north of the adjacent boundary to residential properties of No's 2, 4, 6 and 8 Black Wood (south west). A number of other properties along Black Wood are present along the western boundary (no's 10-14, evens). To the north east is a residential development currently under construction with Manor Fields beyond. Beyond the highway of Wynyard Woods to the east is an open parcel of land with the residential properties of Cawthorne Place and Swainston Close beyond. The highway of Wynyard Woods loops through Wynyard Village and existing housing areas.

## **PROPOSAL**

2.20 This application seeks planning permission for a temporary change of use of land to allow for the erection of 3 additional temporary classroom buildings which comprise 2 double classrooms and 1 single classroom (all single storey) with associated macadam and grassed play area, and the erection of 1.8m high weld mesh and 2m high acoustic boundary fences, in conjunction with existing temporary primary school (approved under planning references H/2016/0155, H/2017/0166 and H/2017/0583) for a period up to March 2019.

2.21 As set out above and following the approval and implementation of the original approvals, the site currently features 3 single storey double classroom blocks, a single storey single nursery block and a single storey administration block. The site is served by a dedicated site entrance/egress on Wynyard Woods, a car park and 1.8m high access gates and fencing, and 2m high acoustic fencing along the adjacent south western boundary and north western boundaries.

2.22 The current proposal would extend the overall site area by approximately 1327sqm with the site boundary extending northwest towards the existing open space (total floor space by classrooms is 391.35sqm). The proposals would facilitate



the provision of 2 additional single storey, double classroom units in the north east corner of the site with additional tarmac areas around the structures and 1 additional single storey, single classroom unit in the north west corner of the site with a new grassed area laid to the north west of the unit. The classroom units would feature a flat roof design with an overall height of approximately 3.512m (to match the existing classroom units

2.23 The site would continue to be served by the previously created vehicular access from Wynyard Woods. The existing car park would be retained.

2.24 The separate pedestrian/pupil access would also be retained along the eastern boundary, served by the existing footpath along Wynyard Woods. The existing 2m high acoustic fence would be extended from the western boundary around the full perimeter of the proposed extended part of the site.

2.25 The submitted application is accompanied by details of the requisite earth movement and re-grading of land and levels beyond the adjacent boundaries to the site. The land in question is within the ownership of a land owner, to which notice has been served by the applicant. The land to the east of the site, where the site would extend towards, is relatively level with an area of mounding to the north west of the site (as a result of the previous planning approvals. The submitted plans detail that the existing site level of the school would be extended at a similar ground level for the length/width of the proposed extension to the school curtilage. The existing and proposed levels of the site will be discussed in further detail as part of the application assessment.

2.26 The above referenced permanent school site in Wynyard (within Stockton on Tees) was expected to open at the start of the 2018/19 academic year. However, due to unexpected delays in the delivery of the new school it has been necessary to extend the temporary time limit for the school from September 2018 until 31<sup>st</sup> March 2019. This was recently approved under a separate application H/2018/0099. A second application to extend the additional car park H/2018/0098 was also approved until 31<sup>st</sup> March 2019. The current application seeks to extend both the temporary time limit and extend the site as described above.

2.27 The previous planning permission restricted the total number of pupils to 106 at any one time (for highway safety reasons only). The current application seeks planning permission to allow up to 266 pupils. The supporting Planning Statement indicates that “the temporary school needs to expand to facilitate additional children moving into the new housing area, within the school’s catchment area”. The total number of staff is also to increase from 14 full time and 5 part time to 18 full time and 10 part time staff and a premises manager.

2.28 The current application is accompanied by a supporting Transport Statement which will be considered in further detail within the main report.

## **PUBLICITY**

2.29 The application has been advertised by way of site notice, press notice and neighbour letters (52). To date, there has been 1 letter of objection raising the following concerns:

- The surrounding roads not sufficient to cope with volume of traffic
- Drop off and pick up time are abysmal
- Cars parking on grass verges
- School next to building site, dust and noise
- Unreasonable to ask for extension to school

2.30 Copy Letters **B**

2.31 The period for publicity has expired.

## **CONSULTATIONS**

2.32 The following consultation replies have been received:

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

**HBC Engineering Consultancy** – No objection.

**HBC Ecologist** – I have no ecology concerns or requirements.

**HBC Public Protection** – No objection.

**HBC Education** – I have no comments on the above mentioned application.

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

**HBC Arboricultural Officer** – No objections.

**Tees Archaeology** – I have checked the HER and can confirm that the proposed development should not have a significant impact on any known heritage assets. I therefore have no objection to the proposal and have no further comments to make.

**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.

**Cleveland Police** – No objections to this application but would always recommend that all temporary classrooms should be included in the school's intruder alarm

system and If possible the storage of high value items in such buildings should be avoided. The building should be constructed of non –combustible materials.

**Elwick Parish Council** – No objections.

**Stockton Borough Council** – No objection to the proposal.

## **PLANNING POLICY**

2.33 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

2.34 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1: Locational Strategy

SUS1: The Presumption in favour of Sustainable Development

INF1: Sustainable Transport Network

CC1: Minimising and adapting to Climate Change

QP3: Location, Accessibility, Highway Safety and PArking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

NE3(6): Green Wedges

### National Policy

2.35 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 056: Design of built environment  
 Paragraph 057: High quality and inclusive design  
 Paragraph 070: Community Facilities  
 Paragraph 072: Sufficient choice of school places  
 Paragraph 186: Decision taking in a positive way  
 Paragraph 187: Solutions not problems  
 Paragraph 196: Planning system is plan led  
 Paragraph 197: Presumption in favour of sustainable development

2.36 Planning Policy raise no concerns given the temporary nature of the proposal.

## **PLANNING CONSIDERATIONS**

2.37 The main planning considerations with respect to this application relate to the principle of development and the conformity to local and national planning policies; the impact on the character and appearance of the surrounding area; the impact on the amenity and privacy of neighbouring land users, highway and pedestrian safety, drainage and other planning matters. These and any residual matters are considered below.

### **PRINCIPLE OF DEVELOPMENT**

2.38 The principle of development has been accepted with the previous approval for the temporary school for a temporary period until September 2018. Due to delays to the delivery of the permanent school site it is necessary to extend the temporary period until 31<sup>st</sup> March 2019.

2.39 In view of the above, it is considered that there are, in this instance, material planning considerations that would outweigh the policy of constraint Local Plan Policy NE3(6) in that the proposal would not affect the medium-long term function and integrity of the allocated green wedge, and that the temporary proposal is acceptable in principle subject to the scheme satisfying other material planning considerations as set out below. A planning condition is secured to ensure the removal of the buildings and the land returned to its for use/state.

### **VISUAL AMENITY OF SURROUNDING AREA**

2.40 The three proposed additional buildings are considered to be of a simple design and modest scale, which reflects the temporary nature of the proposed development

and the current, temporary buildings that are on site. The proposed extended site is to be predominantly enclosed by an approximately 2m high acoustic fence (to match existing) and whilst such enclosures would be generally out of keeping with the open, estate-style fencing within the wider residential estate, the proposed fencing is considered to be acceptable given the temporary nature of the development (the acoustic fencing also has acoustic, mitigating qualities as detailed below). The proposed scheme would be situated close to the adjacent boundaries of No 4, 6 and 8 Black Wood and therefore the site maintains a back drop of residential properties when approaching from the north east along Wynyard Woods. The proposal would however break up the openness that this site currently offers when read alongside the open space to the east of Wynyard Woods.

2.41 The proposals will require further earth movement and re-mounding/profiling of land and levels to the rear/west boundaries to facilitate the scheme (to allow for the extended school site area to be at the same level as the existing school buildings). It should be noted that this information would normally be secured by a planning condition for later consideration, however the applicant has provided additional information on the proposed levels/mounding, which confirms the removed land (to facilitate the siting of the proposed school buildings) would be formed in a spoil heap to the west of the school site and to the rear of No's 4 and 6 Black Wood.

2.42 Further consideration is given to the temporary nature of the school site and the proposed mounding works, which would be re-levelled once the school site has been removed (and the end of the temporary period), which could be secured by a planning condition. In view of the above considerations, it is considered that such works would not result in a significant adverse loss of visual amenity for the surrounding area or neighbouring properties.

2.43 Notwithstanding the above considerations, taking the temporary nature of the site and buildings into account, it is considered that on balance, the proposed development will not result in a long term detrimental impact on the character and appearance of the surrounding area or result in an adverse loss of visual amenity. The proposal is also not considered to result in an over development of the site.

2.44 The final external finishing materials of the buildings, colour scheme for the proposed fencing and final details of hard standing can be secured by separate planning conditions to ensure that they match the buildings and surfaces on the existing school site. The restricted timescale for the use of the site up to 31 March 2019, and the restoration of the site to a satisfactory appearance (once the permission has expired) can be secured by further planning conditions, providing the Local Planning Authority with a level of control over the development and to ensure that it does not prejudice the future implementation of the residential development on the wider parcel of land to the north east of the site or the medium - long term function and character of the designated green wedge.

## LANDSCAPE FEATURES (+ ECOLOGY)

2.45 The submitted details confirm the extended site area for the proposed additional buildings achieve the same levels as the existing school. The soil removed would when levels are reduced will be placed in a graded bund on land adjacent to the site,

off the boundary to the residential properties. There is a corridor of trees along the adjacent boundaries to the properties along Black Wood and the south west perimeter of the site. The proposal includes a new hard play area and a new artificial grassed area to the southwest of the new classroom blocks

2.46 The Council's Arboricultural Officer has raised no objections to the proposals, including the proposed siting of the acoustic fencing that would run close to the corridor of trees. No planning conditions are recommended accordingly in this respect.

2.47 The Council's Ecologist has raised no objections to the scheme.

2.48 The proposal is therefore considered to be acceptable in respect of these matters.

## AMENITY OF NEIGHBOURING LAND USERS

2.49 As set out above, objections have been received from a neighbouring property, setting out a number of concerns including the concerns regarding the existing temporary school site and resultant impacts of the proposed extension to the site and extended temporary timescale. The objections raise concerns including the close proximity of the proposal and resultant impacts on amenity and privacy of residential properties including noise disturbance.

2.50 The proposed school site would primarily be situated along the adjacent rear/side boundaries of No's 4, 6 and 8 Black Wood (south west). As set out above and as part of the existing planning permission, the Council's Public Protection team considered it necessary for an acoustic fence to be erected along this boundary; the current proposals would extend the acoustic fencing around the full length of the extended site boundary (to enclose the existing and additional buildings).

2.51 The current proposal has been laid out with the 2 largest proposed classroom buildings being positioned furthest away from the adjacent residential boundaries with the smaller single classroom building being sited closest to the boundary at a distance of approximately 20m from the adjacent boundaries to No 4 and 6 Black Wood and approximately 35m from the actual dwellings of No 4 and No 6 Black Wood with the presence of the proposed 2m high acoustic fence in between (extending the existing acoustic fencing along this section). The submitted plans indicate that the 2 windows in the side elevation of the nearest classroom unit (which is a 'single' unit) would have fixed casements with an opaque film applied to the windows which is considered to be acceptable in this specific instance, taking account the above referenced distances, boundary treatment and temporary nature of the proposals.

2.52 An oblique separation distance of approximately 42m would remain between the nearest classroom building and No 8 Black Wood (south) and an oblique separation distance of approximately 42m to the rear of No 2 Black Wood (south west). A distance of approximately 100m would remain between the proposed buildings and the nearest properties to the east along Cawthorne Place (east), with the presence of a highway in between. A distance of approximately 90m would

remain between the proposed buildings and the nearest properties within Swainston Close (south east). A distance of over 120m (approx.) would remain between the proposed buildings and the nearest properties to the north east within Manor Fields.

2.53 With respect to noise, Para123 of the NPPF states that “*planning policies and 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.*

2.54 The Council's Public Protection Officer has assessed the submitted information and has raised no objection to the proposal. The Public Protection Manager raised no objections to the original proposal, taking into account the temporary nature of the development with a requirement for the erection of an acoustic fence along the full length of the rear/side boundary to assist in minimising any significant adverse noise impact. As detailed above, the proposed scheme includes the extension to the existing acoustic fence along the western boundary and around the full perimeter of the proposed extended site (excluding the mounding).

2.55 As set out above, it is considered necessary to condition the temporary timescale for the proposal, the implementation of the agreed acoustic fencing and a further condition to ensure that the site is laid out as per the submitted layout. The submitted Planning Statement indicates that the school would operate between the core hours of 08:50 – 15:15 but with a breakfast club (from 07:30) and an after school club (up to 18:00), Monday - Friday which is considered to be appropriate in this instance and can be secured by a further condition. A further planning condition can be secured to control hours of construction and deliveries to the site.

2.56 It is acknowledged that the proposed scheme is likely to result in a notable (and increased) degree of noise disturbance and effect on the amenity of neighbouring land users as a result of the siting of the school and the associated means of access.

2.57 However, taking the above considerations into account including the requisite mitigation measures, the above referenced separation distances, the temporary nature of the scheme and that no objections have been received from the Public Protection Manager, it is considered that on balance, the proposal would not result in an unacceptable loss of amenity (in terms of noise disturbance, overbearing,

overshadowing and loss of outlook) for existing and future occupiers of surrounding residential properties as to warrant a reason for the refusal of the application. The Public Protection Manager has raised no objections to the scheme including matters of noise and dust from car parking and waste facilities.

2.58 With respect to matters of privacy and overlooking, in view of the indicated layout of the proposed units whereby the buildings would primarily look out towards the highway to the front (east) and the agricultural land to the rear (west), the above referenced separation distances and the indicated means of enclosure (and required acoustic fence), and the fixed casement and opaque film to the windows within the gable side of the single classroom unit that is sited nearest to the residential boundaries, it is considered that the proposed development would not result in a detrimental loss of privacy in terms of overlooking for surrounding properties.

2.59 With respect to the above referenced earth mounding and levels details which have been considered, given that this would not be part of the school curtilage, and the satisfactory orientation and relationship to the adjacent residential boundaries, it is considered that this element and the overall scheme would not result in an unacceptable loss of amenity (in terms of outlook and overbearing) and privacy for neighbouring properties.

## HIGHWAY AND PEDESTRIAN SAFETY

2.60 The letter of objection raises concerns regarding the impact on highway and pedestrian safety as a result of the site entrance, the increase in pupil numbers, insufficient car parking spaces and potential conflict with approved residential development on the adjacent site (in terms of construction traffic).

2.61 As part of the original planning approval, appropriate signing and lining was required (and implemented) along Wynyard Woods and in the vicinity of the school. A section of pedestrian guard railing has also been provided outside the main school gates to prevent children running into the road. The school entrance is served by a footpath on both sides of Wynyard Woods.

2.62 The Council's Traffic and Transportation section have raised no objection on highway grounds, including the increase in pupil numbers.

2.63 The total number of children (up to 266) and staff can be restricted accordingly by way of a planning condition. In view of the above considerations and subject to the appropriate condition(s), it is considered that the proposed scheme will not adversely affect highway and pedestrian safety.

## DRAINAGE AND FLOODING

2.64 With respect to surface water drainage, both the Council's Engineering Consultancy section and Northumbrian Water Limited have raised no objections to the submitted surface water drainage scheme, the implementation of which can be secured by a planning condition. The site is located outside of Flood Zones 2 and 3 and falls outside of the scope of requiring a Flood Risk Assessment. The scheme is therefore considered to be acceptable in respect of drainage and flooding matters.



## OTHER PLANNING MATTERS

2.65 No objections have been received from technical consults in respect of ecology, archaeology and in respect to the scheme not affecting any public rights of way. Cleveland Police raised no objection but have highlighted security measures, these can be addressed through an informative to the applicant.

## RESIDUAL MATTERS

2.66 With respect to concerns raised with repeat applications to extend the temporary time for the use of the site for school purposes, the new permanent school is currently under construction. However, due to delays beyond the control of the applicant, the permanent site will not be available until early next year (February 2019). The application as proposed has been considered as submitted, to which the temporary extension to the school is considered to be acceptable in this instance for the reasons details above.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.67 There is no evidence of equality or diversity implications.

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

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

## REASON FOR DECISION

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

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

1. The development hereby permitted shall be carried out in accordance with plan(s) J/6APFS094/TEMP/001 Rev P1 (existing site plan), J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), J/6APFS094/TEMP-4/003 Rev P1 (existing/proposed fencing detailed plan), J/6APFS094/TEMP-4/004 Rev P1 (proposed double classroom unit plans & elevations) and J/6APFS094/TEMP-4/006 Rev P1 (existing/proposed site sections), all plans received by the Local Planning Authority on the 23rd March 2018 and plan J/6APFS094/TEMP/050.001 REV P1 (site location plan) received by the Local Planning Authority on the 26th March 2018 and plan J/6APFS094/TEMP-4/005 Rev P2 (proposed single classroom unit plans & elevations) received by the Local Planning Authority on the 17th May 2019.  
For the avoidance of doubt.

2. The external finishing materials of the buildings hereby approved shall match those of the existing adjacent school buildings, as detailed within the Design and Access Statement received by the Local Planning Authority on the 23rd March 2018, unless an alternative scheme of similar materials is agreed in writing with the Local Planning Authority.  
In the interest of visual amenity.
  
3. The development hereby approved shall be carried out solely in accordance with the agreed details of the existing and proposed levels of the site including the finished ground levels of the site and buildings to be erected and any proposed mounding and or earth retention measures as detailed on plans J/6APFS094/TEMP/001 Rev PD (existing site plan), J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), 6APFS094/TEMP-4/006 Rev P1 (existing/proposed site sections), all plans date received by the Local Planning Authority on the 23rd March 2018.  
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, or the living conditions of nearby residents.
  
4. The 2m high acoustic fence hereby approved and as specified on plans J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) and J/6APFS094/TEMP-4/003 Rev P1 (existing/proposed fencing detailed plan), both plans date received by the Local Planning Authority on the 23rd March 2018 shall be implemented in accordance with the agreed details prior to the occupation of the additional classroom units and use of external play areas and shall remain in place for the lifetime of the development hereby approved.  
In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
  
5. The proposed landscaping and surface finishes shall be implemented in accordance with the agreed details specified on plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) date received by the Local Planning Authority on the 23rd March 2018.  
In the interests of visual amenity of the area.
  
6. The external lighting associated with the development hereby approved shall be implemented wholly in accordance with the agreed scheme as annotated/specified on plans J/6APFS094/TEMP-4/004 Rev P1 (proposed double classroom unit plans & elevations) plan date received by the Local Planning Authority on the 23rd March 2018 and J/6APFS094/TEMP-4/005 Rev P2 (proposed single classroom plans & elevations) plan date received by the Local Planning Authority on the 17th May 2018 unless an alternative lighting scheme is agreed in writing with the Local Planning Authority.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

7. The scheme for surface water drainage shall be implemented in accordance with plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) date received by the Local Planning Authority on the 23rd March 2018.  
To ensure a satisfactory form of development.
8. The temporary school buildings, associated structures and hard standing areas (including car park(s)) hereby approval shall be removed from the site, the use shall cease and the land (including the proposed spoil heap and any mounding) restored to its former condition on or before 31st March 2019 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority.  
The buildings, structures, works and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of the extant residential development approval for the adjacent site and the Green Wedge in accordance with Policy NE3(6) of the adopted Hartlepool Local Plan.
9. The development hereby approved shall operate solely in accordance with the working layout as set out on plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), date received by the Local Planning Authority on the 23rd March 2018 including the proposed external play areas, car parking and access/egress to/from the site.  
In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of Local Plan Policy QP4.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided.  
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.
11. 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 building(s) and structures hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
12. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than two hundred and sixty six (266) children and nineteen (19) full time staff (including a premises manager) and ten (10) part time members of staff at any one time.  
In the interests of highway and pedestrian safety.

13. The 2no. windows in the side (south west) elevation of the single classroom unit hereby approved shall be fixed and opaque film applied to the windows as detailed on plan J/6APFS094/TEMP-4/005 Rev P2 (single classroom unit plans & elevations, date received 17th May 2018).  
To minimise any adverse loss of privacy for neighbouring properties.
14. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only).  
In the interests of residential amenity.
15. 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 including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.

## **BACKGROUND PAPERS**

2.70 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.

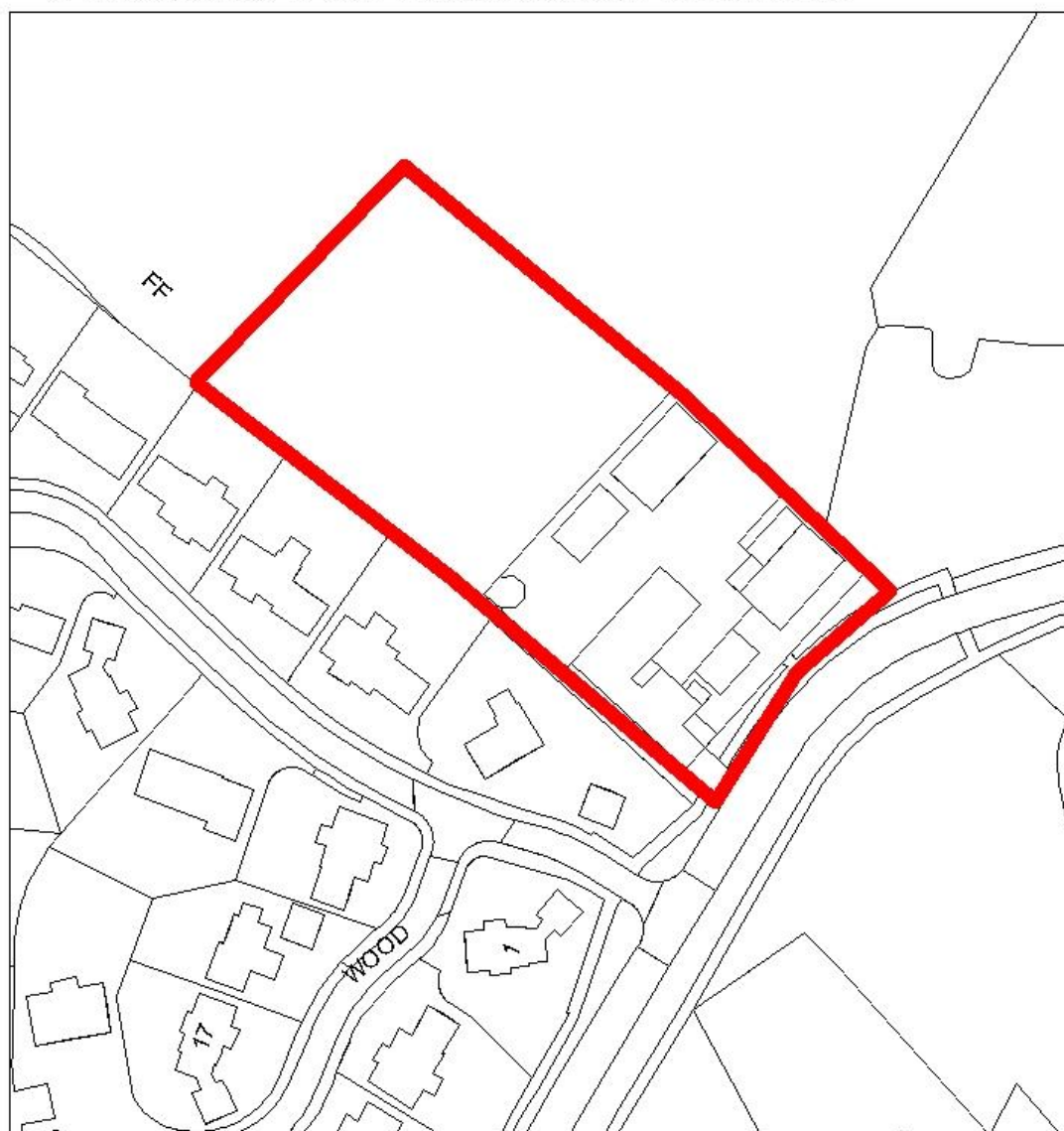
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E-mail: jane.tindall@hartlepool.gov.uk

**WYNYARD C OF E PRIMARY SCHOOL**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/05/18</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0102</b>	REV

**No:** 3  
**Number:** H/2018/0075  
**Applicant:** MANJINDER JAGPAL 41 FOUNTAINS AVENUE  
 INGLEBY BARWICK STOCKTON ON TEES TS17 0TX  
**Agent:** MR DOMINIC MARSHALL 20 FERNWOOD COUBY  
 NEWHAM MIDDLESBROUGH TS8 0US  
**Date valid:** 27/02/2018  
**Development:** Change of use of 1st floor residential accommodation to  
 licensed restaurant (A3)  
**Location:** THE SAXON (FORMER PH) EASINGTON ROAD  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The following applications are relevant to this site:

3.3 H/2014/0159 – Change of use of the former Saxon Public House to A1 and A5 hot food takeaway and outline application for the erection of two A1 units – Approved 19<sup>th</sup> June 2014.

3.4 H/2015/0063 – Reserved matters application for the erection of two A1 retail units – Approved 9<sup>th</sup> July 2015.

3.5 H/2015/0190 – Alterations to existing elevations, removal of front bay windows, porch extensions and garage including alterations to existing vehicle access on Easington Road and provision of bin storage and cycle stands – Approved 2<sup>nd</sup> September 2016.

3.6 H/2016/0322 – Amendment to planning approval H/2015/0190 to increase the size of glazing panels on front elevation of unit 2 – Approved 2<sup>nd</sup> September 2016.

3.7 H/2016/0423 – Erection of a single storey extension to provide additional A1 unit and alterations to car park layout – Approved 20<sup>th</sup> December 2016.

3.8 H/2016/0546 – Advertisement consent of three illuminated signs – Approved 15<sup>th</sup> February 2017.

3.9 H/2017/0033 – Advertisement of illuminated signage and free standing post sign – Approved 26 May 2017.

3.10 H/2017/0281 – Change of use of live in accommodation for the former public house to hairdresser (A1) – Approved 3<sup>rd</sup> July 2017.

3.11 H/2017/0325 – Change of use from A1 to A5 hot food takeaway – Refused 5<sup>th</sup> October 2017. A subsequent appeal was submitted to the Planning Inspectorate and was dismissed. The Inspector concluded that change would harm the vitality and viability of the local centre.

## **PROPOSAL**

3.12 Planning permission is sought for the change of use of the 1<sup>st</sup> floor residential accommodation to a licensed restaurant (A3). No external alterations are proposed to the unit.

## **SITE CONTEXT**

3.13 The application site is the former Saxon Public House which was granted planning consent for the conversion of the existing pub to create a hot food takeaway unit and retail unit and erection of a further two units for retail (A1) use. The units are currently occupied by a fish and chip shop, a convenience store and a florist. There is currently 1 unit vacant. The first floor of the former public house was originally residential accommodation. A planning approval was granted to change the use of the 1<sup>st</sup> floor residential unit to a hairdressers (A1) (H/2017/0281 approved 3<sup>rd</sup> July 2017) this use has not been implemented. The surrounding area is predominately residential. The newly created local centre has a large car park which currently has provision for 25 vehicles and is accessed from Easington Road (A1086) and is enclosed by a 2m acoustic boundary fence. There is an emergency access through to Fulthorpe Avenue in the northern part of the car park.

## **PUBLICITY**

3.14 The application has been advertised by way of neighbour letters (15). To date, there have been 2 letters of objection.

3.15 The concerns raised are summarised as follows;

- Insufficient parking provision
- Insufficient bin storage
- Restaurant in residential area will bring cooking smells
- Unwelcome late night noise as customers leave

3.16 Copy Letters **C**

3.17 The period for publicity has expired.

## **CONSULTATIONS**

3.18 The following consultation replies have been received:

**HBC Public Protection** – No objection subject to conditions. An extract vent condition. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

The premises shall only be open to the public between the hours of 07:00 and 23:00 on any day.

Deliveries to the premises shall only take place between the hours of 08:00 and 19:00 on any day.

Sanitary provision for customers and staff should be in accordance with BS 6465-1:2006. Separate sanitary facilities should be available for staff in establishments with more than 25 seats in addition to and separate from sanitary facilities for customers and should be in accordance with 6.4 of BS6465-1:2006. Staff sanitary provision should also be provided in accordance with the Workplace (Health, Safety and Welfare) Regulations 1992.

Separate refuse storage facilities shall be provided for development. No development shall take place until the details of the location of the refuse storage facility have been submitted to and approved by the local planning authority.

**HBC Traffic and Transportation** – I cannot support this application. A 58 seat restaurant will require a 29 space car park. The current car park provides 25 spaces this however serves the existing retail element of the development. Car park provision can be reduced where it is demonstrated that each use operates at different times, however I still believe that there would be a significant cross over which would lead to the car park being unable to accommodate all the proposed uses. This will lead to overflow parking in nearby residential streets or on the adjacent Easington Road to the detriment of highway safety.

**HBC Public Health** - No objection but would like to make the following comments/recommendations:

The Public Health (Health Improvement) team concur with the concerns around sanitary provision (separate facilities for staff required) and also the safety and traffic concerns around parking provision and waste storage/disposal which may both need extended. Although the A3 use would not fall within the directives of the new A5 hot food takeaway policy of the Local Plan, we would still have concerns around the intentions of the business to provide 'take away' food (effectively creating another hot food takeaway option within the community), or whether food must be consumed on the premises. We would advise and recommend the latter as a condition of the planning application.

**Cleveland Police** - I have consulted with Police Licensing Department who have no comments at this time but I would always recommend that a CCTV system is installed which is normally part of the licensing conditions. The system should be fit for purpose and capable of producing images that can be used in a court of law. As a



minimum all entrances and bar areas should be covered by the system which needs to comply with Data protection.

## **PLANNING POLICY**

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

### Local Policy

3.20 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

RC1: Retail and Commercial centre Hierarchy

RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

### National Policy

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

Paragraph 001: Apply Policy

Paragraph 002: Primacy of Development Plan

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 015: Presumption in favour of sustainable development  
 Paragraph 056: Design of built environment  
 Paragraph 057: High quality and inclusive design  
 Paragraph 196: Primacy of the Development Plan  
 Paragraph 197: Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

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

3.23 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 principle of the development, highways, impacts on the visual amenity of the area, and impacts on residential amenity and any residual matters.

## **PRINCIPLE OF DEVELOPMENT**

3.24 The proposal involves the change of use to a licensed restaurant. The site is located within a local centre as defined on the Local Plan Proposals Map. Policy RC16 of the Hartlepool Local Plan relates to development within an identified Local Centre. The policy permits the use for a 'restaurant' (A3 food and drink use), providing that there is no adverse affect on the character, appearance, function and amenity of the property and surrounding area.

3.25 The proposal is considered to be a sustainable location and the principle of development is considered to be acceptable subject to the scheme satisfying other material considerations as set out below.

## **HIGHWAY SAFETY + CAR PARKING**

3.26 A letter of objection raises concerns regarding the lack of parking being provided by the development.

3.27 The Council's Traffic and Transportation section have been consulted and objects to the proposal in terms of the level of car parking provision being provided. The proposal is to provide a 58 seat restaurant which will require the provision of 29 car parking spaces (for this use alone). The current car park has 25 spaces which serves the existing retail businesses within this local centre. There is therefore a significant shortfall in the provision of parking. Whilst car park provision can in some instances be reduced where it is satisfactorily demonstrated that each use operates at different times, it is not considered in this instance that the existing uses within this local centre and the proposed restaurant can be adequately accommodated in car parking and highway safety terms.

3.28 It is therefore considered that this shortfall in parking provision would lead to overflow parking in nearby residential streets or on the adjacent Easington Road to

the detriment of highway safety and would warrant a reason for the refusal of the application.

3.29 It is therefore considered that the proposal is not acceptable in terms of highway and pedestrian safety, contrary to the provisions of Policy QP3 of the Hartlepool Local Plan.

## VISUAL AMENITY

3.30 There are no external changes to the building to accommodate the change of use. Given this, the proposed use is unlikely to have any significant detrimental impact upon the visual amenity of the area. The proposed development is therefore considered to be acceptable in terms of its impact on visual amenity and to be in accordance with policy QP4 of the Hartlepool Local Plan.

## RESIDENTIAL AMENITY

3.31 A letter of objection raises concerns regarding insufficient bin storage being provided, a restaurant in a residential area will bring cooking smells and there will be noise issues as customers leave the restaurant.

3.32 It is considered that living within close proximity to a local centre/established commercial building there is a certain level of activity and noise disturbance that can be expected. Loss of privacy or loss of outlook. The Council's Public Protection team have raised no objection to the proposal subject to planning conditions restricting the hours of operation on both deliveries and opening times which is in line with the existing uses within the local centre. There is also a request for ventilation extraction details and waste storage details to be provided which could be addressed by appropriate conditions had the scheme been considered acceptable in all respect. Subject to these conditions and taking into account the retained/remaining satisfactory separation distances/relationships to surrounding properties, it is considered that the proposal would not result in an unacceptable loss of amenity and privacy for neighbouring land users.

## OTHER MATTERS

3.33 Concerns have been raised by HBC Public Health with regard to the potential for the proposal to provide a hot food takeaway element (A5 Use). The application does not include an A5 Use (i.e. it is not a mixed use A3/A5 Use). Notwithstanding this, it is commonly held in planning case law that an A3 use (cafe and restaurant) may operate with an 'ancillary' degree of takeaway to the main cafe/restaurant use although this is based on a matter of 'fact and degree'. Ultimately this does not form part of the consideration of this application.

3.34 Concerns have been raised with regard to sanitary provision for both customers and staff. Whilst this is not a material planning consideration, the applicant has subsequently submitted an amended plan which is now considered to be in accordance with BS 6465-1:2006 (as confirmed by HBC Public Protection).

3.35 Cleveland Police have advised that a CCTV system should be installed. The application does not include any CCTV and the Police's comments have been passed on to the applicant for their consideration.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.36 There is no evidence of equality or diversity implications.

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

3.37 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. There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that would result in a detrimental impact on highway safety by virtue of insufficient parking provision which could lead to overflow parking in nearby residential streets or onto Easington Road, contrary to policy QP3 of the Hartlepool Local Plan 2018.

## **BACKGROUND PAPERS**

3.39 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.

## **CONTACT OFFICER**

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**FORMER SAXON PH**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/05/18</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0075</b>	REV



**No:** 4  
**Number:** H/2018/0016  
**Applicant:** MRS D SHADFORTH COAL LANE ELWICK  
HARTLEPOOL TS27 3HA  
**Agent:** SEAN MCLEAN DESIGN 22 MAP HOUSE PORTRACK  
GRANGE ROAD PORTRACK TS18 2PH  
**Date valid:** 12/01/2018  
**Development:** Erection of triple garage with farm office above  
**Location:** CROOKFOOT FARM COAL LANE ELWICK  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 The site has a complex and protracted planning history, of which the following applications are considered to be relevant.

### Applications relating to the dwellinghouse and farm of Crookfoot Farm

4.3 H/2009/0235 - Erection of a detached dwelling. This application for the erection of a dwellinghouse was withdrawn in December 2009 due to concerns raised in relation to the size/design of the proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

4.4 H/2010/0679 - Erection of dwellinghouse. An application for a permanent dwellinghouse, sited close to the agricultural buildings serving the holding, was approved 28 May 2012.

4.5 H/2013/0027 – An amendment to the design of the approved dwellinghouse approved under H/2010/0679 was approved 11 March 2013.

4.6 H/2014/0385 – Erection of a single storey extension at the front, installation of roof lights and alterations to window was approved 24 September 2014.

4.7 H/2015/0330 – Conversion of garage to bedroom of the main dwelling (H/2013/0027) was approved 1 October 2015.

4.8 H/2015/0313 – Erection of an agricultural building for the housing of farm animals was approved 19 October 2015.



#### 4.9 Applications relating to the wider area

4.10 H/FUL/0145/03 - Erection of two log cabins for residential use in connection with agricultural use. This application was refused by Members. The applicant appealed this refusal and the appeal was dismissed.

4.11 H/2005/5633 - Siting of 2 mobile cabins with central glazed link to form a single dwelling approved 8 November 2005. This application for the existing temporary residential accommodation was approved by Members. Conditions required the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

4.12 H/2011/0196 - Temporary approval for a further 18 months for the 2 mobile cabins whilst the farmhouse was being constructed (dwellinghouse approved under H/2010/0679 and amended by H/2013/0027).

4.13 H/2013/0562 - A further 6 months permission for the temporary cabins whilst the applicants completed the dwelling house was requested. The application was granted and expired on 13 July 2014.

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

4.15 H/2014/0481 - Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof (resubmitted application). The application was refused under delegated powers through the Chair of Planning Committee as it was considered it would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the landscape. It was not considered the proposal would meet any of the exceptional circumstances for new dwellings in the countryside and that any benefits arising from the development in terms of supporting the rural economy would not outweigh the detrimental visual impact. The applicant appealed against this refusal and the appeal was dismissed. The Inspector concluded the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the landscape character of the Special Landscape Area.

4.16 Taking into account that the cabin is unauthorised and has been since mid July 2014 authorisation was requested and given by Planning Committee on the 5 November 2014 for a Breach of Condition Notice to be served. The notice was served and has not been complied with. In light of this a case of prosecution for non compliance with the notice has been prepared. This issue is ongoing.

## **PROPOSAL**

4.17 Approval is sought for the erection of a detached single storey 3 vehicle garage with office/storage within the roof space. The application has been amended since first submission following officer concerns and resulted in the removal of dormer windows and reduction in size. The proposed garage is within the curtilage of the existing dwellinghouse (approved under H/2010/0679 and amended by H/2013/0027) and is set approximately 3m to the side of the property. The garage is some 10.4m x 7.2m with a height to eaves of approximately 2.856m and 5.513m to its highest point. The roof slopes front to back with 3 velux roof light on the front slope.

4.18 Access to the roof space is from an internal staircase in the northwest corner of the garage. An amended plan submitted shows a fire door within the roof space and there will be a minimum of one roof window as a means of escape.

## **SITE CONTEXT**

4.19 The application site is part of an existing agricultural holding known as Crookfoot Farm located on the western edge of the Borough. The site lies within a Special Landscape Area and some 450m to the south west of the Crookfoot reservoir a Site of Nature Conservation Importance.

4.20 The site is accessed from a track connecting to Coal Lane, which runs off the A19 west to Fishburn/Trimdon. The track also serves as an access to a number of properties/farms including Stotsfold Manor, Amerston Hill, Crooksfoot House and Crooksfoot View and Crooksfoot Reservoir.

4.21 The existing dwellinghouse upon the site sits in a relatively low lying area with rising land to the north. Crooksfoot Farm has approximately 122 hectares of land, which includes approximately 32 hectares for cereal crops with the remainder for the grazing of livestock and the production of hay for livestock feed.

## **PUBLICITY**

4.22 The application has been advertised by way of site notice and neighbour letters (8).

4.23 To date, there has been 1 letter of objection.

4.24 The concerns raised are summarised below;

- Previous garage changed into an additional bedroom
- Garage is far removed from the house

- The objection questions why is there a second office when they no longer farm the land (the objection alleges that it is leased to neighbouring farmer and the stock has been sold)
- The plans look like a bungalow with dormer windows

4.25 Following amended plans being submitted a further objection was received, the comments are summarised below;

- Objection to the previous plans remain the same

#### 4.26 Copy Letters D

4.27 The period for publicity has expired.

### CONSULTATIONS

4.28 The following consultation replies have been received:

**HBC Engineering Consultancy** – No comments received.

**HBC Ecology** – No ecology survey required. I recommend that the inclusion of an integral bat roost brick is conditioned. This will provide bat roosting opportunities close to Amerston Gill and Crookfoot Reservoir which form one of the best areas in the borough for bats.

**HBC 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. Public Footpath No.20 runs along the farm track, located to the south of this property and the associated farm barn to the west. However, at no time must the footpath be obstructed by vehicles, plant, equipment, building materials or any other contrivance that may fully or partially impede or restrict the width of the said public right of way at any point along its full length and so constitute an obstruction, before, during and after any development. To do so would be classed as a criminal offence with the possibility of a fine being imposed.

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

**HBC Arboricultural Officer** - The detached dwelling house to which this application relates was given permission on the 28/05/2012 (application H/2010/0679). The current application for a garage to complement the building has no effect on any surrounding trees or hedges but to be consistent with policy Rur7 Development in the Countryside of the currently adopted Local Plan and also GEP 12 Trees, Hedgerows and Development, I am asking that some new trees are incorporated within the design on the Northern boundary of the site. The reason is that this area is overlooked by properties to the North and it is visually prominent. There is also a previous landscaping condition for H/2010/0679 which does not appear to have been addressed on the application site although reading through the records extensive tree planting has been carried out elsewhere on the estate. Can details of this be

addressed by way of a plan showing trees included near to the new build as was the case for application H/2010/0679 and also by the same planning condition.

**HBC Public Protection** – No objection.

**Elwick Parish Council** - Councillors expressed concern that the only amendment appears to be the replacement of dormer windows with Velux windows. They still have concerns about the siting of the garage building so far from the current dwelling to which is purported to be attached, the proposed design of the building still looks like a house and Councillors continue to have concern that there is no sign of any internal partitioning to meet health & safety requirements – especially as the proposal is to have accommodation above the garages.

Councillors know that the plans for the current dwelling showed a farm office to be included, as well as a double garage; Councillors know that the land is not now farmed by the householder and is in fact let out to another farmer, and the householders have no stock, therefore see no reason for a second farm office, especially of this size. Councillors still fear that, if approved, the proposed 'building' will be converted into a separate dwelling before very long.

## PLANNING POLICY

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

### Local Policy

4.30 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1: Locational Strategy

NE1: Natural Environment

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP7: Energy Efficiency

RUR1: Development in the Rural Area

SUS1: :The Presumption in Favour of Sustainable Development

### National Policy

4.31 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 015: Presumption in favour of sustainable development  
 Paragraph 017: Role of planning system  
 Paragraph 056: Design of built environment  
 Paragraph 064: Refusal for development of poor design  
 Paragraph 109: Natural and local environment  
 Paragraph 186: Decision taking in a positive way  
 Paragraph 187: Solutions not problems  
 Paragraph 196: Planning system is plan led  
 Paragraph 197: Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

4.32 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impacts of the proposal on visual amenity and landscape, neighbour amenity, highways, public rights of way, ecology and any residual matters.

## **PRINCIPLE OF DEVELOPMENT**

4.33 The proposed garage with storage and office above would be sited within the approved curtilage of the existing dwelling that is present on site. The dwelling was approved in 2013 as the applicant was able to satisfactorily demonstrate that there were exceptional circumstances to justify the need for the workers dwelling (associated with the existing small holding). The applicant’s agent has advised that the garage with storage/office above are required to facilitate the day to day functions of the business and family residing at the property.

4.34 Whilst it is acknowledged that the size of the garage is notable, it is considered on balance that the garage is in keeping with the dwellinghouse to which it will serve, for the reasons set out in further detail below.

4.35 In view of the site history, it is considered on balance that the principle of development is acceptable in this instance subject to the scheme satisfying other material planning considerations as set out below. Notwithstanding this, appropriate planning conditions can ensure that the building is used for domestic purposes only and is not extended or altered in any way to allow the Local Planning Authority to retain control over such development.

## VISUAL AMENITY AND LANDSCAPE

4.36 As set out above, the application site is located within the open countryside where national and local planning policies seek to strictly control development.

4.37 HBC Planning Policy have raised concerns in terms of the design and scale of the proposal referring to Paragraph 64 of the NPPF which states;

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

4.38 Policy NE1 of the adopted Local Plan also looks to protect and enhance the natural environment.

4.39 Objections have been received in relation to the size and position of the proposed garage. Following discussions with the agent, amended plans were received which reduced the scale of the garage, removed dormer windows from the front roof slope and windows from the east facing gable and repositioned the garage closer to the host property. Following consultation carried out on the revised plans the objections remain. However, it is considered that the amended design of the garage with storage and office space above are of a scale and design that are both commensurate with the scale and function of the host dwelling (as a rural workers dwelling) and would not adversely affect the character and appearance of the host dwelling and application site as a whole.

4.40 An objection has been received with regard to the need for office accommodation above the garages. It is acknowledged that the dwellinghouse does have a small office however the applicant has confirmed that the current office space (in the main dwelling) is inadequate for the need for which it is required. It is not considered inappropriate for office space to be provided above garage space and it is not considered that this provision would have a detrimental impact upon the visual appearance or character of the area.

4.41 The Council's Arboricultural Officer has been consulted and has raised no objections to the proposal subject to a landscaping scheme being provided which will help to screen the proposed garage from the wider area and mitigate any visual intrusion upon the open countryside. This can be secured by a planning condition. A condition to ensure the external finishing materials matched those of the main

dwelling will also be imposed, to ensure the building will match/blend with the host property.

4.42 Whilst it is acknowledged that the scale of the garage with storage and office space above is notable, it is considered that on balance the proposal would not result in a significant adverse intrusion into the open countryside or adverse loss of visual amenity for the surrounding area as to warrant a reason for the refusal of the application in this instance.

#### NEIGHBOUR AMENITY

4.43 Owing to the scale and siting of the proposed building, and the remaining, satisfactory separation distances to the nearest neighbouring land users (located to the east), it is considered that the proposals will not result in an adverse loss of amenity and privacy for neighbouring land users. Furthermore the Council's Public Protection team has raised no objections to the proposal including noise disturbance.

#### HIGHWAYS

4.44 The Council's Traffic and Transportation section have raised no objections to the proposal. The proposals are therefore considered to be acceptable in this respect.

#### PUBLIC RIGHTS OF WAY (PROW)

4.45 Public Footpath No.20 runs along the farm track, located to the south of the property and the associated farm barn to the west.

4.46 It is considered unlikely that the proposed works would have a significant impact upon the PROW however it would be prudent to add an informative to the decision notice with respect to the advice from HBC Countryside Access Officer.

#### ECOLOGY

4.47 The site is close to a Local Wildlife Site (LWS). Given the nature of the proposal, it is unlikely to have any effect on the LWS. There is not likely to be any other ecological issues with this application.

4.48 The Council's Ecologist has been consulted and raised no objections to the proposal, however a recommendation has been made to provide integral bat roost bricks, the applicant has agreed to this provision which will be conditioned accordingly. It is therefore considered that there would be no significant detrimental impacts on ecology, or protected species as a result of the development.

#### RESIDUAL MATTERS

4.49 Concerns are raised from Elwick Parish relating to the lack of internal partitioning to meet health and safety requirements. Whilst this issue is not a planning consideration, the applicant has provided an amended plan which provides a fire door at the top of the internal stairs to the office and storage area, there is also

an escape roof light which would meet the requirement. This issue is controlled/considered through the Building Regulations process.

4.50 An allegation has been made in reference to the applicant not currently farming the land, but leasing the land to another farmer. The applicant has provided satisfactory evidence to support/confirm their working involvement with the farm at the time of writing.

4.51 Further objections have been received relating to the previous integral garage which was converted into bedroom accommodation (H2015/0330). Each application is assessed on its own merits. This application was assessed and determined in the context of the justification provided with planning approval given on 01.10.2015.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.52 There is no evidence of equality or diversity implications.

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

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

4.54 There are no Section 17 implications.

## **REASON FOR DECISION**

4.55 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.  
Clarification of permission
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 1793/01 Rev O (location plan) received by the Local Planning Authority 12 January 2018 and Dwg No(s) 1793/02 Rev A (proposed site plan) received by the Local Planning Authority on the 27 March 2018 and 1793/03 Rev C (proposed floor plans and elevations) received by the Local Planning Authority on the 5 June 2018.  
For the avoidance of doubt
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interest of visual amenity



4. A detailed scheme of landscaping and tree and shrub planting to include screening along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interest of visual amenity of the area and open countryside.
5. 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 of the area and open countryside.
6. Prior to the commencement of development, details of integral bat roost bricks to be incorporated into the apex of the east and west facing side elevations of the garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details and retained for the lifetime of the development hereby approved.  
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
7. Prior to the garage being brought into use details of hard standing, driveway and footpaths and associated works shall be submitted to the Local Planning Authority and agreed in writing. Thereafter the agreed scheme shall be implemented in accordance with the agreed details.  
In the interest of visual amenity
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 with or without modification) the building hereby approved shall only be used as a garage with farm office and storage above for purposes incidental to the use of the dwellinghouse and shall not be converted, extended or altered or used as additional living accommodation.  
In the interest of the amenities of the occupants of neighbouring properties and to ensure the property remains commensurate with the needs of the agricultural holding.

## BACKGROUND PAPERS

4.56 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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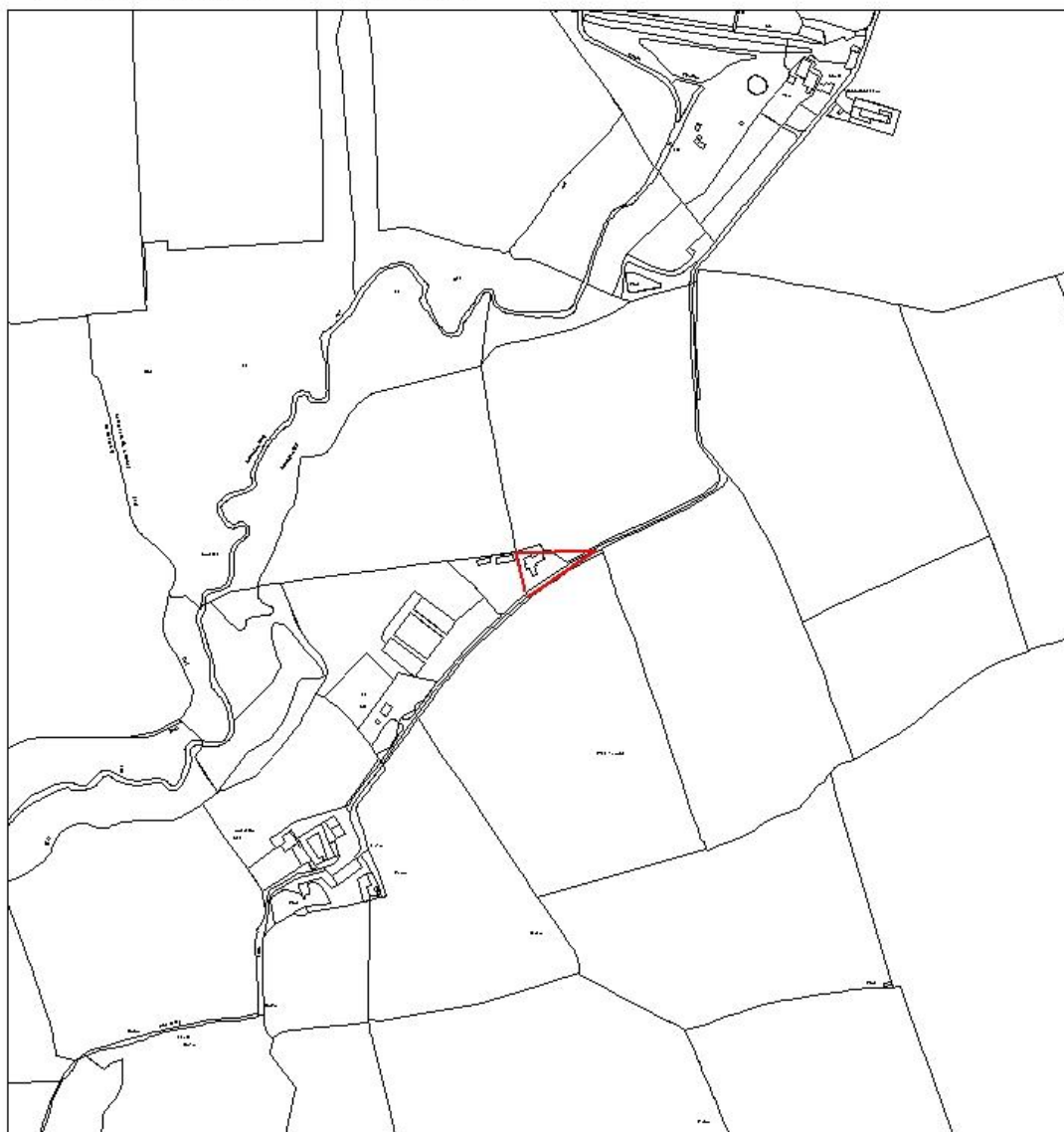
## **AUTHOR**

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## CROOKFOOT FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/05/18</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0016</b>	REV

**No:** 5  
**Number:** H/2018/0096  
**Applicant:** ASCENT HEALTHCARE C/O AGENT  
**Agent:** EMBARK ARCHITECTURE MR NEIL BARKER 38  
KENILWORTH ROAD MONKSEATON WHITLEY BAY  
NE25 8BD  
**Date valid:** 05/04/2018  
**Development:** Erection of single storey pharmacy  
**Location:** MIDDLE WARREN LOCAL CENTRE MULBERRY RISE  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 The following planning applications associated with the site are considered relevant to the current application:

5.3 H/2006/0816 – Erection of a public house and 2no retail units and associated works, approved 19/02/07.

5.4 H/2013/0440 – Alterations to windows and shop fronts, creation of new openings to create three A1 retail units and external works including erection of boundary wall, fence and service gates, approved 25/10/13.

5.5 H/2018/0097 – Display of three internally illuminated fascia signs, pending decision.

## PROPOSAL

5.6 The application seeks permission for the erection of a single storey pharmacy with associated refuse store. The land is to be re-graded to allow the building to be erected at the level of the car park and existing shop buildings within the local centre. The building is proposed to be built with a low level brickwork plinth with composite cladding above and composite roof panels. The shop front and entrance would be principally glazed.

5.7 The roof of the building is proposed to be flat at the front but pitched at the rear; this roof form takes account of the unusual shape of the building but reflects the style of the existing shop buildings at the site.

5.8 A retaining wall is proposed around the south east and south west of the building to account for the difference in ground levels with a 0.9m high post and rail fence above.

5.9 To the west of the building a refuse store area is proposed, this is to be enclosed by a 1.8m close boarded timber fence with double gates opening outwards.

5.10 The application has been referred to planning committee at the request of a ward councillor.

## **SITE CONTEXT**

5.11 The application site is an area of landscaping at the southern extent of the car park of the Middle Warren local centre; it is predominantly grassed with shrubbery to the southern boundary. The site is sloped with a difference in levels between the car park and Merlin Way of 1.6m.

5.12 Immediately to the north of the site there are 3 no disabled parking spaces with the remainder of the car park beyond, to the south east of the site there is a footpath linking the local centre to Merlin Way. The closest neighbouring properties to the site are a block of flats to the south west (Strawberry Apartments) on the opposite side of Merlin Way. There is an area of landscaping to the north west of the site.

## **PUBLICITY**

5.13 The application has been advertised by way of neighbour letters (39 no), site notice and a press notice. To date, 1 no objection has been received from a neighbouring land user. The objection received can be summarised as follows:

- No additional parking is proposed,
- Proposals take away limited landscaping in the area,
- Parking on Merlin Way is dangerous and creates difficulty crossing the road,
- This is in addition to a proposed care home and bus stop on a small stretch of busy road,
- A pharmacy could be located elsewhere in the area with additional parking,
- Concerns regarding delivery vans parking.

5.14 The period for publicity expired 18/05/18.

5.15 Copy Letters F

## **CONSULTATIONS**

5.16 The following consultation replies have been received:

**HBC Traffic and Transport** – The existing retail car park reaches capacity at frequent intervals and at times cars park on Merlin Way. This situation has been made worse in recent months following the introduction of parking scheme on the adjacent Tall Ships PH car park which restricts the use of this car park to pub

customers only. Previously shop customers would overflow into the adjacent car park during peak periods.

Future approved developments will increase parking demand on the car park even further.

The current car park capacity is 34 spaces and serves retail units with a gross floor area of 929m<sup>2</sup>. The Hartlepool Borough Council Design guide and Specification requires retail units under 1000m<sup>2</sup> to provide 1 parking space per 30 m<sup>2</sup>, this would therefore require 31 spaces. The proposed pharmacy is 90m<sup>2</sup> which would raise the total GFA to 1019m<sup>2</sup>. Just above the 1000m<sup>2</sup> threshold. Retail developments over 1000m<sup>2</sup> require parking provision at a rate of 1 space per 20 m<sup>2</sup> for non food retail. This would require the pharmacy to provide 4.5 spaces. The existing car park provision of 34 spaces would be 1.5 spaces short of accommodating the Pharmacy and complying with the Design Guide's recommendations.

The layout of the car park provides no opportunities to extend the car park and provide the Pharmacy.

Given that the existing car park is only 1.5 spaces short it would be difficult to sustain an objection on parking, particularly as the guidelines are for maximum provision. This is to encourage walking and other sustainable travel modes.

I do have concerns that the increase in customers will lead to more motorists parking on Merlin Way to the detriment of highway safety. I would therefore require this development to fund the implementation of parking restrictions on Merlin Way in the vicinity of the local centre.

There is a servicing bay to the side of the existing building, this is approximately 50 metres from the proposed Pharmacy. This distance may deter service vehicles from using it and may park on the car park or on Merlin Way instead. Details should be provided indicating the servicing requirements and the type of vehicles generally used for servicing. An undertaking should be given that service vehicles should use the existing facilities. The provision of parking restrictions on Merlin Way would include No loading / unloading markings which would prohibit servicing from Merlin Way.

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

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), road sheeting 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.

Demolition or construction works and deliveries or dispatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Restrict the daily opening hours to the public to 7.00 - 23.30 daily.

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

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

**HBC Landscape** – Plan 1426 90(02) shows planting consisting of low <600mm dense shrub planting as existing which I welcome but could I see details of what this will be especially as Cleveland Police under 'layout' in their response mentions landscaping should be designed to deter youths gathering to side and rear of premises. Other than this I have no issues to raise.

**HBC Engineering Consultancy** – I have reviewed the application and have not been able to locate any proposed surface water drainage plans. I have no objection to the scheme in theory but will need to see the proposed plans before I can approve the drainage aspects. I am happy to deal with this via condition if required.

**HBC 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 Ecologist** – I have no ecology survey requirements or concerns.

**Cleveland Police** – I have the following recommendations in relation to security of the building and safety of staff. These recommendations are based on the principles of Secured by Design to help reduce crime and create a secure environment

#### Layout

Access to rear of premises should be deterred with use of fencing fitted as close as possible to front of building line landscaping should be designed to deter youths gathering to side and rear of premises Use of fencing to deter access should be a min of 1.8m

#### Security Lighting

Dusk/Dawn lighting should be provided to all entrances

#### Refuge Areas

This area needs to be kept secure protected by fencing to a height of 1.8m min with no climbing aids.

#### Roof Access

Requires to be prevented no climbing aids present to aid access to roof

#### Internal Layout

Staff should be provided with a clear view of entrance. Private areas controlled access to deter unauthorised use. Reception desk should be wide and high enough to offer protection to staff.

#### Physical Security

All doors and windows certified to PAS24:2012 or LPS 1175 Security rating 1. Wall construction should be designed to withstand attack. Curtain Walling must be secured using a secure glazing retention system. Security Grilles certified to LPS 1175 Issue7 Security Rating 1 or STS 202 Issue 3 Burglary rating 1. Roof construction certified to LPS1175 Issue 5 or above Securing rating 1

#### Intruder Alarms

The premises must be alarmed and comply with Security Systems policy to receive a Police response A personal attack device should be fitted to serving area.

#### Drug Storage

Should be a secure room a secure safe is recommended certified to LPS 1183:Issue 4.2 or BS EN 1143-1:2012

#### CCTV

Should be installed and be able to produce images that can be used in court of law. An operational requirement is advised to be carried to achieve an effective system.

#### Security Bollards

To deter ram raid type of attack bollards certified to PAS68-1:2013 should be fitted.

**Northern Gas Networks** – No comments received.

**CE Electric NEDL** – No comments received.

**Hartlepool Water** – No comments received.

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

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:



Northumbrian Water actively promotes sustainable surface water management across the region. The Developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration); or where not reasonably practicable
- Discharge to a surface water body; or where not reasonably practicable
- Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
- Discharge to a combined sewer

**HBC Public Health** – The Pharmaceutical Needs Assessment (PNA) provides the basis on which NHS England decisions can be made regarding the location and shape of local pharmaceutical services. Hartlepool's refreshed PNA was published in March 2018, and contains notification of a successful appeal against NHS England's decision to refuse an application for inclusion of an additional pharmacy, under the 'Unforeseen Benefits' application process. The purpose of the 'unforeseen benefits' process being to provide for improvements, or better access, to pharmaceutical services that were not originally identified in the pharmaceutical needs assessment.

The appeal was granted by NHS Resolution, with indications that at the time of the appeal:

- There had been confirmation from Hartlepool Borough Council that the extent of developments in Middle Warren was considered to be "substantial" and that there is no pharmacy within 1 mile of Middle Warren, where housing developments are ongoing; and
- Office for National Statistics data showed that the Mid-2015 population estimate for Hart ward was 8978. This was a 6.3% increase since the previous PNA was published and that the increase was expected to continue, given the ongoing projects in the area".

On this basis, NHS Resolution approved on appeal, the opening of a new pharmacy. The applicant given until 9 May 2018 to open the pharmacy at the location stated (within 100 metres of the retail parade, Middle Warren Local Centre, TS26 0BF).

## PLANNING POLICY

5.17 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)

5.18 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve

all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination is accordance with the development plan
12	Status of the development plan
14	Presumption in favour of sustainable development
17	Core planning principles
51	Approval of planning applications
56	Design of built environment
57	High quality and inclusive design
196	Planning system is plan led
197	Presumption in favour of sustainable development
206	Planning conditions
216	Emerging plans

### Hartlepool Local Plan 2018

5.20 The Council’s new Local Plan has now been adopted by full Council and has therefore replaced the former Local Plan 2006. The following policies are relevant to this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP1	Planning Obligations
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters

RC16	Local Centres
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### HBC Planning Policy Comments

5.21 There are no planning policy objections to this application.

### **PLANNING CONSIDERATIONS**

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

#### **PRINCIPLE OF DEVELOPMENT**

5.23 The application site is within an existing local centre and therefore Policy RC16 of the Local Plan applies and identifies A1 retail uses such as the pharmacy proposed as acceptable in principle, subject to an assessment of its design and impact on existing infrastructure.

5.24 Further to this, HBC Public Health has confirmed that the Hartlepool Pharmaceutical Needs Assessment 2018 has identified there is a need for a pharmacy in this location following the decision by NHS to allow an appeal to develop a pharmacy in this location. The applicant has provided confirmation they have secured additional time to implement the pharmacy from the NHS than the date identified by the Council's Public Health team, although ensuring all relevant permissions in place prior to commencement would be a matter for the Developer to secure.

#### **AMENITY OF NEIGHBOURING LAND USERS**

5.25 The application site is in close proximity to the other retail units within the local centre, however given their commercial nature it is not considered the amenity of those land users would be adversely affected by the proposed development.

5.26 The land to the south east of the application site is currently vacant; however a current planning application proposes the development of a care home (H/2018/0017, pending consideration). There are notable changes in levels between the local centre and the neighbouring parcel of land, which is higher and therefore the application site is sloped. It is proposed to excavate the site so that the proposed building sits at the same level as the local centre, it would therefore be lower than any potential development on the neighbouring land.

5.27 The proposed building would conform to the scale of existing retail units in the vicinity and is not therefore considered it would conflict with the potential development of the neighbouring site in terms of overbearing appearance or overshadowing.

5.28 The closest residential properties to the proposed development are the apartments on the opposite side of Merlin Way, to the south west of the application

site. The apartments are in excess of 19m from the application site; such a separation would mean there would be no adverse impact in terms of loss of light or overbearing appearance to occupants.

5.29 The south east and south west elevations of the proposed building include no windows; the proposals would not therefore prejudice the neighbouring site to the south east or the apartments to the west in terms of privacy or overlooking.

5.30 In addition, the Council's Public Protection Service has raised no objections in relation to the impact of the proposed development on the amenity of neighbouring occupiers, subject to appropriate planning conditions relating to the provision of a construction management plan, construction and delivery hours and the future opening hours of the proposed pharmacy. These can be secured accordingly.

## CHARACTER AND APPEARANCE OF AREA

5.31 The proposed building is considered to be in keeping in terms of its design with the existing retail units in the local centre and is reflective of its commercial use. As such the proposal would not detract from the character of the local centre or the wider area by virtue of its design.

5.32 The scale of the building is single storey, as per the existing retail units at the site, and ground levels are to be altered to ensure the development sits at the same level as the existing buildings so that it does not dominate the street scene to the detriment of the visual amenities of the wider area.

5.33 The proposals would result in the loss of some of the landscaping in the area; however the scheme does include an element of landscaping surrounding the proposed building. The Council's Arboricultural Officer is satisfied this is acceptable in principle, subject to appropriate conditions requiring full details of a landscaping scheme to be submitted in due course. This can be secured accordingly and is considered to satisfactorily maintain the character and appearance of the area.

## HIGHWAY SAFETY & PARKING

5.34 The proposed development would see an additional retail unit within the local centre but does not propose any additional car parking. Concerns have been raised by a neighbouring occupier in relation to existing parking provision and dangerous parking in the vicinity of the site that they consider would be made worse by the proposals.

5.35 The Council's Traffic and Transport team acknowledge that the existing car park frequently reaches capacity at peak times and this, at times, can result in cars being parked on Merlin Way. It is also noted that this has been worsened by the introduction of parking restrictions by the adjacent pub preventing customers of the retail units parking in the pub car park.

5.36 Parking requirements for retail units are based on standards in the Hartlepool Borough Council Design Guide, this is determined based on floorspace. Taking account of the existing retail units on the site and the proposed pharmacy, there

would be a maximum requirement for 35.5 spaces, the existing car park provides 34 spaces. As the identified shortfall is of 1.5 spaces it is not considered this would have a severe impact to warrant an objection from HBC Traffic and Transport.

5.37 Notwithstanding that, HBC Traffic and Transport do have concerns about the potential for overspill parking on Merlin Way and therefore require the development to fund parking restrictions in the vicinity of the local centre. This would include no loading/unloading markings to prohibit servicing from Merlin Way. The applicant has agreed to a pre-occupation condition on this basis, which is secured accordingly.

5.38 There are existing servicing arrangements at the site; however this is somewhat distant from the proposed pharmacy. It is therefore recommended that a condition is applied should the application be approved, to require a suitable scheme for servicing the site in terms of deliveries to be submitted for approval prior to first use of the site to ensure this can be appropriately managed.

5.39 The application proposes a refuse store adjacent to the pharmacy building, rather than using the servicing arrangements of the existing shop units in terms of waste collection. The practicalities of storing refuse that may include clinical waste would mean it was appropriate for the pharmacy to have its own refuse store in close proximity but the condition referred to above would need to take account of how that waste is collected from the existing collection point rather than exacerbating parking issues when large vehicles make collections.

## DRAINAGE

5.40 The Council's Engineers have no objection to the principle of the proposed development, however further detail is required to secure sustainable surface water drainage. It is recommended that this can be addressed via the imposition of a suitable condition, should the application be approved. This matter can be secured accordingly.

5.41 Northumbrian Water has provided guidance on how a sustainable surface water management strategy should be developed but raise no objections and have not requested any conditions.

## OTHER PLANNING MATTERS

5.42 As outlined in the consultations section of this report, the Council's Countryside Access Officer has confirmed that there are no public rights of way affected by the proposed development and the Council's Ecologist has also confirmed there are no ecological survey requirements or concerns with respect to the development.

## RESIDUAL MATTERS

5.43 Reference is made in the submitted objection to the potential for a pharmacy to be accommodated elsewhere in the locality with the potential for increased parking. All applications must be considered on their own merits, it is not possible to refuse an application on the basis that an alternative site may be available if the submitted

proposals meet relevant policy tests. Accordingly, the merits of this development have been assessed above and a conclusion reached.

5.44 Following consultation with Cleveland Police, advice has been provided in relation to Secure by Design principles to ensure the proposed development is suitably designed to deter crime. This advice has been relayed to the applicant and can be included as a suitable informative should the application be approved.

## CONCLUSION

5.45 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.46 There is no evidence of equality or diversity implications.

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

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

5.48 There are no Section 17 implications.

## REASON FOR DECISION

5.49 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 plans drawing number 1426(90)01A1 (Site Location Plan), drawing number 1426(00)01A2 (Plans and Elevations) all date received by the Local Planning Authority 20/03/18 and drawing number 1426(90)03A1 (Site Sections – Existing and Proposed), drawing number 1426(90)02A3 (Existing and Proposed Site Plans) and drawing number 1426(90)04A1 (Refuse Store Plan and Elevations) all date received by the Local Planning Authority 05/04/18.  
For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.  
To take into account the position of the building and impact on adjacent properties and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents/land users.
4. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the agreed Construction Management Plan.  
To avoid excessive noise and disturbance to the occupants of nearby properties and in the interests of highway safety.
5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development 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 prevent the increased risk of flooding, both on and off site.
6. Prior to commencement of development a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. 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/timetable of works. In the interests of a satisfactory form of development.

7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. In the interests of visual amenity.
8. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction 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.
9. Notwithstanding the proposals detailed in the submitted plans and prior to their implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the 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 and highway safety.
10. Prior to the development hereby approved being brought into use, a scheme of highway measures shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented to their satisfaction before the development hereby approved is brought into use, in accordance with the agreed scheme. The scheme shall include details of appropriate parking and loading/unloading restrictions on Merlin Way and in the vicinity of the Middle Warren Local Centre. The works shall be retained for the lifetime of the development authorised by this permission. In the interests of highway and pedestrian safety.
11. Prior to the development hereby approved being brought into use, a scheme for servicing, including the type of vehicles to be used and an undertaking to use the existing servicing facilities within the Local Centre, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented to their satisfaction in accordance with the agreed details. Such



a scheme as may be approved shall be retained in operation for the lifetime of the development hereby approved.

In the interests of highway and pedestrian safety.

12. Demolition or construction works and deliveries or dispatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To avoid excessive noise and disturbance to the occupants of nearby properties.
13. Occupation of the development shall not commence until the waste storage arrangements hereby approved have been implemented on site, unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with such details prior to occupation.  
In the interests of the amenities of the occupants of neighbouring properties.
14. Prior to occupation of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected within the development site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.
15. The premises shall not be open to the public outside the following times 07:00 to 23:30 daily.  
In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall not be extended in any way (including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of highway safety and parking provision.
17. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Shop Use within the A1 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).  
To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

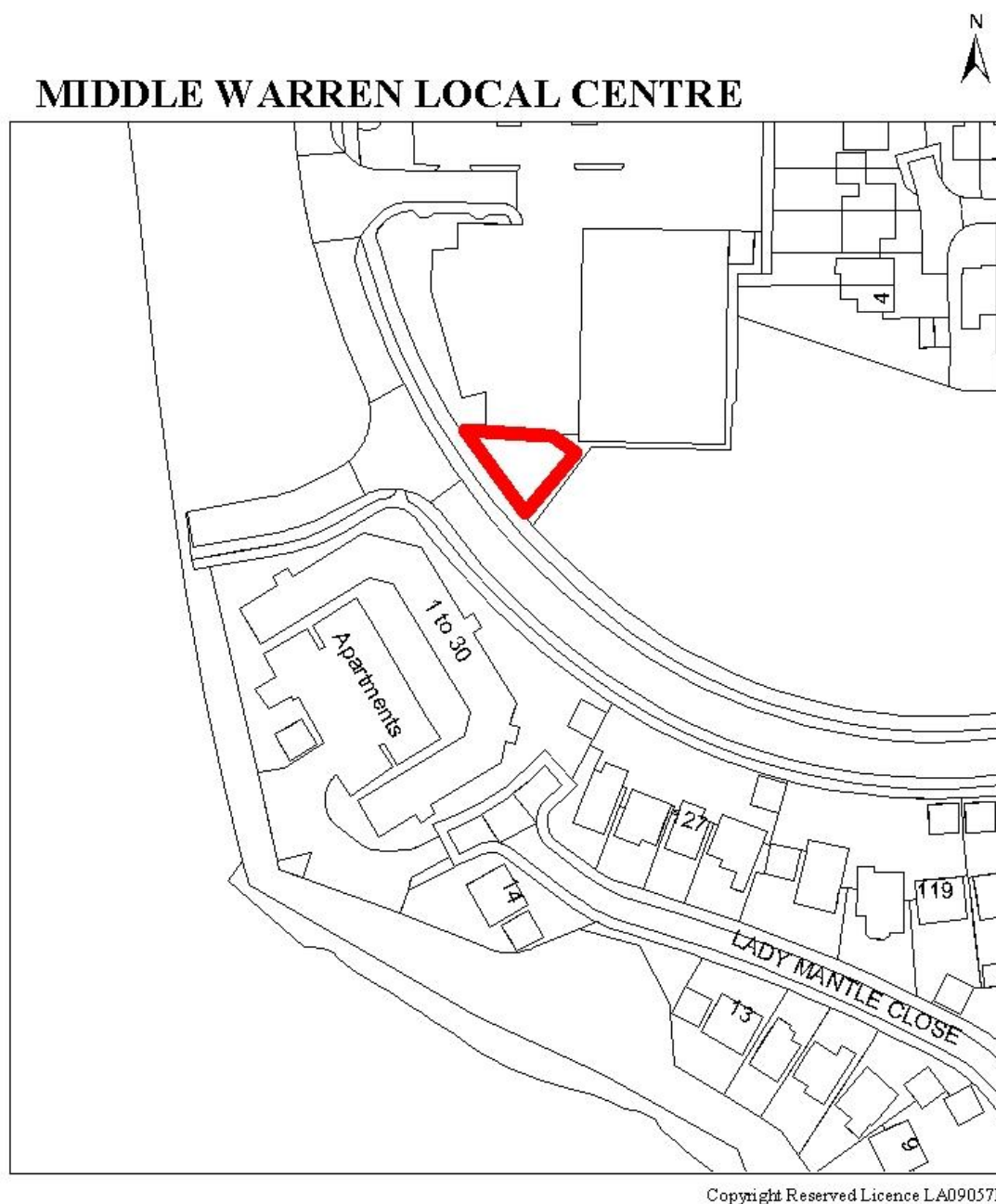
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/05/18</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0096</b>	REV

**No:** 6  
**Number:** H/2018/0097  
**Applicant:** ASCENT HEALTHCARE C/O AGENT  
**Agent:** EMBARK ARCHITECTURE MR NEIL BARKER 38  
KENILWORTH ROAD MONKSEATON WHITLEY BAY  
NE25 8BD  
**Date valid:** 05/04/2018  
**Development:** Display of three internally illuminated fascia signs  
**Location:** MIDDLE WARREN LOCAL CENTRE MULBERRY RISE  
HARTLEPOOL

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## 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 associated with the site are considered relevant to the current application:

6.3 H/2006/0816 – Erection of a public house and 2no retail units and associated works, approved 19/02/07.

6.4 H/2013/0440 – Alterations to windows and shop fronts, creation of new openings to create three A1 retail units and external works including erection of boundary wall, fence and service gates, approved 25/10/13.

6.5 H/2018/0096 – Erection of single storey pharmacy, pending decision.

## PROPOSAL

6.6 The application seeks permission for the display of internally illuminated adverts (via white LEDS); it is linked to a concurrent application for the erection of a single storey pharmacy with associated refuse store. The proposals include three fascia signs as follows:

1. To the south west elevation of the building, measuring 1m in height and 8.5m in width, located 0.4m below the eaves of the building, identifying the name of the business with 'green cross' logos,
2. To the north elevation of the building, measuring 0.7m in height and 8.1m in width, located immediately below the eaves, identifying the name of the business with 'green cross' logos,
3. To the north east elevation of the building, measuring 1m in height and 2.3m in width, located 1.3m above ground level, outlining the services available at the premises.

6.7 The application has been referred to planning committee as it is linked to an application that has been called in at the request of a ward councillor and it would be appropriate to determine the two applications together.

## **SITE CONTEXT**

6.8 The application site is an area of landscaping at the southern extent of the car park of the Middle Warren local centre; it is predominantly grassed with shrubbery to the southern boundary. The site is sloped with a difference in levels between the car park and Merlin Way of 1.6m.

6.9 Immediately to the north of the site there are 3no disabled parking spaces with the remainder of the car park beyond, to the south east of the site there is a footpath linking the local centre to Merlin Way. The closest neighbouring properties to the site are a block of flats to the south west (Strawberry Apartments) on the opposite side of Merlin Way. There is an area of landscaping to the north west of the site.

6.10 If the associated application for a single storey pharmacy were to be approved, the land concerned would be excavated to allow the erection of the building at the same level as the car park and neighbouring retail premises. The proposed adverts would be affixed to that building.

## **PUBLICITY**

6.11 The application has been advertised by way of neighbour letters (39no) and site notice. To date, no objections have been received from neighbouring land users.

6.12 The period for publicity expired 18/05/18.

## **CONSULTATIONS**

6.13 The following consultation replies have been received:

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

**HBC Public Protection** – Not object.

## **PLANNING POLICY**

6.14 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)

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 Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework

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

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

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination is accordance with the development plan
12	Status of the development plan
14	Presumption in favour of sustainable development
17	Core planning principles
51	Approval of planning applications
56	Design of built environment
57	High quality and inclusive design
67	Control of outdoor advertisements
196	Planning system is plan led
197	Presumption in favour of sustainable development
206	Planning conditions
216	Emerging plans

### Hartlepool Local Plan 2018

6.17 The Council’s new Local Plan has now been adopted by full Council and has therefore replaced the former Local Plan 2006. The following policies are relevant to this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP1	Planning Obligations
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development

QP6	Technical matters
QP8	Advertisements
RC16	Local Centres

### HBC Planning Policy Comments

6.18 There are no planning policy objections to this application.

## **PLANNING CONSIDERATIONS**

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

### **PRINCIPLE OF DEVELOPMENT**

6.20 The application site is within an existing local centre and therefore signage to commercial premises in this location would be acceptable in principle, subject to an assessment of their impact on the surrounding area and highway safety, as required under Policy QP8.

### **AMENITY OF NEIGHBOURING LAND USERS**

6.21 The application site is in close proximity to the other retail units within the local centre, given their commercial nature it is not considered the amenity of those land users would be affected by the proposed adverts.

6.22 The land to the south east of the application site is currently vacant; however a current planning application proposes the development of a care home. The adverts proposed would not front the adjacent site and are not therefore considered to unduly prejudice any future development of that site.

6.23 The closest residential properties to the proposed development are the apartments on the opposite side of Merlin Way, to the south west of the application site. Advert 1 would be visible from these apartments, however it would read as part of the design of the commercial premises and due to the difference in ground levels would appear at a low level and would not therefore have an overbearing appearance.

6.24 In addition, the Council's Public Protection Service has raised no objections in relation to the impact of the proposed development on the amenity of neighbouring occupiers.

### **CHARACTER AND APPEARANCE OF AREA**

6.25 The proposed adverts are typical shop signs and have been incorporated into the overall design of the building, they do not dominate the appearance of the building nor would they detract from the appearance of the wider area. In the context

of a local centre the proposed adverts are considered to be acceptable in terms of their design.

## HIGHWAY SAFETY

6.26 Although the adverts are to be illuminated, this would be static, the proposed adverts do not include moving parts and are not unduly large relative to the design of the building to which they are to be affixed. As a result it is not considered the proposals would be distracting or create a safety hazard. This is reflected in the comments from the Council's Traffic and Transport team who do not object to the proposals.

## CONCLUSION

6.27 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.28 There is no evidence of equality or diversity implications.

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

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

6.30 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development hereby approved shall be carried out in accordance with the following plans drawing number 1426(90)01A1 (Site Location Plan), drawing number 1426(00)01A2 (Plans and Elevations), drawing number 1426(00)02A2 (Signage Details) all date received by the Local Planning Authority 20/03/18 and drawing number 1426(90)02A3 (Existing and Proposed Site Plans) all date received by the Local Planning Authority 05/04/18.  
For the avoidance of doubt.



## BACKGROUND PAPERS

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

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

## CONTACT OFFICER

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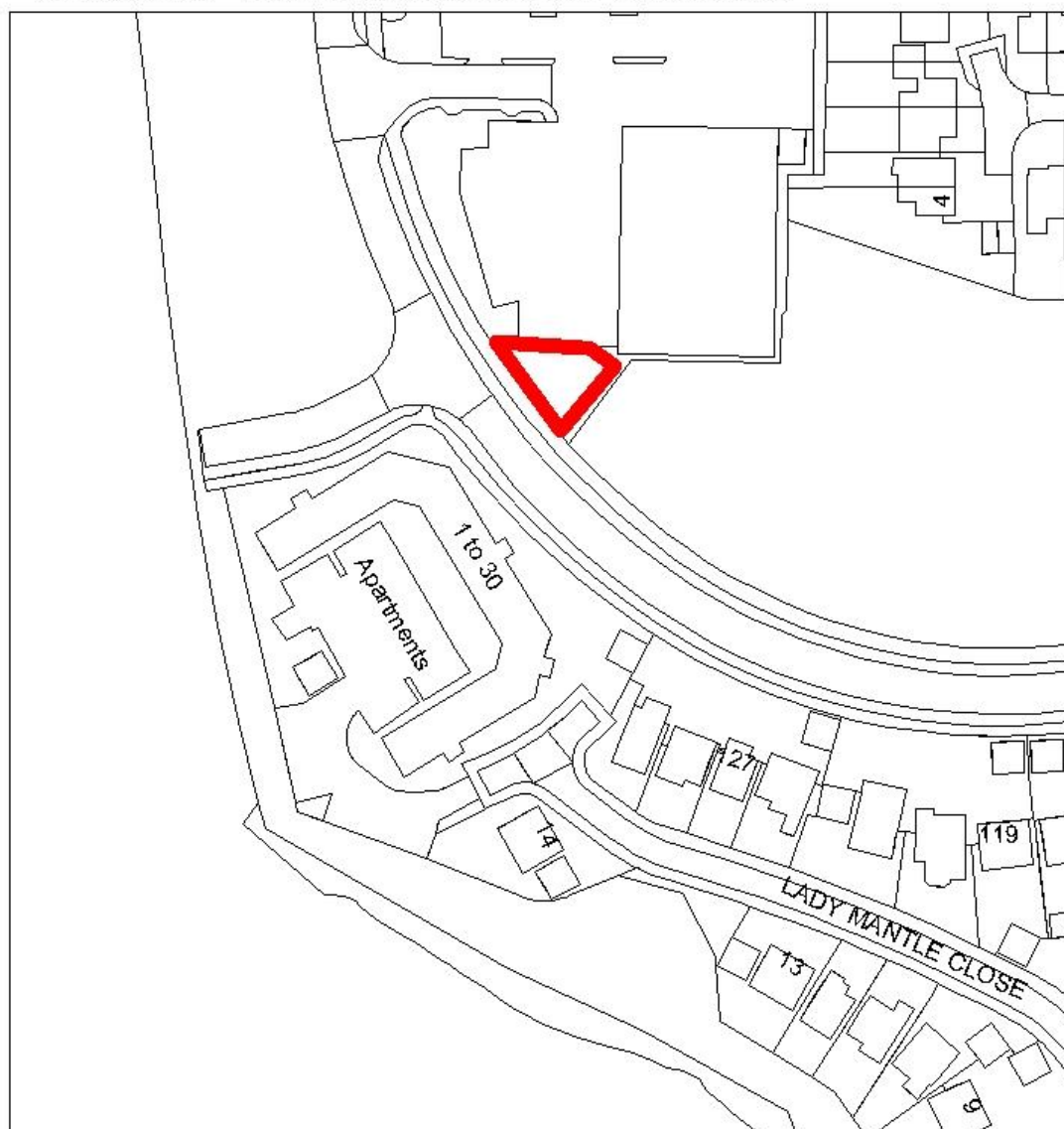
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## MIDDLE WARREN LOCAL CENTRE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/05/18</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0097</b>	REV

## **POLICY NOTE**

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

### **HARTLEPOOL LOCAL PLAN POLICIES**

<https://www.hartlepool.gov.uk/localplan>

[https://www.hartlepool.gov.uk/downloads/file/4295/ex\\_hbc\\_156 -  
\\_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals  
\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

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

[https://www.gov.uk/government/publications/national-planning-policy-  
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

## PLANNING COMMITTEE

20<sup>th</sup> June 2018



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** Appeal at 12-14, CHURCH STREET, HARTLEPOOL,  
TS24 7DJ  
APPEAL REF: APP/H0724/W/18/3197129  
Change of use to 3 no. house in multiple occupation  
(sui generis) with partial demolition to rear and  
alteration to front elevation (H/2017/0335).

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for a change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation at 12-14 Church Street.
- 1.2 The application was considered by the Planning Committee on 10th January 2018. The application was refused on two grounds namely, in the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development by virtue of the lack of in curtilage car parking that would have the potential to exacerbate traffic and parking congestion in the area to the detriment of highway and pedestrian safety, and secondly, that the proposal would have a detrimental impact on the economic viability of businesses in the area by virtue of the potential increase in traffic and parking congestion due to the lack of in curtilage car parking (Report **Attached – APPENDIX 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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## APPENDIX 1

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

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

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

### PROPOSAL

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

1.7 The application initially comprised the use of all of the building as HMO however in view of concerns with respect to the loss of an active ground floor frontage onto

Church Street, the proposal was amended to part retain the existing use at ground floor.

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

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

## **SITE CONTEXT**

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

## **PUBLICITY**

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

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

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

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

1.13 Copy Letters **D**

1.14 The period for publicity has now expired.

## CONSULTATIONS

1.15 The following consultation responses have been received;

### **HBC Public Protection**

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

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

### **HBC Housing Services**

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

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

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

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

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

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

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

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



same floor or adjacent floor to the kitchen. If these changes are made, then the number of occupants would be only restricted by the number of lettings/bedsits.

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

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

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

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

### **HBC Heritage and Countryside**

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

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

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

Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, 'Proposals for development within a conservation area will be

approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

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

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

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

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

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

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

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

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

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

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

The significance of the conservation area lies in the following values;

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

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

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

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

of architectural detail with an alternative design which creates dead frontages giving the street the feeling of being closed for business.

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

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

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

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

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

UPDATE 26/07/2017: In principle I have no objection to the revised scheme and welcome the introduction of the commercial space to provide activity to the ground floor. In considering the spaces shown on the plans these do provide quite limited

space and it is not clear how these facilities will be serviced. Further information should be considered to ensure that these units would be viable.

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

### **Historic England**

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

### **Tees Archaeology**

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

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

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

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

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

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

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

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

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

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

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

### **HBC Arboricultural Officer**

Not object

### **HBC Traffic and Transport**

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

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

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

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

### **HBC Engineering Consultancy**

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

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

### **Environment Agency**

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

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

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

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

#### Flood Proofing

##### Advice to LPA/applicant

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

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

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

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: [communities@twoten.com](mailto:communities@twoten.com) for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

#### Flood warning and emergency response

##### Advice to LPA

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

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

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

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

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

### **HBC Economic Regeneration**

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

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

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

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



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

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

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

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

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

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

### **Cleveland Fire Brigade**

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

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

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

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

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

### **HBC Waste Management**

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

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

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

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

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

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

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

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

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

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

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

Please note:

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

Contents of document summarised (figures omitted):

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Cleveland Police**

11/07/2017: National Planning Guidance

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

### **Secured by Design**

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

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

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

### **Access Control**

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

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

### **Lighting**

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

### **Door Security**

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

laminated glazing meeting or exceeding the requirements of BS EN 356:2000 class P1A

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

#### Mail Delivery

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

#### Cycle Storage/Refuge Areas

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

#### Emergency Exit doors

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

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

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

### **PLANNING POLICY**

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

#### Local Policy

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

GEP1 - General Environmental Principles  
GEP2 - Access for All  
GEP3 - Crime Prevention by Planning and Design  
GEP9 - Developers' Contributions  
Com1- Development in the Town Centre  
Com2 – Primary Shopping Area  
Tra16 - Car Parking Standards

- HE1 - Protection and enhancement of the conservation areas
- HE2 - Environmental improvements in conservation areas
- HE3 - Development in the vicinity of conservation areas

### Emerging Local Plan

1.18 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

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

- SUS1 - Presumption in Favour of Sustainable Development
- LS1 - The Locational Strategy
- CC1 - Minimising and adapting to Climate Change
- CC2 - Reducing and Mitigating Flood Risk
- RC2 - The Town Centre
- RC3 - Innovation and Skills Quarter
- HSG1 – New Housing Provision
- HE1 - Heritage Assets
- HE2 - Archaeology
- HE3 - Conservation Areas
- HE5 - Locally Listed Buildings and Structures
- HE7 - Heritage at Risk
- QP1 - Planning Obligations
- QP3 - Location, Accessibility, Highway Safety and Parking
- QP4 - Layout and Design of Development
- QP5 - Safety and Security
- QP6 - Technical Matters

### National Policy

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

support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 2 - Application of planning law

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

Paragraph 7 - Three dimensions to sustainable development

Paragraph 9 - Pursuing sustainable development

Paragraph 11 - Determination in accordance with the development plan

Paragraph 12 - Status of the development plan

Paragraph 13 - The National Planning Policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 17 - Core planning principles

Paragraph 56 - Design of the built environment

Paragraph 57 - High quality inclusive design

Paragraph 60 - Promotion or reinforcement of local distinctiveness

Paragraph 64 - Improving the character and quality of an area

Paragraph 99 - Managing climate change risks in vulnerable areas

Paragraph 103 - Ensuring that flood risk is not increased elsewhere

Paragraph 111 - Use of previously developed land

Paragraph 128 - Significance of a heritage asset

Paragraph 129 - Impact upon a heritage asset

Paragraph 131 - Positive contribution towards local character and distinctiveness

Paragraph 132 - Significance of a heritage asset and its setting

Paragraph 134 - Less than substantial harm to a heritage asset

Paragraph 137 - Positive contribution to a heritage asset

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 - Presumption in favour of sustainable development

Paragraph 203 - Conditions or planning obligations

Paragraph 216 - Weight given to Emerging Plans

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

## **PLANNING CONSIDERATIONS**

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

## **PRINCIPLE OF DEVELOPMENT**

1.23 Paragraph 6 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-taking (NPPF paragraph 14).

1.24 The core planning principles are set out at Paragraph 17 of the NPPF. These include 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (4th core planning principle) and 'encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value' (8th core principle).

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

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

1.27 The site is also within the boundary of the Church Street Conservation Area. Saved policy HE1 (Protection and Enhancement of Conservation Areas) states that proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or the appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.

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

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



1.30 Emerging policy HE3 (Conservation Areas) states that the Borough Council will seek to ensure that the distinctive character of the Borough will be conserved or enhanced through a constructive conservation approach. Emerging policy HE3 sets out a number of criteria to which particular regard will be given when determining applications within Conservation Areas. These include 'The scale and nature of the development in terms of appropriateness to the character of the particular conservation area'. Emerging policy HE3 also states that proposals for demolition within Conservation Areas will be carefully assessed and sets out criteria against which such proposals must be assessed.

1.31 Emerging policy QP4 (Layout and Design of Development) states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. The criteria for the policy includes the requirement that new development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook'. The policy also states that most development should blend seamlessly with its surroundings.

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

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

## PLANNING OBLIGATIONS

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

1.35 In line with the saved policies of the Hartlepool Local Plan 2006 and the adopted Planning Obligations Supplementary Planning Document (SPD), provision of or contribution towards play and sports facilities will be required for housing developments comprising of five dwellings or more. The development comprises 21 new bedroom spaces (supporting a minimum of 21 adults) and as such the Council considers that the contributions should be calculated on the basis of 21 x the standard rate contribution. These requirements are set out in detail below.

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

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

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

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

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

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

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

1.42 Emerging policy HE6 of the emerging Local Plan supports the retention of historic shop fronts in Church Street. The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style. This is

supported by the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document' which provides advice on such development.

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

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

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

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

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

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

institution) and as such planning permission is likely to be required to change this use.

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

## AMENITY OF NEIGHBOURING LAND USERS

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

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

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

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

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

1.55 With respect to the internal configuration of the development, the proposal includes a number of new windows that are to overlook the newly created rear yard area to the rear of 13 Church Street. Whilst there are to be bedroom windows located in both the side (west) elevation of 12 Church Street and rear (south)

elevations of 13 Church Street, given that these are at a perpendicular angle to one another with only oblique views between, it is considered there would not be a significant detrimental impact on the amenity of future occupiers through lack of privacy/overlooking. Whilst there is only minimal separation distances between the bedroom windows in the side (west) elevations of the rear offshoots and the blank side (east) elevations of the rear offshoots at 13 Church Street and 15 Church Street opposite, there are no windows that directly face one another and this relationship is considered to be characteristic of the relatively dense urban grain in this area. It is therefore considered that there would be no significant detrimental impact on the amenity of future occupiers of the property in terms of overshadowing, any overbearing effect or lack of privacy or amenity as to warrant refusal of the application.

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

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

#### HIGHWAY AND PEDESTRIAN SAFETY

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

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

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

#### FLOOD RISK AND DRAINAGE

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

1.62 The Council's Engineering section has raised no concerns with respect to the application. Whilst the Environment Agency (EA) initially submitted an objection to

the application on the basis of the content of the submitted FRA, following further correspondence from the agent for the application with respect to this that was subsequently forwarded to the EA, the EA have now withdrawn their objection. The EA have also provided advice for the applicant with respect to flood proofing measures and as such a suitable informative note to this effect is recommended.

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

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

## ARCHAEOLOGY

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

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

## SAFETY AND SECURITY

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

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

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

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

principles and measures to improve safety and security for future occupants. A suitable informative note to this effect is therefore recommended accordingly.

1.71 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that suggest the scheme will lead to an increase in crime/anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the Community Safety and Engagement team. Furthermore and as set out above, both Cleveland Police's Architectural Liaison Officer and the Council's Community Safety and Engagement team have raised no objections to the application.

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

## WASTE MANAGEMENT

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

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

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

## RESIDUAL MATTERS

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

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

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

## CONCLUSION

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.80 There is no evidence of equality or diversity implications.

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

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

1.82 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement securing contributions towards built sport facilities (£5,250) and green infrastructure (£5,250), and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.



2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; 1694-17-100 (Location Plans), 1694-17-101 (Existing Ground Floor Plan), 1694-17-102 (Existing First Floor Plan), 1694-17-103 (Existing Second Floor Plan), 1694-17-104 (Existing Elevations), 1694-17-107 (Proposed Second Floor) received 7th June 2017 by the Local Planning Authority; and amended plans 1694-17-105 Revision B (Proposed Ground Floor Plan) received 24th July 2017 by the Local Planning Authority; and 1694-17-106 Revision A (Proposed First Floor Plan), 1694-17-108 Revision C (Proposed Elevations Sheet 1), 1694-17-109 Revision B (Proposed Elevations Sheet 2) and 1694-17-110 Revision A (Proposed Elevations Sheet 3) received 15th November 2017 by the Local Planning Authority.  
For the avoidance of doubt.
3. Notwithstanding the details submitted with the application and prior to the commencement of the development, large scale details, including cross sections, of the proposed alterations and new doorways to the ground floor shop fronts on Church Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.  
To protect the character of the conservation area and in the interests of visual amenity.
4. Notwithstanding the requirements of condition no. 3, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. Details of all walls, fences, gates and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
6. A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under paragraph (A).  
C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under paragraph (A) and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

7. Prior to the commencement of development details of noise insulation measures shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the residential units and neighbouring properties. The noise insulation scheme, as approved, shall be implemented in full prior to the residential units (3no. Houses in Multiple Occupation) hereby approved being occupied and shall be retained thereafter for the lifetime of the development.

In the interests of the amenities of future occupiers and neighbouring properties.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, the 3no. Houses in Multiple Occupation (HMOs) hereby approved shall be used solely for the purposes of accommodation of students undertaking full time educational courses, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the potential adverse impact of an unrestricted consent on the use of the site and the surrounding area.

9. The proposed waste storage provisions that are to serve the use(s) hereby approved shall be implemented in accordance with the layout and details shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan received 24th July 2017) and shall be provided prior to the development hereby approved being brought into use and shall thereafter be retained for the lifetime of the development.

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

10. No waste storage facilities shall be positioned to the front of the properties (on Church Street).

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

11. The commercial units hereby retained and subdivided at ground floor as shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan, received 24th July 2017) shall be solely used within their existing D1 use class (non-residential institutions) unless otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt.

## **BACKGROUND PAPERS**

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

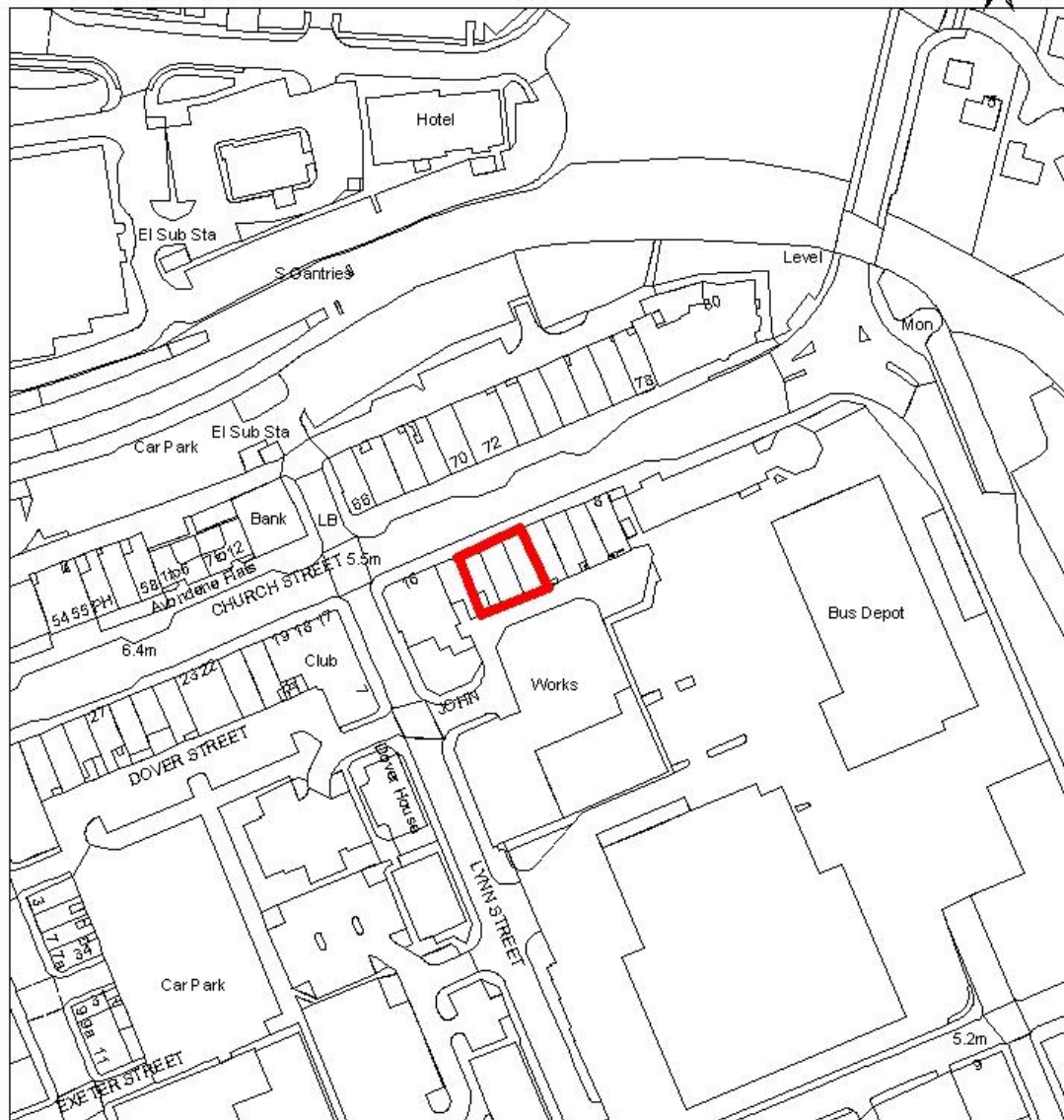
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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**12-14 CHURCH STREET**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>14/11/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0335</b>	REV

## PLANNING COMMITTEE

20<sup>th</sup> June 2018



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** APPEAL AT STOTFOLD CREST STABLES  
TRUNK ROAD A19, HARTLEPOOL, TS27 3HQ  
APPEAL REF: APP/H0724/W/18/3196053  
ERECTION OF AN EQUESTRIAN WORKER'S  
DWELLING, STABLE BLOCK AND HORSE  
EXERCISER (H/2017/0390).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of an equestrian worker's dwelling, stable block and horse exerciser at Stotfold Crest Stables.
- 1.2 The application was determined under delegated powers through the Chair of Planning Committee on 29<sup>th</sup> August 2017. The application was refused on the grounds that, in the opinion of the Local Planning Authority by virtue of the fact there is an existing dwelling on the site which is tied to the operation of the business by means of a planning condition, it is considered that the enterprise is already served by a dwelling which provides a suitable alternative to the proposed dwelling. As such the applicant has failed to justify the need for a dwelling outside the limits to development to support the rural enterprise contrary saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD. (Report **Attached – APPENDIX 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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# DELEGATED REPORT

**Application No** H/2017/0390

**Proposal** Erection of an equestrian worker's dwelling, stable block and horse exerciser

**Location** STOTFOLD CREST STABLES TRUNK ROAD A19  
HARTLEPOOL

**PS Code:** 13

<b>DELEGATION ISSUES</b>  <b>1) Publicity Expiry</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	02/08/2017 21/08/2017 n/a 06/08/2017 29/08/2017 n/a
<b>2) Publicity/Consultations</b>  <p>The application was publicised by means of neighbour letter (12) and site notice Five letters of no objection have been received from adjacent land users.</p> <p>The following consultee responses have also been received;</p> <p><b>HBC Countryside Access:</b> There is no information to imply that there is any data of any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.</p> <p><b>Elwick Parish Council:</b> Strongly support the application. Councillors believe the new facilities will greatly enhance this top flight equestrian centre and will bring considerable kudos to Hartlepool. It is critical that the dwelling is built as described, to allow proper security for very valuable animals which the facility will attract. The whole enterprise will contribute towards the economic viability of this rural area, without in any way detracting from the rural setting in which it will be situated.</p> <p><b>HBC Public Protection:</b> No objection</p> <p><b>HBC Engineers:</b> No objection request a surface water condition</p> <p><b>Northumbrian Water:</b> Thank you for consulting Northumbrian Water on the above proposed development.</p>		

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 no connections to the public sewerage network are proposed in the application documents.

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

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

**Highways England:** No objections

<b>3) Neighbour letters needed</b>	Y
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<b>4) Parish letter needed</b>	Y
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## 5) Policy

### Planning Policy

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

PARA 001 : Apply Policy

PARA 002 : Primacy of Development Plan

PARA 007 : 3 dimensions of sustainable development



PARA 009 : Sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 028 : Rural economic growth  
 PARA 049 : Housing applications and sustainable development  
 PARA 055 : Homes in the rural area and isolated homes in countryside  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design  
 PARA 060: Planning decisions  
 PARA 064 :Refusal for development of poor design  
 PARA 196 : Planning system is plan led  
 PARA 197 : Presumption in favour of sustainable development  
 PARA 203 : Can unacceptable development be made acceptable  
 PARA 204 : Planning obligations to meet tests  
 PARA 205 : Revision of obligations  
 PARA 206 : Planning conditions

#### Relevant Planning Policies

GEP1: General Environmental Principles  
 GEP3: Crime Prevention by Planning and Design  
 Hsg9: New Residential Layout - Design and Other Requirements  
 Rur1: Urban Fence  
 Rur12: New Housing in the Open Countryside  
 Rur14: The Tees Forest  
 Rur7: Development in the Countryside

#### 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;

CC1: Minimising and adapting to Climate Change  
 HSG1: New Housing Provision  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 RUR1: Development in the Rural Area  
 RUR2: New Dwellings Outside of Development Limits  
 RUR4: Equestrian Development

**SUS1: The Presumption in Favour of Sustainable Development**

Comments: (Summarised): In view of the supporting information submitted with the application, it is accepted that the proposal satisfies criteria (a), (b) and (d) above, however the applicant has not satisfactorily demonstrated that the existing dwelling on site cannot meet the housing need or that there is a functional need for two workers dwellings to support the business.

The submitted Planning Statement states that the reason the existing dwelling cannot meet the housing need (and therefore the justification for a second dwelling) is to allow the current owners of the business to remain in the existing workers dwelling in retirement after the business has been handed over.

Paragraph 2.6 of the adopted NDODL SPD states that:

*“...there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.”*

It is the view of Planning Policy that an additional dwelling cannot be justified on the basis of the applicant's preference to remain in the workers dwelling after retirement as this amounts to personal circumstances which do not outweigh the policy conflict. Furthermore, no alternative options appear to have been explored that might allow the applicant to remain in their existing home, without the need for an additional dwellinghouse. This position is supported by recent appeal case law (refs: APP/A2525/A/08/2070481 and APP/H2265/A/12/2188716).

Whilst the submitted Planning Statement cites case law in *Keen v Secretary of State for the Environment and Aylesbury Vale District Council* ([1996] JPL) to support the application, it is considered that this case is not directly comparable as the existing dwelling in that instance was not linked (otherwise than by ownership) with the agricultural business and was part of a separate planning unit located away from the farming operations. In this instance, the existing dwelling is located on the same site, in close proximity to existing buildings associated with the business and its occupancy is tied to the rural enterprise by way of planning condition.

The principle of development is therefore considered to be unacceptable and the application contrary to saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD (NDODL).

**6) Planning Consideration****SITE HISTORY**

HFUL/1990/0300 in November 1990 approval was granted for change of use of a redundant farm building and adjacent land to riding school and livery stables and

siting of residential caravan for temporary period.

HOUT/1992/0460 in October 1992 approval was granted permission for a dwelling on the site subject to a condition stating

*‘The occupation of the dwelling shall be limited to a person solely or mainly employed on the premises for the purpose of running this riding school and livery stables or dependent of such a person residing with him or her, or a widow or widower of such a person’.*

Reserved matters were subsequently approved in May 1993 (planning reference HRES/1993/0184)

HFUL/1995/0012 approval was granted for the erection of a multi-purpose riding facility and general storage building in March 1995

HFUL/2001/0402 approval was granted for an extension to the equestrian centre in October 2001

H/2011/0479 approval was granted for installation of solar panels on the roof of the riding school in November 2011

#### APPLICATION SITE

The application site is an existing riding centre and livery yard which is accessed from the A19 trunk Road through an existing service station. The livery yard currently has accommodation for 15 horses which are kept on a full time basis. The riding centre comprises a further 16 horses. The facilities at the site include one indoor arena, two outdoor arenas, dressage arena, stabling for 40 horses, 20 acres of grazing paddocks, office and classroom facilities and car parking for 29 vehicles.

There is an existing dwelling on the site which is located to the west of the existing stables and riding arena. There are paddocks surrounding the existing enterprise which are used for grazing of horses.

The application site is located outside the defined limits and is therefore set within a rural setting. As such there is a large separation distance to any other residential properties.

#### PROPOSAL

The proposal consists of three elements a proposed horse walker, erection of a stable block and a new dwelling.

The proposed horse walker measures 11600mm at the outside diameter with an overall height of approximately 3.3 metres and is proposed to be located immediately to the north of the existing stables on the site and will provide a new facility to serve the business which will allow horses to be exercised.

The proposed stable block is L-shaped in design located adjacent to the west of the

existing dwelling. The stables are proposed to be constructed from timber and will measure approximately 23 metres at the longest point by approximately 20 metres. The proposed pitched roof will incorporate a maximum height of approximately 3 metres. The stable block consists of 9 stables with a tack and feed store.

The proposed dwelling is located to the west of the existing house on the site and is within the L-shape of the stable block. The supporting documentation states that it is in such close proximity to the stables in order to provide sufficient surveillance taking into account the value of the horses which are proposed to be stabled within the proposed stable block. The proposed dwelling will measure approximately 12.9 metres by 13 metres with an attached double garage measuring 6.3 metres by 6.5 metres. The proposed pitched roof will measure approximately 8.5 metres reducing to approximately 6.5 metres above the garage. The internal layout comprises a kitchen/dining room, hall, lounge, sitting/TV room, utility room and W.C/ Shower room at ground floor with four bedrooms (including three en-suites), a family bathroom, an office and a store.

The application is accompanied by a supporting statement which asserts that the current owner of the business (and existing dwelling on the site) has suffered an injury to her dominant hand which has resulted in a reduced strength in her hand (medical evidence is supplied to support this assertion). As such the owner is in a position whereby she is no longer able to perform many of the functions required to operate the business (i.e hold headcollars of horses). Therefore the owner is looking to retire and pass the operation of the business to her daughter. The supporting documentation states that the business will continue to operate and will be further developed to train national and international standard horses.

## 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, amenity of neighbouring land users, character of the surrounding area, highway safety and drainage.

## PRINCIPLE OF DEVELOPMENT

Guidance contained in the National Planning Policy Framework states "*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling*".

As a point of clarification the submitted Planning Statement asserts that the Council cannot demonstrate a 5 year housing land supply. It is noted that paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to

provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF stipulates that where this cannot be demonstrated, relevant policies for the supply of housing should not be considered up-to-date. However, taking into account the housing requirement in the emerging Local Plan (which incorporates a fully objectively assessed housing need (OAN) and a 20% buffer) and in view of the advanced stage of the preparation of the emerging Local Plan (paragraph 216 of the NPPF), the authority can now demonstrate a five year supply of sites and it is considered the provisions of the abovementioned policies therefore apply to this application.

Stotfold Crest is located in the countryside outside the development limits as set out within the Proposals Map of both the adopted and emerging Hartlepool Local Plans. As such the criteria set out within saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD (NDODL) are relevant.

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

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

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

The applicant has submitted a supporting statement which accompanies the application. This claims that there is a need for a dwelling on the site for security and in order to ensure the welfare, safety and comfort of horses on the site.

Table 1 of the adopted Supplementary Planning Document : New Dwellings outside of Development Limits (NDODL) outlines the justification test assessment criteria. This states that there should be a functional need for a dwelling outside development limits connected with a rural enterprise. This test requires justification that it is essential for a full time presence at the site. For example the requirement is such that a full time worker would need to tend to the rural enterprise business at

short notice to quickly deal with emergencies that could otherwise cause loss of stock.

It is accepted that owing to the operation of the business and particularly the presence of animals, there is a need for a permanent residence on the site. This was the basis of the approval of the original house on the site (planning reference HOUT/1992/0460) in October 1992 which granted permission for a dwelling on the site subject to the following condition;

*‘The occupation of the dwelling shall be limited to a person solely or mainly employed on the premises for the purpose of running this riding school and livery stables or dependent of such a person residing with him or her, or a widow or widower of such a person’.*

On the basis of the evidence submitted it is accepted that there is a clearly established functional need for a dwelling on the site and it is essential for a full time rural worker(s) to live permanent at or near the rural enterprise. However it is also noted that there is an existing dwelling on the site which currently performs this function and approval of the dwelling in 1992 was subject to a condition to ensure the resident of that dwelling is employed to carry out that function.

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

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

Criteria 1 (c) requires assessment as to whether the need could not be met by another existing dwelling nearby. There is an existing dwelling on the site which was approved on the basis of the functional need of the livery and riding school business. This dwelling was tied to the operation of the business by means of a planning condition.

The submitted Planning Statement states that the reason the existing dwelling cannot meet the housing need (and therefore the justification for a second dwelling) is to allow the current owners of the business to remain in the existing workers dwelling in retirement when the business has been handed over.

Paragraph 2.6 of the adopted NDODL SPD states that:

*“...there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.”*

It is the view of Planning Policy team that an additional dwelling cannot be justified on the basis of the applicant's preference to remain in the workers dwelling after retirement as this amounts to personal circumstances which do not outweigh the policy conflict. Furthermore, no alternative options appear to have been explored that might allow the applicant to remain in their existing home, without the need for an additional dwellinghouse. This position is supported by recent appeal case law (refs: APP/A2525/A/08/2070481 and APP/H2265/A/12/2188716).

Whilst the submitted Planning Statement cites case law in *Keen v Secretary of State for the Environment and Aylesbury Vale District Council* ([1996] JPL) to support the application, it is considered that this case is not directly comparable as the existing dwelling in that instance was not linked (other than by ownership) with the agricultural business and was part of a separate planning unit located away from the farming operations. In this instance, the existing dwelling is located on the same site, in close proximity to existing stable buildings associated with the business. Furthermore its occupancy is tied to the rural enterprise by way of planning condition. Similarly the planning statement refers to an allowed appeal at Kirklevington Riding Centre (appeal reference APP/H0738/A/11/2159569) in 2011 however in considering the appeal for a second dwelling at the site the inspector notes that there are two separate enterprises on the site. Therefore this appeal decision is not directly comparable as the proposed dwelling would be ancillary to the existing business which already has one dwelling tied to its operation by virtue of a planning condition attached to the approval of the dwelling.

On the basis of the above it is considered that insufficient evidence has been submitted to demonstrate that a second dwelling would be required. In this regard the proposal does not satisfy criteria 1(c) of the adopted New Dwellings Outside Development Limits SPD. As such the principle of development is therefore considered to be unacceptable and the application is considered to be contrary to saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD (NDODL). On this basis the planning policy team object to the proposed development.

Notwithstanding the above concerns the Functional Test Criteria (d) requires a proposed dwelling to be of a commensurate size/value of the rural enterprise it is supporting. If this was to be the only dwelling on the site it is accepted that based on the accounts submitted the proposed dwelling would be commensurate to the scale and turnover of the business. However as detailed above there is an existing dwelling on the site which is ancillary to the operation of the business which is of a similar scale to that of the proposed dwelling.

In light of the above, it is accepted that the proposal satisfies criteria (a), (b) and (d) of the adopted New Dwellings outside development limits SPD, however the applicant has not satisfactorily demonstrated that the existing dwelling on site cannot meet the housing need or that there is a functional need for two workers dwellings to support the business. Therefore given that there is an existing dwelling on the site which is currently tied to the business by means of a planning condition it

is considered that there is potentially a suitable alternative on the site. As such the proposal is not considered to satisfy criteria 1(c) of the adopted New Dwellings outside development limits SPD. Therefore taking into account the principles within paragraph 55 of the NPPF, policy Rur 7 of the Hartlepool Local Plan, policy Rur2 of the emerging Local Plan and requirements of the adopted New Dwellings Outside of Development Limits SPD the principle of a dwelling in this location, where an alternative dwelling is considered to be available should be avoided. As detailed above it is considered that insufficient justification has been provided for the proposed dwelling and the assessment criteria has not been met.

Therefore it is considered that the principle of the proposed dwelling outside the development limits would result in an unjustified isolated dwelling in the open countryside contrary to paragraph 55 of the NPPF, policy Rur7 Of the Hartlepool Local Plan, policy Rur2 of the emerging Local Plan and New Dwellings Outside of Development Limits SPD (March 2015).

Notwithstanding the above concerns and planning policy objections to the principle of a dwelling on the site, the proposed horse walker and stable block would be considered to be ancillary to the function of the existing livery and riding school business which operates on the site and has previously received planning approval as detailed in the 'Planning History' section of this report. As such the principle of these elements would be considered to be acceptable subject to consideration of relevant material planning considerations.

#### AMENITY OF NEIGHBOURING LAND USERS

The application site is located within a rural setting therefore there is a large separation distance to surrounding land users due to the position of the proposed dwelling adjacent to existing paddocks and agricultural land beyond.

The closest residential property is the existing dwelling house which is located approximately 30 metres from the proposed dwelling. It is noted that the existing dwelling has habitable room windows within the elevation facing the proposed dwelling. However This separation distance complies with guidance within Supplementary guidance note 4 which requires a minimum of 20 metres between habitable room windows. Furthermore the proposed stables (which are located directly to the rear of the proposed dwelling would provide a significant amount of screening for the proposed dwelling). As such it is not considered that the proposed dwelling would result in a detrimental impact upon the amenity of this existing property in terms of overlooking, loss of light or appearing overbearing.

With regard to the proposed stables these are proposed to be located approximately 20 metre from the existing property at the closes point and it is noted that the stables will replace an existing stable block (al be it smaller than that proposed). Given that the proposed stable block is single storey and taking into account its position it is not considered that the proposal would result in a detrimental impact upon the amenity of the existing property in terms of overlooking, loss of light or appearing overbearing.

The proposed horse walker is located towards the north west of the site, adjacent to



existing stables and car parking within an existing paddock. Given the distance from the existing residential property, and taking into account the scale of the proposal, it is not considered that the proposed horse walker would result in a detrimental impact upon the amenity of the existing residential property on the site or surrounding land users.

It is noted that there is a close relationship between the proposed dwelling and the proposed stable block which may give rise to issues relating to residential amenity however given that the two elements would be linked this would not warrant refusal of the application.

The Council's Public Protection section were consulted on the proposals and have raised no objections.

Overall it is not considered that the proposed development would result in a detrimental impact upon the amenity of neighbouring properties and as such would be considered to be acceptable in this regard.

#### CHARACTER OF THE AREA

As described in the principle of development section of this report the principle of the development is not considered to be acceptable as it would result in an unjustified dwelling in the open countryside. However the proposed dwelling would be located towards the rear of the main house which is already well screened from public highway by mounds towards the front of the site, landscaping and the topography of the land. As such there would be limited views of the proposed dwelling. Furthermore the scale and proportions of the dwelling would be in keeping with other farmhouses in the area and the existing dwelling on the site. As previously discussed the scale of the proposed dwelling is considered to be commensurate to operation of the business on the site in terms of turnover and drawings taken (notwithstanding that there is considered to be a suitable alternative to the proposed dwelling existing on the site).

Overall given the screened position of the dwelling, resulting in limited views, and taking into account that it would be viewed in context of existing buildings within the site it is not considered that the visual impact upon the character and appearance of the surrounding area would in itself warrant refusal of the application.

Should the application have been recommended for approval conditions to ensure appropriate landscaping would have been recommended.

#### HIGHWAY SAFETY

The proposed development would be accessed from an existing access taken from the A19 trunk road which serves the existing equestrian centre, MOT testing garage, petrol station and services. Highways England and the Council's Traffic and Transport section were consulted regarding the proposed development and have confirmed that they have no objections to the proposed development. As such it is not considered that the proposed development would result in a detrimental impact upon highway safety.

**DRAINAGE**

Northumbrian water were consulted on the proposed development and have confirmed that they do not wish to make comments as no connections to the public sewerage network are proposed in the application documents. Should the application have been recommended for approval the Council's Engineers have confirmed that a surface water condition would be required and would have been recommended accordingly.

**CONCLUSION**

The proposed development is considered to be acceptable in terms of amenity of neighbouring land users, character of the surrounding area, highway safety and drainage however in this instance, whilst the proposed horse walker and stable block may be acceptable in principle, it is considered that there is a suitable alternative to the new proposed dwelling on the site. Therefore the applicant has failed satisfy criteria 1(c) of the NDODL SPD and as such has failed to justify the need for a dwelling outside the limits to development to support the rural enterprise contrary to saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD.

**7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

**9) Chair's Consent Necessary**

Y

**10) Recommendation  
REFUSE****CONDITIONS/REASONS**

1). In the opinion of the Local Planning Authority by virtue of the fact there is an existing dwelling on the site which is tied to the operation of the business by means of a planning condition, it is considered that the enterprise is already served by a dwelling which provides a suitable alternative to the proposed dwelling. As such the applicant has failed to justify the need for a dwelling outside the limits to development to support the rural enterprise contrary saved policies Rur7 (Development in the Countryside) and Rur12 (New Housing in the Open Countryside), emerging policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) and the requirements of paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD.

**INFORMATIVE**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given that it is considered there is an alternative dwelling on the site, it is not possible to address this key constraint in this 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

20<sup>th</sup> June 2018



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** NEGOTIATING PLANNING OBLIGATIONS

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## 1. PURPOSE OF REPORT

- 1.1 To seek members support to allow the Planning & Development Manager the discretion to refer cases, where discussions on planning obligations required in connection with development have reached an impasse, to the District Valuer for advice.

## 2. BACKGROUND

- 2.1 Planning obligations are legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal. They might for example secure a proportion of Affordable Housing on a site or a contribution towards expanding educational provision in an area affected by a development.
- 2.2 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework 2012. They ensure that where possible the costs of providing public infrastructure are met by developers. However, they also result in additional costs for the developer and can therefore affect the viability of a development
- 2.3 The Planning Obligations SPD was adopted on 12<sup>th</sup> November 2015 and sets out guidance on the Council's approach towards securing planning obligations associated with development in the Borough. The guidance indicates that the obligations which will be sought will be dependent upon the type of development proposed. These can include for example obligations relating to affordable housing, play facilities, playing pitches, built sports

facilities, highway infrastructure, education provision, community facilities, green infrastructure, ecological mitigation and training and employment. There may also be site specific obligations that need to be secured. (For example an obligation to maintain on site infrastructure). The obligations might be delivered through on site provision, or management obligations, or might include payments for off-site provision dependent on the circumstances.

- 2.4 In terms of the current practice when a planning application is received the Council's Planning Policy team are consulted and will identify the Planning Obligations required in accordance with the guidance set out within the Planning Obligations SPD . (The need for other obligations might also be identified by internal and external consultees and the planning officer dealing with the case.). The applicant will be informed of the obligations which need to be secured. The applicant may agree to the obligations in which case the application can proceed to determination and the obligations will normally be secured through conditions or the completion of an appropriate legal agreement. The applicant may raise concerns at the obligations and in such cases discussions will take place. If the concern is based on the viability of the scheme then the applicant will be asked to provide an economic viability assessment. This will detail the development costs and value. The economic viability assessment will be assessed by officer's. If it is accepted then the scheme will proceed to determination. If it is not accepted then further negotiations may take place until either an agreed position, or impasse is reached and again the application proceed to determination. It is usually the case that an agreement can be reached. In the event that an impasse is reached however it is likely that the application would be recommended for refusal on the grounds that the application cannot support the delivery of the required infrastructure and is therefore unsustainable.

### **3. PROPOSALS**

- 3.1 It is proposed that in cases where an impasse is reached in respect to negotiations on planning obligations the Planning & Development Manager have the discretion to refer the case to the District Valuer for advice on whether the obligations can be met. The costs for this service to be met by the applicant.
- 3.2 Other authorities notably Stockton Borough Council take this approach. The advantages are that it will provide a further route where an impasse is reached and in the event that an applicant appeals against a decision evidence to defend the council position on appeal.

### **4. FINANCIAL CONSIDERATIONS**

- 4.1 It is proposed that the costs of the referral to the District Valuer are met by the applicant.

### **5. RECOMMENDATIONS**

5.1 The recommendation is that

- i) Members **support** the proposal that in cases where an impasse is reached in respect to negotiations on planning obligations the Planning & Development Manager have the discretion to refer the case to the District Valuer. The payment for this service to be met by the applicant.
- ii) That the matter be referred to the Regeneration Services Committee for its endorsement.

**6. BACKGROUND PAPERS**

- 6.1 The Planning Obligations SPD can be viewed online at [https://www.hartlepool.gov.uk/downloads/file/907/planning\\_obligations\\_spd\\_nov\\_2015](https://www.hartlepool.gov.uk/downloads/file/907/planning_obligations_spd_nov_2015)

**7. CONTACT OFFICER**

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**8. AUTHOR**

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## PLANNING COMMITTEE

20<sup>th</sup> June 2018



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** APPEAL AT 33 SILVERWOOD CLOSE,  
HARTLEPOOL  
APPEAL REF: APP/H0724/D/17/3188148  
Alterations to boundary fence. (H/2017/0394)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that was submitted against the decision of the Council to refuse planning permission for alterations to boundary fence.
- 1.2 The appeal decision was dismissed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 10 April 2018

**by John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> April 2018

**Appeal Ref: APP/H0724/D/17/3188148**  
**33 Silverwood Close, Hartlepool TS27 3QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Smith against the decision of Hartlepool Borough Council.
- The application Ref: H/2017/0394, dated 26 July 2017 was refused by notice dated 25 September 2017.
- The development proposed is alterations to the boundary fence.

### Decision

1. The appeal is dismissed.

### Procedural matter

2. The description used by the Council on the decision notice adequately and succinctly sets out the development that is proposed. I have therefore used that for the purposes of the appeal.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal building occupies a corner site on a modern housing estate laid out around a series of culs-de-sac. Many of the house frontages are open although in the vicinity of the appeal site the house frontages are separated from the footway by a low, timber, post and rail fence. Overall the estate has a green, open and spacious character.
5. The appeal building has front, side, and rear gardens with the rear garden enclosed by a timber fence which is currently set in line with the front elevation of the neighbouring property at 31 Silverwood Close. Beyond this fence is a grassed area to the side of the house that continues around to the house frontage.
6. The section of Silverwood Close where the appeal building is located rises gently from east to west and the land also rises to the south resulting in the side elevation of the appeal building sitting above the level of the footway. The grassed area to the side of the appeal building forms a visual continuation of the front garden areas of the houses to the east and leads the eye around the corner into the next section of the street. At such it makes an important contribution to the green and open character of the estate.

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Appeal Decision APP/H0724/D/17/3188148

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7. The appeal proposal would relocate the side boundary fence 5 metres to the north at a maximum finished height of 2.4 metres. The fence would project approximately 5 metres beyond the frontage of the neighbouring house to the east at number 31 Silverwood Close. This would result in a disruption of the visual continuity currently provided by the open grassed area and a perceived narrowing of the road at the point where it turns to the south. This would be exacerbated by the height of the proposed fence and its position on a rising section of the road. Consequently, the fence would appear as a prominent and visually dominant feature in the area. Although the fence would be set back 1.5 metres from the back of the footway, this would do little to mitigate the visual impact that it would have.
8. The combined effect of these factors would significantly diminish the green and open character of the estate and would cause harm to its character and appearance.
9. My attention has been drawn to a number of other fences in the area which are located on, or in proximity to, the side boundary of their respective properties, and I was able to see these when I visited the appeal site. I do not have full details of whether these are relocated fence lines and, if so, what the circumstances were that led to these being accepted. From what I saw on my site visit, none of these fences project as far from the side of the house, nor are any as tall, as that which forms the subject of the appeal proposal, and I do not consider that these examples would warrant granting planning permission for the appeal scheme.
10. I have noted that the Council has not raised any concerns in respect of the effect of the fence on the living conditions of the occupiers of any of the nearby houses and that there have been no objections raised by the Highway Authority. From what I have read, and from what I saw when I visited the site, I have no reason to reach a different conclusion. Nonetheless, this does not overcome the other harm that I have found.
11. I conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Saved Policy GE1 of the Hartlepool Local Plan 2006 which expects, among other matters, that new development is of a high standard of design and relates well to the surrounding area. It would also be inconsistent with the requirements of the National Planning Policy Framework which seeks to ensure that new development is of a high standard of design that improves the character and quality of an area. The decision notice also refers to Policy HSG11 of the emerging Hartlepool Local Plan Publication Stage Consultation Document 2016. As this plan has not yet been adopted I have given only little weight to this Policy.

### **Conclusion**

12. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

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## PLANNING COMMITTEE

20<sup>th</sup> June 2018



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** APPEAL AT LOW THROSTON HOUSE,  
NETHERBY GATE, HARTLEPOOL, TS26 0LF  
APPEAL REF: APP/H0724/X/17/3180717  
APPLICATION FOR LAWFUL DEVELOPMENT  
CERTIFICATE FOR EXISTING USE OF LAND TO  
SITE CHALET UNDER MOBILE HOMES ACT  
DEFINITION WITHIN CURTILAGE OF LOW  
THROSTON HOUSE FOR ANCILLARY USE  
(H/2017/0069)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of an appeal outcome relating to the decision of the Council to refuse planning permission for an application for Lawful Development Certificate to site a caravan/chalet within curtilage of Low Throston House for ancillary use.
- 1.2 The appeal decision was allowed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal

### 3. CONTACT OFFICER

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**4. AUTHOR**

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## Appeal Decision

Site visit made on 1 May 2018

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **08 May 2018**

**Appeal Ref: APP/H0724/X/17/3180717**

**Low Throston House, Netherby Gate, Hartlepool TS26 0LF**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Andrew Haygarth against the decision of Hartlepool Borough Council.
- The application Ref H/2017/0069, dated 7 February 2017, was refused by notice dated 3 May 2017.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended (the Act).
- The use for which a certificate of lawful use or development is sought is the siting of a caravan, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, for ancillary residential use in relation Low Throston House.

### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

### Procedural Matter

2. The application description appearing on the LDC application form refers to the *"use of land to site chalet under Mobile Homes Act definition within the curtilage of Low Throston House for ancillary use"*. However, it has been agreed by the main parties that the application description should in fact be the siting of a caravan, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, for ancillary residential use in relation to Low Throston House. I have used the latter description in the banner heading above as it accurately and precisely reflects how the application/appeal has been made and considered by the main parties.

### Reasons

3. In order for a LDC to be granted under section 191 of the 1990 Act, the burden of proving relevant facts in this appeal rests on the appellant, and the test of the evidence is the balance of probability. The planning merits of the use being sought are not before me.
4. Paragraph 006 of the Lawful Development Certificates section of the National Planning Practice Guidance advises in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than

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probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

5. The main issue is whether the Council's refusal to issue a certificate of lawfulness was well-founded. That turns on whether the appellant can demonstrate, on the balance of probabilities, that (i) the unit for which the LDC is sought is a caravan rather than a building and that (ii) having regard to Section 55(2) (d) of the Act the caravan was within the curtilage of the dwellinghouse known as Low Throston House (LTH) and was being used for a purpose ancillary to the residential use of the site.

#### *Caravan or Operational Development*

6. The definition of a caravan is contained within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. I am satisfied that the LDC application relates to a caravan in so far that it does not exceed maximum size thresholds in the aforementioned Acts.
7. The Council does not dispute the appellant's evidence that the unit was originally brought to site on the back of a trailer and that it was recently towed from a nearby unauthorised position to the appeal site using a tractor: I have no reason to doubt that the movement took less than 30 minutes. On the evidence that is before me, I am satisfied that the unit was brought to the site in one piece and that it could be moved elsewhere in one piece.
8. The unit is positioned on wheels and it is not fixed to the ground. There is some decking surrounding/abutting the unit, but it is not fixed to it. Whilst the decking may to some degree impede any speedy movement of the unit, it would not in itself render the unit as being incapable of being mobile. I am satisfied that the decking could be easily removed or it would be possible to use a crane and lift the unit out and onto the back of a lorry thereby leaving the decking in place.
9. I acknowledge that the caravan is connected to services. However, I was able to see on my site visit that it would be possible to very quickly disconnect the unit from such services including the satellite dish which is positioned on a wall. This mirrors the evidence provided in the statutory declarations provided by Mr Andrew William Haygarth, Andrew Stephenson, Councillor William Ian Ramsay and Jonathan Graham. Consequently, the fact that the unit is connected to the services does not mean that it would be immobile.
10. For the collective reasons outlined above, I am satisfied that unit is mobile and that it meets the statutory definition of a caravan which is *"any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted"*. On the evidence that is before me, and on the balance of probabilities, I conclude that a caravan has been sited on the land. Consequently, the Council's reference to it being a building that should be considered against the GPDO<sup>1</sup> permitted development rights as set out in Class E of Part 1 of Schedule 2 is incorrect. The Council refers to the caravan as having the appearance of a

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015

dwellinghouse. However, this is not a relevant consideration when considering the statutory definition of a caravan.

#### *Curtilage of Low Throston House*

11. The appellant has referred me to other decisions made by the Council where it has referred to the land as forming part of the curtilage of LTH. The Council has not disputed such claims. On my site visit, I was able to see that a bungalow had been erected very close to the site following the grant of planning permission. I consider that this has resulted in the creation of a separate planning unit delineated by means of the associated boundary fencing. However, this does not in itself mean that the appeal site is not part of the curtilage of LTH.
12. I acknowledge that a wall has been erected to the north of the stables and the caravan. However, I have no reason to doubt that the wall was erected to stop mud flow issues and to keep the horses in. The wall does not impede pedestrian movement from LTH to the appeal site. I have also taken into account the appellant's aerial photograph (1981), comments made by the Council about the land in terms of other planning applications relating to the wider site as well as comments made by a previous Inspector relating to the adjacent stables being within the curtilage of LTH<sup>2</sup>.
13. Taking all of the above factors into account, coupled with what I saw on my site visit which was a relatively close and intimate relationship between the appeal site and LTH, I conclude that the subject caravan does fall within the curtilage of LTH.

#### *Incidental to the enjoyment of Low Throston House*

14. The stationing of a caravan for a use that is the same as, or ancillary to, that of the lawful use of the planning unit does not require planning permission. Whilst the caravan does have all the facilities in place to enable independent living including a kitchen, bathroom and bedrooms this does not necessarily mean that it is being used for a purpose that is not ancillary to the use of LTH or that a separate planning unit has been created. A fact and degree judgment has to be made on the specific circumstances of the case.
15. In this case, it is necessary for me to determine the LDC appeal on the basis of how the caravan was being used when the application was made and not on the basis of how it could theoretically be used in the future.
16. The appellant considers that the caravan is being used for ancillary residential purposes as (i) it is being used primarily by his eighteen year old son or very occasionally for a few days by a relative when he is away; (ii) that the majority of meals are eaten in LTH; (iii) that all washing takes place in LTH (there is no washing machine in the caravan); (iv) that there are no separate water, drainage or electricity bills; (v) that the caravan has no separate postal address; (vi) that there is no separate garden or parking area (vii) whilst there is a satellite dish attached to the caravan, the subscription is paid for by the occupier of LTH and (viii) that the eighteen year old son sometimes sleeps in a bedroom in LTH, but not on a Monday morning when he needs to leave very early.

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<sup>2</sup> Appeal Reference APP/H0724/A/14/2219037 Low Throston House, 10 October 2014



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17. The Council has referred me to the Department for Local Communities and Local Government Permitted Development Rights for Householders Technical Guidance April 2017 (Technical Guidance) which states that *"a purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen"*. However, this advice relates to buildings, enclosures or swimming/other pools which are considered under Schedule 2, Part 1, Class E of the GPDO and not to caravans. The Technical Guidance is not therefore relevant to this application since I have concluded that the unit is a caravan.
18. Taking into account points (i) to (viii) above, I conclude, as a matter of fact and degree, that the caravan was used for a purpose incidental to the enjoyment of LTH.

#### **Other Matters**

19. The Council contends that the decking needs separate planning permission under Part 1, Class E of the GPDO. The decking does not form part of the consideration of the LDC application. It would be open to the Council to investigate this matter separately utilising its enforcement investigatory powers.
20. The Council has drawn my attention to a ground (c) enforcement appeal for the unauthorised siting of a residential unit<sup>3</sup> on land immediately adjacent to the appeal site. In fact this is the same caravan as is being considered under this LDC application. However, the application that is the subject of this LDC appeal is not the same as that considered by the previous Inspector. It is in a different location and in contrast is positioned within the curtilage of LTH as distinct from being positioned on a *"separate planning unit"*. Furthermore, it does not include a brick lower section and is not physically connected to the ground. The evidence that is before me is different to that considered by the previous Inspector: I am satisfied that in this case the LDC unit would be capable of being moved and is a caravan. Indeed, it has been moved from its previous unauthorised location to its current position.
21. I have considered the case law and appeal decisions referred to by the main parties and have taken these into account in reaching my overall conclusion.

#### **Conclusion**

22. In relation to this appeal site, I am required to determine the appeal on the basis of the use that took place when the application was made. Taking all of the above matters into account, I conclude, on the balance of probabilities, that a caravan was sited within the curtilage of the dwellinghouse known as Low Throston House and that it was lawfully used for a purpose ancillary to the lawful use of the land. Consequently, it did not amount to development requiring planning permission taking into account Section 55(2) (d) of the Act.

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<sup>3</sup> Appeal reference APP/H0724/C/13/2209310 Low Throston House, 28 March 2014

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23. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use in respect of the development described above as the siting of a caravan, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, for ancillary residential use in relation Low Throston House was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

*D Hartley*

INSPECTOR





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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 7 February 2017 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The mobile unit met the statutory definition of a caravan and did not constitute development requiring planning permission as it was being used for a purpose ancillary to the lawful use of the land within the curtilage of Low Throston House.

*D Hartley*

D Hartley  
Inspector

Date: 08 May 2018

Reference: APP/ H0724/X/17/3180717

### ***First Schedule***

The siting of a caravan, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, for ancillary residential use in relation to Low Throston House.

### ***Second Schedule***

Land at Low Throston House, Netherby Gate, Hartlepool TS26 0LF

CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

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NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

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## Plan

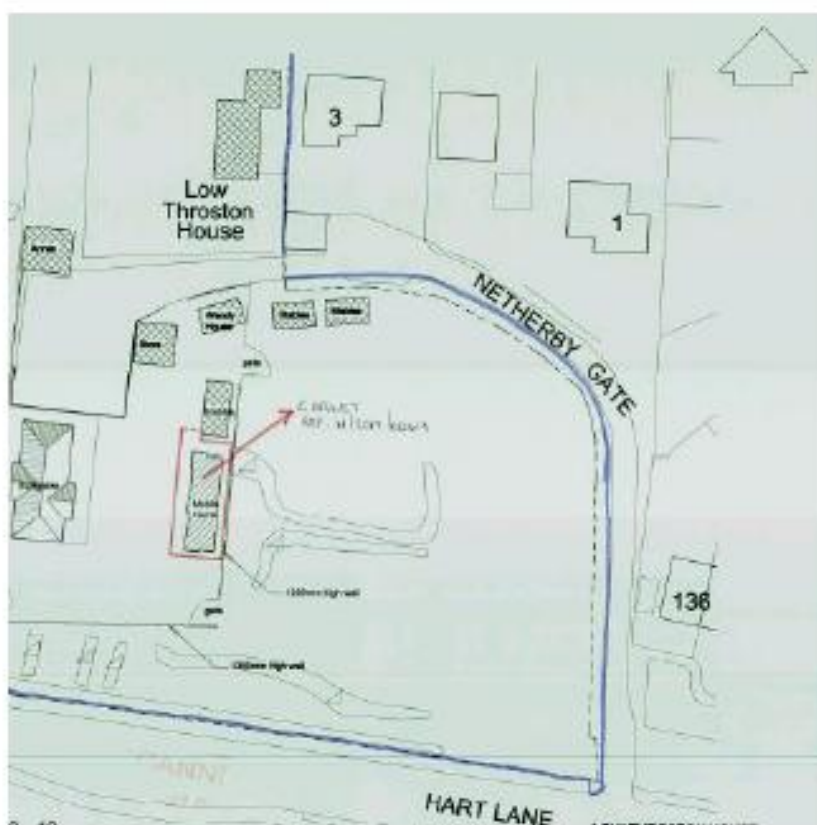
This is the plan referred to in the Lawful Development Certificate dated: 08 May 2018

by D Hartley BA (Hons), MTP, MBA MRTPI

Land at: Low Throston House, Netherby Gate, Hartlepool TS26 0LF

Reference: APP/ H0724/X/17/3180717

Scale: Not to scale



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# PLANNING COMMITTEE

20 June 2018



**Report of:** Assistant Director (Economic Growth and Regeneration)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. Development not built in accordance with the approved plans at a residential property in Hylton Road.
2. The installation of bollards and ANPR apparatus to the car park at a licensed premises at Middle Warren Local Centre.
3. The installation of hard surfacing to the front and the incorporation of land into curtilage at the rear of a residential property in Intrepid Close.
4. The conversion of an integral garage to a living room at a residential property in Whistlewood Close.
5. Non-compliance with a condition relating to surface water management and the erection of retaining walls at a residential development at land off Coniscliffe Road.
6. Operating a spray tan business at a residential property in Relton Way.
7. Operating a waste transfer business at a residential property in Topcliffe Street.
8. The conversion of an integral garage to a bedroom at a residential property in Hill View.
9. Re-roofing and the installation of a rooflight at a listed commercial property in Victoria Street.
10. Development not built in accordance with the approved plans at a residential property in Sandbanks Drive.

11. The installation of ANPR apparatus and associate signage to the car park at a hotel at The Lanyard.
12. The untidy condition of the rear of a commercial premises on Northgate.
13. The erection of an extension to rear of a residential property in Jameson Road.
14. The erection of an outbuilding in the rear garden of a residential property in Heathfield Drive.
15. The erection of a first floor extension not in accordance with the approved plans at a residential property in Hutton Avenue.
16. The incorporation of land and the erection of fences at the rear of 8 residential properties in Intrepid Close.
17. The untidy condition of a former licensed premises at The Front, Seaton Carew.
18. The untidy condition of a former licensed premises on Wesley Square.
19. Non-compliance with a condition relation to working hours at a residential development site in Wynyard.
20. The construction of a parking area on a village green at Dalton Piercy.

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

1. Tree and hedge works adjacent to the rear of property boundaries at a residential development site at Tunstall Farm. The works involved the trimming of trees and hedging to facilitate the construction of approved boundary fencing and therefore does not result in a breach of planning control.
2. The siting of a floating hotel pod at Hartlepool Marina. It was found that the siting of a single pod does not constitute operational development; neither does it lead to a material change of use in planning terms. The owner was advised that appropriate planning advice should be sought prior to the siting of further pods. No further action necessary at this time.
3. The untidy condition of a yard at the rear of office premises on Miers Avenue. The use of the premises as a builders office and yard does not constitute a material change of use in planning terms. The untidy condition of the yard has since been brought to an acceptable condition.
4. The erection of a timber balcony at first floor level at the rear of a residential property on Moor Parade. It was found that the timber balcony has been in

place for in excess of 4 years therefore is immune from enforcement under planning legislation.

5. The siting of a caravan for ancillary residential use at a residential property on Hart Lane. The matter was the subject of an appeal to the planning inspectorate. The appeal was allowed and a certificate of lawful use issued by the planning inspectorate.
6. The storage and sale of diesel from a residential property in Spenser Grove. No evidence of the storage and sale of diesel could be established. No further action necessary.
7. Non-compliance with a condition relating to working hours at a residential development site in Brierton Lane. The site is now operating in accordance with the condition.
8. Non-compliance with a condition relating to dust suppression methods at a school redevelopment site on Catcote Road. The site is now operating in accordance with the condition.
9. Building works at a residential property in Olive Street. It was found that the works were confined to internal alterations only therefore the matter was redirected to the Council's Building Control team for action as appropriate.
10. The erection of outbuildings in the rear garden of a residential property in Winston Court. It was found that the outbuildings had been in place for in excess of 4 years and in any case benefitted from permitted development rights.
11. The operating of a car valeting business at a residential property in Queensway. It was found that the business activity at the property was of a low level and not likely to have lead to a material change of use in planning terms. Nevertheless, the car valeting activity at the property has now ceased.
12. The siting of temporary site office and amenity facilities at a school redevelopment site on Catcote Road. The siting of the offices and amenity facilities are permitted development under Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Nevertheless, as a result of the helpful co-operation of the site manager, the windows in the elevation facing the complainant's property have been obscured, and access doors confined to use in emergencies only.
13. The conversion of an office to flats at a commercial premises in Avenue Road. No evidence of a change of use could be established.

**2. RECOMMENDATION**

- 2.1 Members note this report.

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