

PLANNING COMMITTEE

AGENDA



Wednesday 4 July 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 20th June 2018 (*to follow*)

4. ITEMS REQUIRING DECISION

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

1. H/2018/0096 Middle Warren Local Centre, Mulberry Rise (page 1)
2. H/2018/0097 Middle Warren Local Centre, Mulberry Rise (page 17)
3. H/2018/0048 434 Catcote Road (page 25)
4. H/2017/0533 Manor House Farm, Stockton Road, Newton Bewley, Billingham (page 39)
5. H/2018/0150 High Tunstall College of Science, Elwick Road (page 53)

5. ITEMS FOR INFORMATION

- 5.1 Appeal at land to the North of Voltigeur Drive and Otterington Close, Hart Village – *Assistant Director (Economic Growth and Regeneration)*



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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

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

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

10. FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 1 August 2018.



No: 1
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

PURPOSE OF REPORT

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

BACKGROUND

1.2 This application was deferred at the previous meeting of the Planning Committee (20/06/18) to allow Members to carry out a site visit and to allow officers the opportunity to engage with the developer of the Upper Warren housing scheme to see whether the pedestrian crossing associated with that development could be brought forward. At the time of writing officers have contacted the developer and will report verbally on the outcome at the Committee meeting.

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

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

1.5 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.

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

PROPOSAL

1.7 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.

1.8 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.

1.9 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.

1.10 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.

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

SITE CONTEXT

1.12 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.

1.13 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.

PUBLICITY

1.14 The application has been advertised by way of neighbour letters (39no), site notice and a press notice. To date, 1no 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.

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

1.16 Copy Letters **A**

CONSULTATIONS

1.17 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 929m². The Hartlepool Borough Council Design guide and Specification requires retail units under 1000m² to provide 1 parking space per 30 m², this would therefore require 31 spaces. The proposed pharmacy is 90m² which would raise the total GFA to 1019m². Just above the 1000m² threshold. Retail developments over 1000m² require parking provision at a rate of 1 space per 20 m² 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

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

National Planning Policy Framework (NPPF)

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

1.20 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

1.21 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

HBC Planning Policy Comments

1.22 There are no planning policy objections to this application.

PLANNING CONSIDERATIONS

1.23 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

1.24 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.

1.25 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

1.26 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.

1.27 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.

1.28 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.

1.29 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.

1.30 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.

1.31 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

1.32 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.

1.33 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.

1.34 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

1.35 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.

1.36 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.

1.37 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.

1.38 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.

1.39 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.

1.40 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

1.41 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.

1.42 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

1.43 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

1.44 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.

1.45 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

1.46 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

1.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.48 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.

1.49 There are no Section 17 implications.

REASON FOR DECISION

1.50 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

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

CONTACT OFFICER

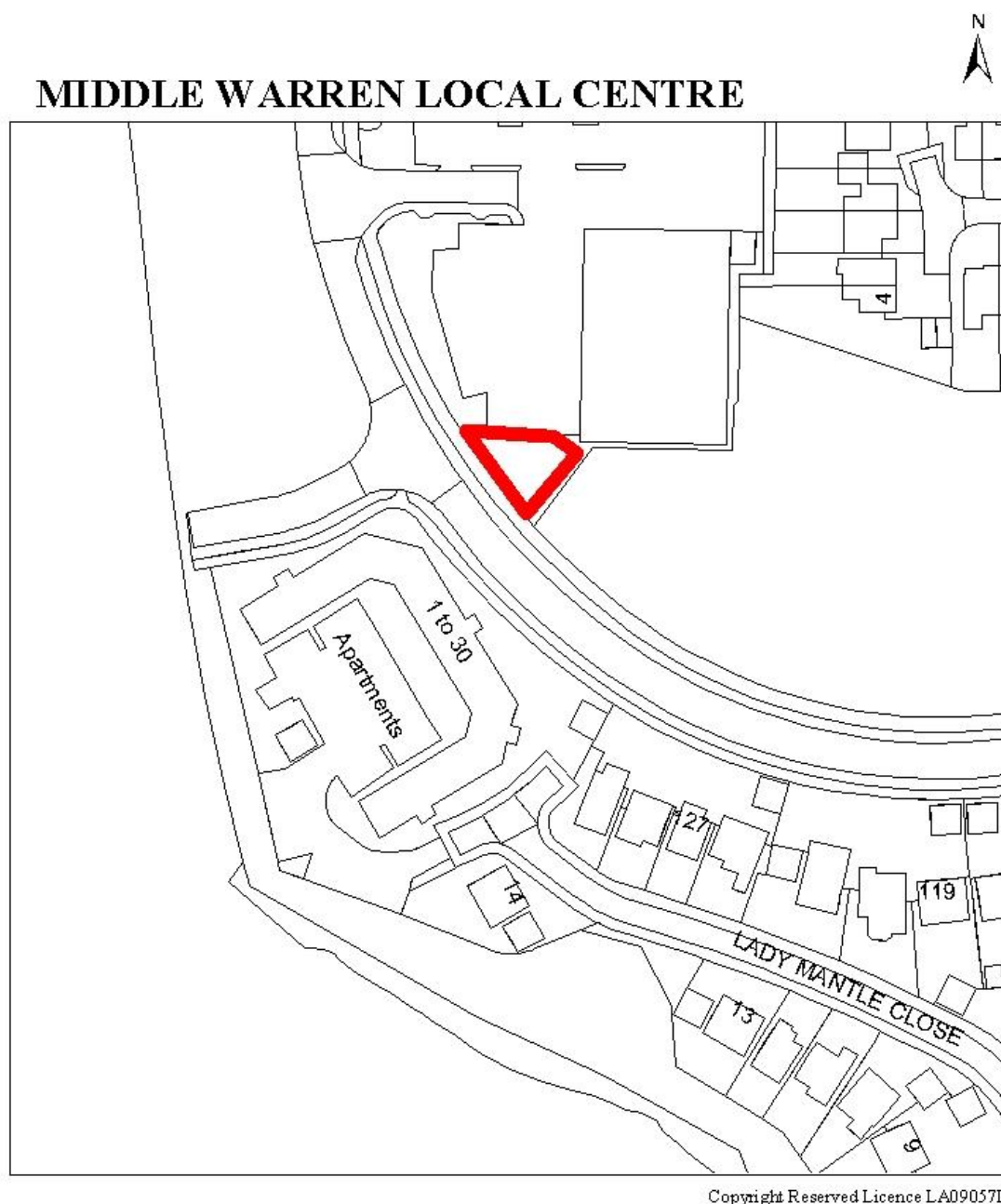
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2
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

PURPOSE OF REPORT

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

BACKGROUND

2.2 This application was deferred at the previous meeting of the Planning Committee (20/06/18) to allow Members to carry out a site visit and to allow officers the opportunity to engage with the developer of the Upper Warren housing scheme to see whether the pedestrian crossing associated with that development could be brought forward. At the time of writing, officers have contacted the developer and will report verbally on the outcome at the Committee meeting.

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

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

2.5 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.

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

PROPOSAL

2.7 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.

2.8 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

2.9 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.

2.10 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.

2.11 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

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

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

CONSULTATIONS

2.14 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

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

National Planning Policy Framework (NPPF)

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

2.17 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

2.18 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

2.19 There are no planning policy objections to this application.

PLANNING CONSIDERATIONS

2.20 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

2.21 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

2.22 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.

2.23 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.

2.24 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.

2.25 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

2.26 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

2.27 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

2.28 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

2.29 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.31 There are no Section 17 implications.

REASON FOR DECISION

2.32 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

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

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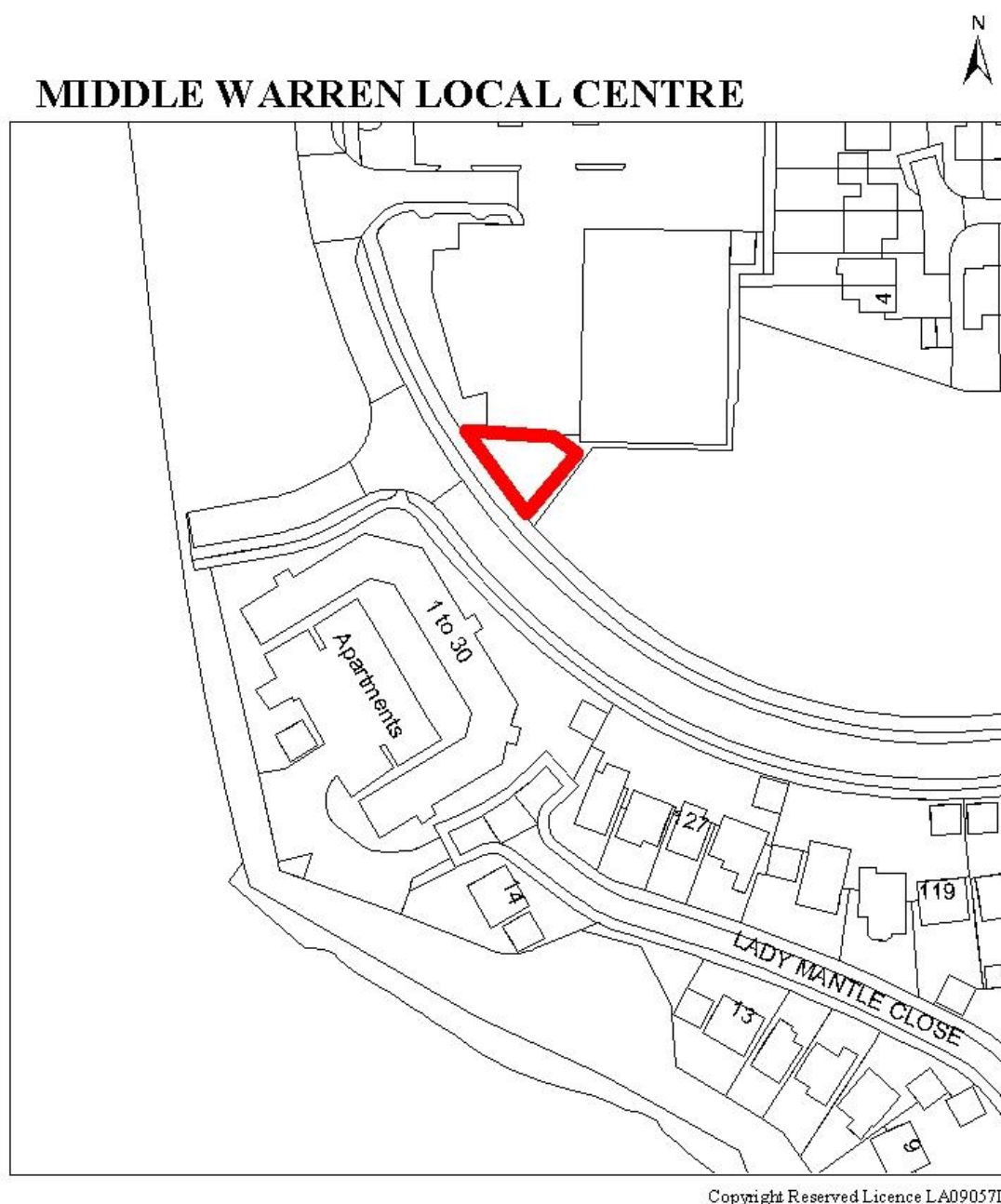
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 3
Number: H/2018/0048
Applicant: HFL PROPERTIES 130 BURY NEW ROAD
PRESTWICH TS25 2JN
Agent: R & K WOOD PLANNING LLP MRS KATIE WOOD 1
MEADOWFIELD COURT MEADOWFIELD INDUSTRIAL
ESTATE PONTELAND NE20 9SD
Date valid: 08/03/2018
Development: Change of use of open space to enclosed external area to
be used in connection with existing adjacent unit (D1 use
class), including erection of boundary fence and gate
Location: 434 CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2009/0209 – Planning permission was granted on 23rd June 2009 for the erection of a single storey rear extension and alterations to form doctor's surgery.

PROPOSAL

3.3 Planning permission is sought for the change of use of an area of open space within the applicant's ownership to an enclosed external area to be used in connection with the existing adjacent unit (D1 use class – non-residential institutions) at 434 Catcote Road. The application also includes the erection of a 2 metre high green weld mesh boundary fence and gate.

3.4 The applicant's supporting statement states that 434 Catcote Road was previously used as a doctor's surgery and the applicant has interest in the property to re-use the building, possibly as a children's nursery (which would also fall within the D1 use class and would therefore not require planning permission for the change of use). The supporting statement goes on to state that the additional outside space will provide an important play and learning opportunity for the children in association with the nursery.

3.5 The application initially comprised the erection of a 2.3 metre high metal palisade boundary fence however following concerns raised by the case officer in view of comments from the Council's Planning Policy team, Cleveland Police and

neighbouring land users, the applicant has submitted amended plans to change the design of the fence to weld mesh and reduce the height of the fence.

3.6 The application has been referred to Planning Committee as more than 2 objections have been received.

SITE CONTEXT

3.7 The application site comprises an area of open space located to the south of the existing surgery (D1 use class) unit at 434 Catcote Road, and the unit itself, both of which are within the ownership of the applicant. The parcel of land forms part of a wider area of open amenity space, the majority of which is Council owned and publicly accessible, located to the immediate south of the Catcote Road Local Centre.

3.8 To the west of the site, on the opposite side of the public amenity space, is a residential dwellinghouse at 19 Stamford Walk. To the south of the site, on the opposite side of the public amenity space, are further dwellings at Stamford Walk and Fens Court. To the south east of the site is The Fens public house. To the north and east the site is bounded by commercial units with residential flats above at Catcote Road Local Centre.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (14) and site notice. To date, 4 objections have been received from neighbouring land users with the following concerns (summarised):

- The fencing will be prominent/visually intrusive/unattractive
- The area is currently open/the proposed fencing is out of keeping/too high
- There is insufficient parking available to support a nursery
- There will be conflict with the existing service area and deliveries/parking to the rear of Catcote Road shops
- The proposal would have a detrimental impact on highway and pedestrian safety
- Vehicles using the nursery will damage the verges
- The fencing will encourage further anti-social behaviour
- The enclosed area may not be maintained in future

Copy Letters B

3.10 The period for publicity has now expired.

CONSULTATIONS

3.11 The following consultation responses have been received;

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

HBC Arboricultural Officer – Do not object

HBC Property Services – The Council owns open space directly adjoining this proposal. The plans indicate that the proposal should not affect Council owned land but care should be taken not to infringe onto the Councils land during or following the development.

HBC Ecology – I have no ecology concerns or requirements.

HBC Children and Joint Commissioning – No representation received.

HBC Public Protection – Do not object.

UPDATE 20/06/18: Planning condition to restrict use of outdoor area to 0830-1800 hours requested [verbal].

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 Engineering – No objection to this application.

Cleveland Police - In relation to the proposed type of fencing I would normally recommend use of weld mesh /solid bar fencing which would be more appropriate in this situation. Palisade fencing although normally initially cheaper to install can result in higher maintenance costs in relation to repairs and tends to create a more oppressive look.

In relation to the gate to the enclosed area this should not provide any climbing aids and be of the same height as the proposed fence. The entrance gate would be best located to the front area on enclosed area to make use of natural surveillance. The proposed fencing is creating an alleyway this would be recommended to gating to deter any anti –social behaviour/conflict in this area.

UPDATE 20/06/18: The proposed type of fencing is more appropriate in this instance the entrance gate to the internal area should be the same height as the boundary fence and free from climbing aids. I would recommend that the gate is located where there is good natural surveillance from nearby properties /busy road/footpaths.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

3.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government

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

Paragraph 001 - Apply Policy
 Paragraph 002 - Primacy of Development Plan
 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 - Core Planning Principles
 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
 Paragraph 203 – Can unacceptable development be made acceptable
 Paragraph 206 – Planning conditions

Adopted Hartlepool Local Plan 2018

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

CC1: Minimising and adapting to Climate Change
 LS1: Locational Strategy
 NE2: Green Infrastructure
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

3.15 **HBC Planning Policy** - Planning Policy have no objections to the proposed development subject to appropriate planning conditions.

PLANNING CONSIDERATIONS

3.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and character and appearance of the surrounding area, the amenity of neighbouring land users, highway and pedestrian safety and safety and security. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

3.17 The application site is located within the defined limits to development as set out on the Hartlepool Local Plan 2018 Policies Map. The existing unit at 434 Catcote Road is located within the Catcote Road Local Centre designated through policy RC16 (The Local Centres) of the adopted Hartlepool Local Plan 2018 as the sequentially preferable location for D1 (non-residential institution) uses below 300m².

3.18 However, the external area which the application seeks to enclose is covered by policy NE2i (Green Infrastructure – Amenity open space). Policy NE2 stipulates that the Borough Council will safeguard green infrastructure within the Borough from inappropriate development and the loss of green infrastructure components will generally be resisted. Objections have been received from neighbouring land users with respect to the impact on the open plan/green character/function of the area.

3.19 Notwithstanding this, it is considered that the enclosing of this area for the purposes of providing a secure outdoor play and learning space for children in association with the use of the adjacent unit as a nursery would not significantly conflict with the amenity value of the wider area or prejudice its use for recreational purposes.

3.20 Whilst policy NE2 indicates compensatory provision should be provided where an area of open space is lost, in this instance the site will partly retain its amenity/recreational value, will remain partially open in appearance due to the design of the boundary enclosure, will only affect a small part of the allocation, and is in an area where the local need is adequately met.

3.21 The Council's Planning Policy section has confirmed that they have no objections to the application subject to appropriate planning conditions, which are considered necessary to make the development acceptable, in accordance with paragraph 203 of the NPPF.

3.22 In view of the above, the proposal is considered to be acceptable in principle subject to the imposition of a number of planning conditions ensuring that the site is operated as ancillary play/learning space for children in association with the use of the adjacent unit as a nursery (as opposed to the existing/last known use as a doctor's surgery), that there are no fixed structures erected within the external area, that the site is not used for external storage outside of appropriate operating hours and the fence is removed once the site is no longer in use as an ancillary

play/learning space. The above planning conditions are therefore recommended accordingly.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA

3.23 Objections have been received from neighbouring land users who consider that the fencing will be unattractive, industrial looking, visually prominent and too high, particularly given that the character of the area is predominantly open.

3.24 The application initially proposed the erection of a 2.3 metre high metal palisade fence to enclose the external area on four sides, including the retention of an unenclosed walkway/alleyway between the existing unit at 434 Catcote Road and the external area. However, following concerns raised by the case officer, the Council's Planning Policy team, Cleveland Police and neighbouring land users, it was considered that this would have a significant detrimental visual impact and would not adequately maintain the openness of the area. The applicant has subsequently amended the proposals to reduce the height of the fence to 2 metres and change the fence to a weld mesh design. The applicant has also removed the unenclosed walkway/alleyway between the existing unit and the enclosed external area from the proposals, in view of concerns from Cleveland Police, by joining the fencing to the existing unit so that this area is now included in the enclosed area, which has removed the requirement for fencing to the north side of the area.

3.25 Whilst it is appreciated that the fence is in a location that is readily visible (albeit not particularly prominent from Catcote Road Local Centre or the adopted highway on Catcote Road due to its set back location to the side of the parade of shops), given that the style of the fencing is open and light weight, the colour choice (green) should assist in reducing the fence's visual prominence, and the amended proposals have removed one side of the fencing (as it now adjoins the adjacent unit), it is considered on balance that the visual impact of the proposed fencing would not be so significant as to warrant refusal of the application in this instance.

3.26 Furthermore, the proposed fencing does not step forward of the east-west building line along Stamford Walk and it is noted that other high metal railings/fencing can be found in this area, including around the rear parking area of Fens Court to the south. In addition, a 2 metre high fence could theoretically be erected without planning permission in this area by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015.

3.27 Notwithstanding this, the applicant has not provided details of the location or design of the proposed access gate and as such an appropriate planning condition is recommended to secure and agree details of this prior to commencement of development.

3.28 In view of the above, it is considered on balance that the proposal would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area. The application is therefore considered to be acceptable in this respect, subject to the abovementioned planning

condition, and in accordance with policy QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

AMENITY OF NEIGHBOURING LAND USERS

3.29 The application site is located approximately 10 metres from the nearest residential property to the west at 19 Stamford Walk and approximately 28 metres from the nearest residential property to the south at 16 Stamford Walk.

Approximately 30 metres to the east of the site is The Fens public house. To the north of the site are commercial units with residential flats at first floor to the immediate north east of the external area.

3.30 With respect to the proposed boundary fencing, in view of the modest scale of the fencing and its lightweight design and taking into account the abovementioned separation distances, it is not considered that this would have any significant detrimental impact on neighbouring land users in terms of loss of privacy or amenity.

3.31 With respect to the proposed change of use of the external area, this is proposed to be used in conjunction with the adjacent unit at 434 Catcote Road. The applicant has indicated in their supporting statement that it is intended to be used as an outdoor play and learning space for children to support the use of 434 Catcote Road as a nursery. It is not considered that any other use for the site would be appropriate, unless further planning permission is sought from the Local Planning Authority, and therefore appropriate planning conditions are recommended to control the use of the area of land to be enclosed accordingly.

3.32 Whilst it is appreciated that the site is located in close proximity to residential flats to the north east, planning permission is not required to change the existing unit to a nursery and the open space to the front is currently unenclosed and designated as green infrastructure (amenity open space). Furthermore, the Council's Public Protection section has been consulted and has advised that they do not object to the application subject to a suitable planning condition with respect to operating hours of the external area, which is recommended accordingly.

3.33 In this context, it is considered that the use of this area as a play/learning space would not have a significant detrimental impact on the amenity of neighbouring land users in terms of undue noise and disturbance.

3.34 In view of the above, it is considered that the application is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, subject to the abovementioned planning conditions, and is in accordance with policy QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

3.35 A number of objections have been received from neighbouring land users citing concerns including insufficient parking available to support a nursery in this area and the potential for conflict with the existing service area and deliveries/parking to the rear of Catcote Road Local Centre. Objectors consider that this would have a

detrimental impact on highway and pedestrian safety and result in damage to the verges due to increased congestion.

3.36 However, the proposal in this instance is only seeking to change the use of the existing open space to an enclosed space ancillary to the use of the adjacent unit at 434 Catcote Road. Whilst the applicant has indicated the external area is to be used to serve a nursery at 434 Catcote Road, and any planning permission shall condition the use of this parcel of land as such, the existing unit at 434 Catcote Road's last known use is as a surgery (D1 use class) and planning permission is therefore not required for the change of use of the unit itself to a nursery (D1 use class), as these are within the same use class, and therefore the unit could still operate as a nursery irrespective of the outcome of this application.

3.37 Notwithstanding this, the impact of the change of use of the open space and erection of fencing on highway and pedestrian safety must still be considered. To this effect, the Council's Highways, Traffic and Transport section has been consulted on the application and has confirmed that there are no highway or traffic concerns. The application is therefore considered to be acceptable with respect to matters of highway and pedestrian safety.

SAFETY AND SECURITY

3.38 Objections have been received from neighbouring land users citing concerns with respect to the potential for the proposed fencing to encourage further anti-social behaviour in this area.

3.39 Cleveland Police have been consulted on the application and had initially raised concerns with respect to the use of palisade fencing, which they consider can appear oppressive, rather than weld mesh/solid bar and had raised concerns over the creation of an alleyway between the external area and the existing unit at 434 Catcote Road.

3.40 In view of this the applicant amended the proposals as above to address these comments and Cleveland Police has since advised that the proposed type of fencing is now more appropriate and have not raised any further concerns.

3.41 Cleveland Police has also advised that the entrance gate to the internal area should be the same height as the boundary fence and free from climbing aids, and that the gate should be located where there is good natural surveillance. A suitable informative is therefore recommended to make the applicant aware of this advice.

3.42 In view of the above the application is considered to be acceptable with respect to matters of safety and security.

OTHER PLANNING MATTERS

3.43 With respect to the impacts of the proposal on landscape features, ecology and public rights of way, no objections or concerns have been received from technical consultees and the application is therefore considered to be acceptable with respect to these matters.

RESIDUAL MATTERS

3.44 The Council's Property Services team has confirmed that the Council owns open space directly adjoining this proposal. The Council's Property Services team has advised that the plans indicate that the proposal should not affect Council owned land but care should be taken not to infringe onto the Council's land during or following the development. A suitable informative to make the applicant aware of this is therefore recommended accordingly.

3.45 Concerns have been received from an objector with respect to future maintenance of the site and for the potential for the land within the enclosed area to become untidy should the unit at 434 Catcote Road become vacant. To avoid this, a planning condition is recommended to ensure that when the external area ceases to be used as an ancillary outdoor play and learning space, the boundary fencing is removed and the land restored to its former condition, unless prior consent has been obtained for its retention.

PLANNING BALANCE AND OVERALL CONCLUSION

3.46 The application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of 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

3.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.49 There are no Section 17 implications.

REASON FOR DECISION

3.50 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 amended plan(s) and details; 1:500 'Promap' plan and DRAWING NO: 815 (2000MM HIGH V MESH MESH FENCING) received 18th May 2018 by the Local Planning Authority and LOCATION PLAN (1:1250 at A4) received 22nd May 2018 by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development, details of the siting and design of the proposed access gate to the enclosed area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The permission hereby granted shall only be implemented in the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1). Thereafter the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) shall only operate as an ancillary outdoor play and learning space, in conjunction with the use of the adjacent unit as a children's nursery, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
In the interests of visual amenity and in order to control the development under the terms on which permission is granted.
5. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the boundary fence hereby approved shall be laid out in accordance with the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority). The fence shall be coloured green in accordance with DRAWING NO: 815 (2000MM HIGH V MESH MESH FENCING) received 18th May 2018 by the Local Planning Authority, unless an alternative colour is otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt and in the interests of visual amenity.
6. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1) and 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 external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority).
To enable the Local Planning Authority to exercise control in the interests of visual amenity.
7. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning

Authority) shall at no time be used as an external storage area, with any play or educational equipment or other associated paraphernalia used in connection with the children's nursery use removed and stored inside the adjacent building outside of the permitted hours of operation set out in condition 07.

In the interest of visual amenity and safety and security.

8. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) shall only be open to the public between the hours of 0830 and 1800 Mondays to Sundays inclusive.

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

9. Should the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) cease to be used as an ancillary outdoor play and learning space, in conjunction with the use of the adjacent unit as a children's nursery, the boundary fencing hereby approved shall be removed and the land restored to its former condition, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority, unless prior consent has been obtained for its retention.

In the interests of visual amenity.

BACKGROUND PAPERS

3.51 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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434 Catcote Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 22.6.18
	SCALE 1:700	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0048	REV

No: 4
Number: H/2017/0533
Applicant: MR A MOUTREY STOCKTON ROAD NEWTON
BEWLEY BILLINGHAM TS22 5PQ
Agent: MR A MOUNTREY MANOR HOUSE FARM
STOCKTON ROAD NEWTON BEWLEY BILLINGHAM
TS22 5PQ
Date valid: 11/07/2018
Development: Retrospective application for conversion and alterations to
former barn to create a single two storey dwelling
Location: MANOR HOUSE FARM STOCKTON ROAD NEWTON
BEWLEY BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

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

4.3 H/2011/0372 – Outline planning application with some matters reserved for residential development comprising the conversion of farm buildings to three dwellinghouses and the erection of a dwellinghouse, approved 20/10/11.

4.4 H/2015/0275 – Conversion and alterations/extension to former barn and milking parlour to create a single dwelling (Plot 2), approved 21/09/15.

PROPOSAL

4.5 The former barns on the application site are single storey with roof lights in each roof plane, and window and door openings in the west and south elevation, which front the internal courtyard within the site. The north and east elevations have no window or door openings.

4.6 Retrospective planning permission is sought to increase the height of the buildings and introduce three dormer windows to the north elevation, two dormer windows to the west elevation and one dormer window to the south elevation in order to form an additional storey. It is proposed to introduce four windows and a door with canopy over to the north elevation. A primarily glazed porch and two large glazed openings are proposed to the ground floor of the west elevation. An existing door opening is to be replaced in the south elevation, while a door and window are to be introduced in the ground floor of the east elevation and two windows are to be introduced in the first floor of the east elevation.

4.7 The existing barn is constructed of brickwork with a natural slate roof; the proposed works include rendering the completed building and introducing a clay pantile roof to match the previously converted buildings to the south of the site. The resultant dwelling would have three bedrooms at first floor with living accommodation at ground floor.

4.8 Externally it is proposed to form a footpath to the north of the proposed dwelling to allow access to the front door and to form a courtyard garden with parking spaces at the rear of the proposed dwelling. The current application does not include any means of enclosure as part of the development but does propose a change of use of the land to the north of the site from designated Village Green (see Legal Comment below) to residential curtilage.

4.9 The application has been brought to the planning committee following a request from a local ward councillor and inline with the council's scheme of delegation having regard to the recommendation and retrospective nature of the application.

SITE CONTEXT

4.10 The application site is an area of land and former barn buildings to the north east of Manor House Farm on the south side of the A689 in Newton Bewley. The former agricultural buildings are located to the south of the site and have been in a state of disrepair for some time with works having commenced following a previous grant of planning permission to convert the building to a single storey dwelling not having been completed. Since this application has been submitted further works have been undertaken to the buildings in order to form a two storey dwelling.

4.11 The area of land to the front of the site is within the ownership of the applicant; however it is designated as Village Green. The Council's Legal Department have provided advice in this regard below. The open space to the site frontage is primarily grassed with landscaping where it abuts the former barn to which the application relates and a substantial mature tree within the north east of the site. There is a bus shelter, post box and public bench adjacent to the adopted highway.

HBC LEGAL COMMENT

4.12 As Commons Registration Authority the Council has the statutory duty to keep a Register of Towns and Village Greens under the Commons Registration Act 1965. According to Section 10 of that Act, entry on the Register is 'Conclusive Evidence' of status as a Town or Village Green. As Interim Chief Solicitor I am also, at the current time, the 'Proper Officer' for the purposes of the Commons Registration Act 1965 and therefore responsible for the keeping of the Register.

4.13 I can confirm that part of the land contained inside the 'red line' boundary of the current application (H/2017/ 0533) contains the area of land registered as Newton Bewley Village Green (VG46), a copy of the Register Plan is appended to this report at Appendix 1. The application for registration was made on the 27th April 1968 and, being undisputed, became final on the 1st October 1970. As of the date of this report the Council, as Registration Authority, has not received any notification from the

Secretary of State that any application has been made to amend or challenge the contents of the Register; I can therefore confirm that VG46 as defined on the Register Plan is a village Green.

4.14 The Register of Towns and Village Greens is available for public viewing by arrangement with the Landcharges Section in the Civic Centre.

PUBLICITY

4.15 The application has been advertised by way of neighbour letters (9no), site notice and a press notice. To date, seven objections have been received from neighbouring land users and one objection from the Parish Meeting. The objections received can be summarised as follows:

- The previous application did not include doors or windows facing the Village Green,
- The proposed footpath to the front of the site would remove shrubs and be detrimental to the appearance of the Village Green,
- Developers are taking advantage of a small number of residents unable to fight them,
- Building work has continued despite a lack of planning permission,
- Damage has been caused to the Village Green, shrubs uprooted and building materials placed on the green,
- The owner has not respected the wishes of the community or local authority,
- The building work contravenes the objectives of the Rural Plan,
- The Village Green is to be incorporated into the garden of the property but is for public use,
- Misuse of a Village Green is a criminal offence,
- The Council should enforce the law,
- Loss of light to neighbouring properties,
- Windows overlooking neighbouring properties,
- A mature tree on the site has been felled.

4.16 The period for publicity expired 06/06/18.

4.17 Copy Letters **C**

CONSULTATIONS

4.18 The following consultation replies have been received:

HBC Traffic and Transport – Local Plan policies do not permit the intensification of junctions with the A689 (see Highways section below). The buildings were previously used for farming therefore, I would not consider that the proposed dwelling would intensify the use of the junction. I have therefore no highway or traffic concerns.

HBC Public Protection – I would have no objections to this application subject to the following condition:

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.

HBC Heritage & Countryside (comments received prior to the adopted of the Local Plan 2018, references to emerging policies are therefore now adopted and reference to 'saved' policies are now deleted). The application site is adjacent to Manor House Farm, a locally listed building and therefore recognised as a heritage asset.

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

In relation to 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 asset (para. 135, NPPF).

Local Plan Policy HE12 of the adopted local plan recognises the importance of non designated heritage assets and seeks to protect them where possible. Further to this Policy HE5 of the emerging Local Plan states that where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale of the harm or loss against the public benefits of the proposal.

It is considered that the proposal will not significantly impact on the setting of the heritage asset; no objections.

HBC Engineering Consultancy – I have no objections to this application.

HBC Ecologist – No ecology survey is needed (NB: I visited the site on 03/10/2017).

NPPF paragraph 118 Biodiversity Enhancement

Paragraph 118 includes the bullet point: '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. This should be appropriate to the scale of the development and should be conditioned.

I recommend that a cluster of three integral bat bricks are built into the wall, high up near the eave, on the east or south facing side of the building.

Information on bat bricks can be found at:

A 1FE Schwegler Bat Access Panel: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en

Bat Winter Roost 1WI: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-b-p/?lang=en

More information is on the Schwegler website at: <http://www.schwegler-natur.de/fledermaus/?lang=en>

Ibstock products: <https://www.ibstock.com/wp-content/uploads/2015/01/AA6606-Portfolio-Eco-products.pdf>

HBC Landscape – no comments received.

HBC Countryside Access Officer – no comments received.

Tees Archaeology – Thank you for the consultation on this application. This building was subject to historic building recording in 2011 (HER Event 837) and no further work is required.

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 no comments to make.

Hartlepool Water – No comments received.

PLANNING POLICY

National Planning Policy Framework (NPPF)

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

4.20 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

Hartlepool Local Plan 2018

4.21 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
QP5	Safety and Security
QP6	Technical matters
NE6	Protection of Incidental Open Space
RUR1	Development in the Rural Area

HBC Planning Policy Comments

4.22 The proposed development is on land classed as the Newton Bewley village green and this is protected by Policy NE6 (Protection of Incidental Open Space). The village green contributes to the visual and recreational amenity for the residents and as such is highly valued. The proposed development will result in the loss of this valued incidental open space therefore Planning Policy objects to this development.

PLANNING CONSIDERATIONS

4.23 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, the impact on the adjacent locally listed building, and the impact on highway safety and parking.

PRINCIPLE OF DEVELOPMENT

4.24 The application site is within the Development Limits of Newton Bewley and therefore the principle of an additional residential unit within the village could be acceptable, however as the site also incorporates the Newton Bewley Village Green, which as incidental open space is protected under Local Plan Policy NE6, in this instance the proposal is considered contrary to policy.

4.25 This area of open space makes a valuable contribution to the appearance of the village and as an amenity. The use of the land as private space could not only result in members of the public being unable to make use of the land, but also has the potential to result in a change in the character and appearance of the land through the introduction of domestic paraphernalia that would be detrimental to the appearance of the site – e.g. washing lines, children's play equipment, garden furniture etc – without the need for planning permission. This is considered to be an inappropriate use of the land and potentially detrimental to the character and appearance of the village.

4.26 Policy NE6 states that the loss of incidental open space will be resisted except where "it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality." Newton Bewley is a small settlement with public open spaces being limited to the highway verge and the Village Green. Accordingly, the amenity provided by the application site is valuable and significant due to a lack of open spaces and greenery elsewhere. The proposals cannot therefore be said to accord with this policy or the objectives of the Hartlepool Rural Neighbourhood Plan.

4.27 Planning permission has previously been granted to convert the buildings to which this application relates to a single storey dwelling, as such a conversion per se could be considered acceptable. Notwithstanding that, the previous application did not include the area of open space to the north of the site within the red line boundary and therefore did not include the change of use of an area of public open space to private residential curtilage. The two applications are not therefore directly comparable.

4.28 The applicant has been advised that the Policy objection relating to the incorporation of the Village Green within the application site could be overcome by redrawing the red line boundary to exclude it; however they have declined to do so.

4.29 In view of the above, the principle of development cannot be supported and would warrant a reason for refusal of the application.

AMENITY OF NEIGHBOURING LAND USERS

4.30 The neighbouring properties to the north east of the application site are located approximately 17m away; this separation would mean there would be not be a significantly detrimental impact in terms of loss of light as a result of the increase in height of the buildings. Manor House Farmhouse to the west is approximately 8m away from the proposed dwelling and has only secondary windows in its side

elevation; accordingly it is not considered the increase in height of the building would be significantly detrimental in terms of loss of light.

4.31 The proposed development adjoins the building to the south that has been previously converted to a dwelling; however there would be a separation between the increased height of the building and principle windows in the neighbouring property of approximately 8m. This separation would be sufficient to avoid a significant loss of light to the neighbouring property as a result of the proposals.

4.32 The proposals include the introduction of two first floor windows within both the east and south elevations that would have the potential to overlook the neighbouring properties to the east and south. These windows each serve bedrooms; however they are secondary to additional windows in other elevations. The applicant has confirmed these windows would be opaque glazed and a condition could be imposed to secure this and restrict the openings if the application were considered to be acceptable in other respects to appropriately protect the privacy of those neighbours.

4.33 The proposals would see the introduction of windows along the west elevation serving principle rooms; these are opposite the side elevation of Manor House Farmhouse which contains secondary windows. The glazed entrance porch would be approximately 13m away, the dining room, kitchen and bedroom windows would be approximately 15m away. This separation is in excess of the minimum separation normally required between primary windows and a blank elevation in a neighbouring property of 10m, while the neighbouring property's side elevation is not blank the windows it contains do not serve primary habitable rooms and therefore it is not considered privacy would be so detrimentally affected to warrant refusal of the application.

4.34 Notwithstanding the above, a previous approval to convert the building to a dwelling could still be implemented as part of those works was commenced and therefore this arrangement could be achieved in any event. It is also considered the conversion of the buildings offer the opportunity for a sustainable reuse of an otherwise vacant building and this ought to be attributed weight in decision making.

4.35 The neighbouring properties opposite the site are in excess of 50m away, accordingly the proposed development would not have any impact on the amenity of occupants in terms of loss of light or privacy.

4.36 Although the design proposals are considered acceptable in terms of their potential impact on the amenity of neighbouring occupiers, given the confined nature of the site it would be considered necessary to impose conditions on any approval to restrict permitted development rights for external alterations and boundary enclosures to ensure changes could not be made in future without the Local Planning Authority assessing their potential to affect amenity.

4.37 In addition to the design considerations above, the Council's Public Protection team have confirmed they have no objections to the proposed development subject to a standard condition regarding hours of construction, which could be duly imposed should the application be considered acceptable in other respects.

CHARACTER AND APPEARANCE OF AREA

4.38 The alterations proposed to the building to form a two storey dwelling are considered to be sympathetic in terms of design, scale and use of materials to the host building itself as well as the character and appearance of the wider street scene. In principle therefore, the physical alterations proposed to the building as part of the development are considered to be acceptable.

4.39 As identified above, the change of use of the Village Green from a public open space to residential curtilage has the potential to detract from the character and appearance of the site as alterations that would not require planning permission could be carried out including the introduction of structures such as play equipment and other domestic paraphernalia.

4.40 The laying of a footpath on the Village Green would also result in the loss of a small proportion of the Village Green, which in itself would be contrary to local planning policies. A dwelling having access onto a Village Green is not necessarily unprecedented; however this could be better achieved with an alternative to hard surfacing, including taking access from within the internal courtyard rather than the north elevation of the building.

4.41 The Hartlepool Rural Neighbourhood Plan identifies that development should demonstrate “how the design helps to reinforce the existing streetscape or green public spaces by facing onto them”. While the proposed dwelling fronts the Village Green to the front, the incorporation of this land into the private domestic curtilage of the property would not reinforce the existing streetscape or green public spaces, as identified above.

4.42 Overall, it is considered that the scheme would be detrimental to the character and appearance of the area by virtue of both the proposed alterations and any potential developments that could be carried out in the future if a change of use of the land were to be allowed.

LOCALLY LISTED BUILDING

4.43 The farmhouse at Manor House Farm is locally listed and therefore a recognised heritage asset, accordingly the proposed development has the potential to impact the setting of the locally listed building. The farmhouse has historically been accompanied by agricultural buildings, the proposed alterations to the former barn would see it increase in height and introduce some domestic features to the building, such as dormer windows.

4.44 Notwithstanding the changes to the building proposed, the overall character of the group of buildings is not considered to be detrimentally altered. The farmhouse would retain its appearance as the more substantial building within a group of associated ancillary buildings. It is therefore considered that the setting of the heritage asset will not be significantly affected, as reflected in the comments received from the Heritage and Countryside Manager.

HIGHWAY SAFETY & PARKING

4.45 The application site takes access from the A689, which runs through the centre of the village. The Council's Traffic and Transport team have indicated that they would not wish to see an intensification of the use of access points to the A689 in line with Local Plan policy QP3, however as the site has previously been used for agriculture they do not consider the dwelling proposed to be an intensification. Accordingly, the principle of using the existing access arrangements for the dwelling proposed is considered acceptable, a view supported by HBC Traffic and Transport.

4.46 The proposals include two parking spaces within the curtilage of the dwelling, as such adequate parking provision is considered to have been made. The proposal is therefore acceptable in this respect.

OTHER PLANNING MATTERS

4.47 There have been no objections raised by technical consultees with respect to drainage, public rights of way and archaeology, as such the proposals are considered acceptable in those terms.

4.48 Objectors have raised concerns about works being carried out without planning permission being in place. This is acknowledged, however planning legislation allows for permission to be secured retrospectively and as the Council was working to secure a valid planning application it was not deemed appropriate to take enforcement action at that time. The applicant has been made aware that any works carried out without the benefit of planning permission is at risk. If it is determined that this application is unacceptable, it would then be necessary for the Council to determine whether formal enforcement action is required.

RESIDUAL MATTERS

4.49 While there are parallel objectives in preserving Village Green for its amenity value in planning terms, the enforcement of Village Green legislation is a separate legal process that is not governed by Planning legislation. As such, the depositing of building materials on the land would not have required planning permission and therefore any breach of Village Green legislation for impeding use of the land would need to be pursued via the relevant legal process.

CONCLUSION

4.50 The proposed development would see the creation of a dwelling within the development limits of Newton Bewley, making sustainable re-use of a dilapidated former agricultural building. Notwithstanding that, the proposals include the change of use of an area of public open space designated as Village Green to private residential curtilage. This would result in the loss of a recreational amenity and would be detrimental to the visual amenities of the village as a whole, contrary to Local Plan policies QP4 and NE6.

4.51 The application is considered to be unacceptable with respect to the above mentioned relevant material planning considerations and is considered not to be in

accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for refusal for the reason set out below.

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 not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason:

1. The proposed development would result in the loss of public open space in the form of the Newton Bewley Village Green, which would be detrimental to the visual amenities of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan 2018 policies LS1, QP4 and NE6, as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

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.

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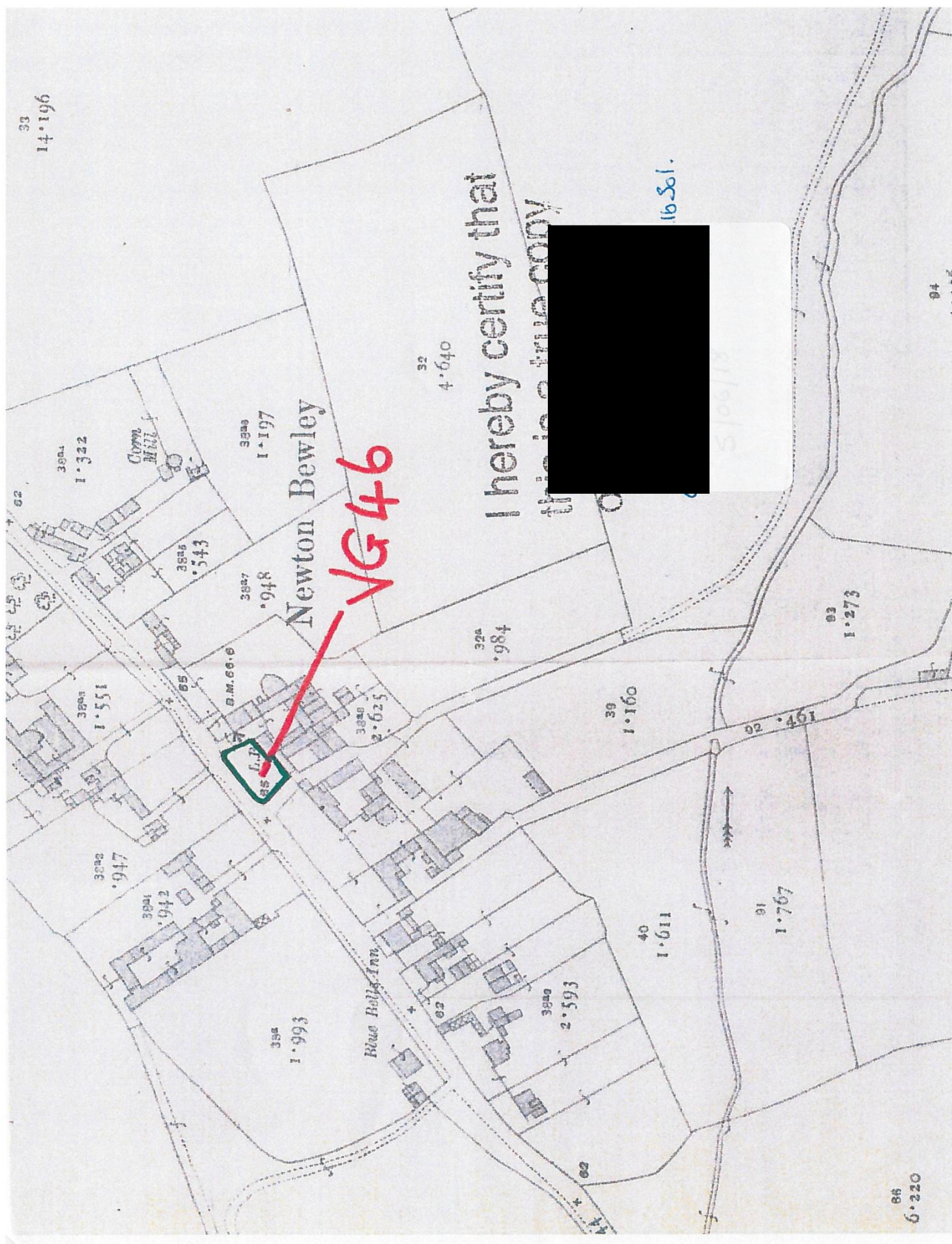
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APPENDIX 1: Newton Bewley Village Green (VG46) Register Plan



No: 5
Number: H/2018/0150
Applicant: BAM CONSTRUCTION LTD FIFTH AVENUE BUSINESS
PARK TEAM VALLEY TRADING ESTATE GATESHEAD
NE11 0HF
Agent: LICHFIELDS MR JONATHAN WALLACE THE ST
NICHOLAS BUILDING ST NICHOLAS STREET
NEWCASTLE UPON TYNE NE1 1RF
Date valid: 01/05/2018
Development: Demolition of existing school buildings and redevelopment
of the site to provide a replacement school building and
playing pitches along with car parking, hard and soft
landscaping and access arrangements
Location: HIGH TUNSTALL COLLEGE OF SCIENCE ELWICK
ROAD HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following applications are relevant to the current application site;

5.3 H/2007/0859 – Provision of tarmac cycle storage area – approved 14/01/2007.

5.4 H/2012/0600 – Erection of a new vehicle maintenance and construction workshop and associated external works including the provision of a flammable liquid store and fencing – approved 14/02/2013.

5.5 H/2014/0265 – Installation of curtain walling and replacement windows – approved 04/08/2014.

5.6 H/2016/0512 – Extension to existing cycle shelter – approved 13/01/2017.

5.7 H/2017/0194 – Prior notification for the proposed demolition and removal of 2 no portakabins to licensed tip – approved 02/05/2017.

PROPOSAL

5.8 Planning permission is sought for the demolition of existing school buildings and redevelopment of the school site to provide a replacement school building and playing pitches, car parking, hard and soft landscaping and access arrangements

5.9 The new school building will comprise a single three storey block of 8,375sqm to replace the existing low level buildings located centrally in the site. The proposal also includes the provision of a new sports hall which will be linked to the main school building.

5.10 The proposed new school will have a capacity of 1,370 students and 130 staff, in order to meet the projected growth in student numbers within the local area.

5.11 The new building will include a wide range of departments zoned around a central internal atrium, where the main hall, dining and activity area will be located. The departments include specialist teaching spaces for design technology and dedicated science labs. Externally, the proposals include new playing pitch provision, outdoor dining, SEN external play and an external social space.

5.12 The proposals retain the existing vehicular and pedestrian accesses off Elwick Road. The existing turning area will be retained to allow for service deliveries and turning area for large vehicles.

5.13 The new building will be sited towards the sites northern boundary, but to the south of the retained single storey building. The footprint of the new built development is located primarily on land currently occupied by a playing pitch. Compensatory pitches will be provided on the site of the demolished school.

SITE CONTEXT

5.14 The application site comprises an existing school site at High Tunstall, Elwick Road. The application site extends to approximately 13.7 hectares in area. The site is bounded to the north and east by Elwick Road and residential development. To the south, the site is bounded by playing fields, with residential development beyond (Coniscliffe Road). To the west the site bounded by playing fields, with residential development beyond (Keilder Road), the playing fields of West Park Primary School also bound the site in the south west corner.

PUBLICITY

5.15 The application has been advertised by way of site notice, press notice and neighbour letters (110). To date, there have been 4 letters of objection from neighbouring properties, these can be summarised as follows;

- Increase volume of traffic on Elwick Road generated by housing and A19 Elwick will increase the risk to students
- Concerns over land being raised
- Want assurance that hedge is retained (Keilder Road boundary) as this is a noise reducer
- Softer landscaping should be provided to avoid starkness of the building
- Noise issues

5.16 Copy Letters **D**

5.17 The period for publicity has expired.

CONSULTATIONS

5.18 The following consultation replies have been received:

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

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

HBC Economic Development – No objection.

HBC Engineering – I am satisfied with the site investigation data provided so will not require any condition to cover this.

In terms of surface water drainage, the scheme presented looks like a workable design however there is not enough information at this stage for me to approve, therefore can I request a surface water condition?

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

Tees Archaeology - The applicant has provided an archaeological evaluation of the proposed development area, consisting of geophysical survey and trial trenching. This has demonstrated that the site has low archaeological potential. No further archaeological investigation is required, and I have no further comments to make on the application.

HBC Ecology – UPDATE 14/06/18 (following the submission of further details);

Ecology position – no objection with conditions.

Preliminary Ecological Assessment (PEA)

I have read the A PEA report (prepared by Waterman Infrastructure and Environment Ltd) dated March 2017. Concern regarding Great Crested Newt are raised and are dealt with below. Concern regarding bats are raised and are dealt with below.

A Cotoneaster (*Cotoneaster horizontalis*) plant is present within the courtyard of building EFAA and should be removed and disposed of responsibly. This should be conditioned as follows:

Non-native Cotoneaster plants must be removed from the site. Cotoneaster plant material and contaminated soils are classified as controlled waste, and there is a legal requirement (Wildlife and Countryside Act 1981) to dispose of it via a registered waste carrier and a licensed landfill site. It is an offence to keep, treat, compost or irresponsibly dispose of waste that could harm the environment.

Great Crested Newt

I have read the submitted E3Ecology Ltd Great Crested Newt Survey [draft] report dated 28/04/2018. I am satisfied that the eDNA results for the two ponds (Pond 1 in the grounds and Pond 2 in an enclosed courtyard) were negative and that no further action is required.

I agree that the destruction of any ponds should be done to a precautionary working method statement, to ensure that any amphibians found (such as Common Toad which is a Local Biodiversity Action Plan species) are safely relocated. This should be conditioned.

Bats (European Protected Species)

A PEA report led to bat investigations and surveys. I have read the Bat Survey Report prepared by Dendra Consulting Ltd, dated 25/09/2017. This found two pipistrelle bat roosts in the building to be demolished (referred to as building EFAA). I am satisfied with the report and fully agree with the recommendations made in Section E 'Mitigation and Compensation'. The bullet points are captured in the two snips below and should be conditioned where appropriate. The registering of the site with Natural England for a low impact bat licence does not need to be conditioned as this is a legal requirement of the applicant.

The two bat roost boxes to be placed on the building EFAB which is not being demolished should be done prior to the demolition of building EWFAA – this should be conditioned.

The report refers, in E1.1 on page 18, to there being no requirement to provide permanent bat roosting opportunities within the new build. This is the legal position. However, to satisfy NPPF biodiversity enhancement I require integral bat roost bricks to be built into the new structure. See NPPF below.

Birds

I am satisfied that the better habitats for on-site birds (section 5.17 of the PEA) are to be retained and will not be disturbed.

The following should be conditioned:

Demolition of building EFAA should be undertaken outside of the breeding bird season (March to August inclusive). However, if works cannot be undertaken outside the breeding bird season an ecologist will inspect any area to be removed with the potential to support nesting birds. An experienced ecologist will be deployed to carry out an inspection at least within 24 hours prior to the clearance. If an occupied nest is detected, an appropriate buffer zone will be created around the nest, and clearance of this area delayed until the young have fledged.

NPPF paragraph 118 Biodiversity Enhancement

NPPF Paragraph 118 includes the bullet point: '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. This should be appropriate to the scale of the development and should be conditioned.

Habitats for biodiversity and environmental education

In my earlier response I queried the apparent lack of habitat retention and creation, both for wildlife and for educational use. I have now had the opportunity to read the

PEA and see reference to areas of habitat that will be retained. Further, Robert Dibden of Lichfields (email dated 13/06/2018) has confirmed that Pond 1 is to be retained and I am satisfied with this.

RD has also confirmed that the landscaping proposals are to include an area of species-rich grassland and I am satisfied with this. This should be included in a landscape and maintenance plan and conditioned.

Section 5.19 of the PEA recommends that proposed landscaping incorporates native flower, seed and berry producing species within any planting schemes, providing a variety of foraging resources for bird species.

Section 5.22 of the PEA recommends that Landscape design should include native plant species to attract butterflies and moths into the area. It is recommended that planting plans include blue or pink flowers to attract butterflies and pale flowers that reflect the light and are strongly scented at dusk to attract moths. Tubular or bell-shaped flowers should also be included within the proposed landscape scheme to attract bumblebees, solitary bees and the domestic honey bee.

A landscape and maintenance plan should be prepared which includes these or similar recommendations. This should be conditioned.

Bat and bird boxes

The PEA recommends the provision of nest boxes and this is a measure that I covered in my earlier response. RD has confirmed that BAM are able to provide 9 N^o. bat bricks and 9 N^o. swift bricks along the eastern and western elevations of the new school building (the north- and south-facing elevations of the scheme comprise almost entirely composite cladding, making it problematic to install bat and swift boxes/bricks). I am satisfied with this and it should be conditioned.

Conclusion

With the above conditions I am now satisfied that the scheme is ecologically sound and I have no further objection.

HBC Arboricultural Officer – I have looked at the latest revision of the High Tunstall School development and I am emphasising that the following comments are incorporated in the decision notice.

All trees within proximity of building works/ground operations are safeguarded by temporary protective fencing as described in Section 6 of the “Tree Protection Measures” within the “Arboricultural Tree Constraints Assessment” dated April 2017 and shown on plans 1 & 2 reference WIE-SA-77-049 A01. In addition to this all landscaping will be carried out as shown on plans 111748-ONE-ZO-XX-DR-L-0201-S2-P1 and 111748-ONE-ZO-XX-DR-L-0102-S2-P10.

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

I can't find anything to do with deliveries in 4.45 on page 56.

The only mention of delivery times is in Sec 2.32 where it seems to state that deliveries arriving between 6:30am and 7:30am will be parked up. Does this mean that HGV's and large lorries will be driving across the site as early as 6:30. If not where are they parking them up at? I do not want lorries driving across the site at 6:30am in view of the properties at Kielder Road as it will inevitably result in noise complaints.

The front contacts sheet still needs updating. There is no A&E at Hartlepool and our contact number is 01429 284042 which is the direct number to our admin team. The EA do not have a local office in Hartlepool. Their contact route is via 0800 807060.

Otherwise I am happy with the plan.

HBC Traffic and Transport – The proposed school utilises the existing school access points.

The car park has been extended in several locations to accommodate 162 vehicles the level of parking is of the required standard set out in the HBC Design Guide and Specification. The proposed layout of the proposed extra car park is acceptable. Existing car parks are being maintained.

Cycle parking should be provided for children and staff a minimum provision of 1 space per 10 members of staff. This is not detailed in the application.

A Construction Management Plan should be conditioned which details delivery routes, the site should be accessed from the A179 /Hart Lane / Dunston Road (deliveries should be advised to avoid school arrival and leaving times). However It should be noted that the recent planning committee required all major developments to have wheel bath facilities on site. The facilities provided at the English Martyrs School Site would be ok.

UPDATE 21/06/18: I can confirm that I am happy with the proposed additions to the CMP.

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

Cleveland Fire Brigade – 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.

From previous discussions it has been acknowledged that the new build premises will be fitted with a sprinkler system.

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

Cleveland Emergency Planning Officer – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

Environment Agency – No representations received.

Hartlepool Water – No representations received.

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

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

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

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

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

How to Satisfy The Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance

can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Natural England – Natural England has no comments to make on this application.

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

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

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

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

Cleveland Police – I understand that this development does not wish to achieve Secured by Design accreditation I would still recommend that crime and community safety is taken into consideration to help provide a safe and secure environment and reduce opportunities for crime and disorder.

Layout

The rear of the school to the west location should be kept secure from casual intrusion I notice there is a proposed secure line towards the main entrance to the school I am not aware if there is such a secure line to the side of sport entrance if not I would recommend a similar secure line to this area. Any proposed cycle storage should be as close to the main school building as possible with clear observation from an active room. Car parking areas should also have similar points. Outside dining area should also be observed from active rooms with fittings and fixture robust to deter damage.

Lighting

In general lighting can deter crime and reduce the fear of crime Car Parking areas and footpaths should be well lit ideally to the requirements BS5489-2013 All entrance doors to school should have dusk/dawn lighting.

Physical Security

I would recommend the use of laminated glass minimum 6.8mm to all ground floor and any easily accessible windows All doors and windows should deter unauthorised access ideally be certified PAS24:2012 or a similar standard. Any proposed curtain walling and window walls should be installed using a secure glazing retention system. The proposed sprinkle system should be kept secure with no easy access available to this area. Reception area needs to be designed to offer protection of staff and access control should be in place to deter unauthorised to the private area of the school. A personal alarm function linked to the main alarm system is recommended. The use of CCTV is recommended particular to reception area. Reception desks should be high and deep enough to offer protection of staff and provide staff a clear view of the approach to the school and waiting area. Secure mail delivery should be in place Monitored alarm system with a Police response is recommended.

Sport England - This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

‘The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.’

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

The proposed new teaching block will be constructed on playing field land which currently accommodates a football pitch as well as a hard-surfaced play area. Once completed it allows the demolition of a range of school buildings situated to the north of the school’s gravel athletics track, and the creation of an area of replacement playing field. The net result is an increase in playing field area. Subject to the imposition of conditions which secure the quality of the replacement playing field area, the proposal is considered to meet playing field policy exception E4.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 4 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

1. Within six months of the demolition of the redundant school buildings the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
2. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation with the replacement playing field being available for use within 18 months of the completion of demolition works. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the replacement playing field is prepared to an adequate standard and is fit for purpose.

2) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing field and sports hall and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

*Informative: Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>*

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

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

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

If you would like any further information or advice please contact me at the address below.

UPDATE 21/06/18 - I reviewed the wording of the condition we'd requested at English Martyrs and the time trigger in the first sentence in the requested condition there read;

"Within 6 months of the commencement of use of the new school block"

Given that the contractors will have to demolish and grub out the vacated buildings and then carry out an analysis of ground conditions I think this timeframe should be inserted into the front end of the High Tunstall condition in place of the erroneous "(a) Within one of the demolition of the redundant school buildings".

PLANNING POLICY

5.19 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)

5.20 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.

5.21 The following paragraphs in the NPPF are relevant to this application:

Paragraph 002: Application of planning law (development plan and material considerations)

Paragraph 006: Purpose of the planning system – creation of sustainable development
 Paragraph 007: Three dimensions to sustainable development
 Paragraph 013: The National Planning Policy Framework constitutes guidance
 Paragraph 014: Presumption in favour of sustainable development
 Paragraph 017: Core planning principles
 Paragraph 032: Transport Statement or Transport Assessment
 Paragraph 034: Minimise the need to Travel
 Paragraph 036: Travel Plan requirement
 Paragraph 037: Minimise journey lengths
 Paragraph 056: Design of the built environment and its contribution to sustainable development
 Paragraph 057: High quality inclusive design
 Paragraph 061: The connections between people and places
 Paragraph 064: Improving the character and quality of an area
 Paragraph 066: Community involvement
 Paragraph 072: Sufficient choice of school places
 Paragraph 096: Minimise energy consumption
 Paragraph 196: Primacy of the Development Plan
 Paragraph 197: Presumption in favour of sustainable development.
 Paragraph 203 – 206: Planning Obligations

Adopted Hartlepool Local Plan 2018

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

NE2 (d): Green Infrastructure – outdoor sport including playing fields
 NE5: Playing Fields, Tennis Courts and Bowling Greens
 SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy
 CC1: Minimising and Adapting to Climate Change
 CC2: Reducing and Mitigating Flood Risk
 INF4: Community Facilities
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters

Tees Valley Minerals DPD

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

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

MWP1: Waste Audits

5.25 HBC Planning Policy comments (summarised) - The proposal is deemed acceptable despite being on existing playing fields as compensatory provision of the playing fields is being made where the existing building is – this means there is no net loss of playing field land meaning the scheme is acceptable to Sport England. The proposal is broadly in compliance with other. In line with Policy QP5, Planning Policy are pleased to note that a sprinkler system has been included as part of the design to help ensure the safety of building over time if a fire were to occur. Planning Policy would not object to the application on the basis that it is financially unable to provide renewable energy.

PLANNING CONSIDERATIONS

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

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

PRINCIPLE OF DEVELOPMENT

5.28 The application site comprises an established school, within a sustainable location, within the limits to development of the adopted Hartlepool Local Plan (2018). Within the adopted Hartlepool Local Plan, the school buildings are on white land with the playing fields to the west and south of the buildings are covered by policy NE5 (Protection of Playing Fields).

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

5.30 Policy NE5 stipulates that the loss of playing fields will only be acceptable where they are replaced by new provision which is at least comparable in terms of facilities, amenities and location or where school expansion or re-building takes place and the loss of some playing field land does not prejudice its overall integrity.

5.31 The Council's Planning Policy section has advised that the proposal is broadly in line with the policies within the adopted Hartlepool Local Plan 2018, therefore there are no planning policy objections to the application. The application is therefore considered to be acceptable in principle subject to the satisfactory provision of compensatory playing fields and the consideration of all other relevant material planning considerations, as set out in detail below.

PLAYING PITCHES

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

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

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

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

5.35 The existing playing fields area cumulatively provides an area of 66,261 sqm, it is acknowledged that a small proportion will be lost to the new school block. Once the redundant school buildings are cleared, a new area of playing field would be created which will provide an increase in overall playing field area of 66,511 sqm. As such the quantitative element of exception E4 is considered to be met. The replacement playing field area is considered conducive to the setting out of playing pitches.

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

5.37 Sport England has therefore confirmed that they raise no objections to the application subject to the abovementioned planning condition, which is recommended accordingly.

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

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

ENERGY EFFICIENCY AND RENEWABLE ENERGY

5.40 In determining applications for planning permission, due regard should also be had to NPPF paragraph 96 in ensuring that the design and layout of the site seeks to minimise energy consumption. Discussions have taken place with the developer and the developers have noted that energy efficiency has been carefully considered and the building designed to be as energy efficient as possible without impacting on the operation of the building. The building provides a reduction in energy consumption of 7.5% compared to the minimum Building Regulations (Part L) standards. This corresponds to a reduction in CO2 emissions of 10.5%. The feasibility study which was submitted to support this was considered and the advice of Building Control sought – no significant issues or abnormalities with the assumptions were noted and therefore the Council's Planning Policy team consider this to be acceptable, however it is noted this falls short of the requirements of policy QP7 (Energy Efficiency).

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

5.42 The Low and Zero Carbon Technologies feasibility study submitted by the applicant does look at the feasibility of a range of renewable energy sources for the site. It concludes that a PV array contributing approximately 16,800kWh per year provides a 2.6% contribution to energy consumption, and pays back in approximately 7 years. The PV system also provides a significant carbon dioxide emissions reduction of 5.2%. Following the initial feasibility assessment outlined previously, the implementation of a photovoltaic array is deemed the most appropriate technology for High Tunstall School, should it be required. The cost of this element 16,800kWh scheme is estimated at £27,000 but pays for itself in 7 years.

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

5.44 With respect to the energy efficiency and renewable energy provision, where these do not meet the requirements of policies QP7 and CC1 respectively, the normal procedure with a housing scheme or business would be to require a viability assessment to assess whether this stance was justified. However, given this proposal is for an educational facility which is a not for profit business which is reliant

on significant grant funding to construct, the Council's Planning Policy section have advised that it would be unreasonable to require a viability assessment in this instance. Funding is also being put into the scheme from the Local Education Authority, however as a wider authority there are no funding streams which would be available to put in place the renewable element at present that the Council's Planning Policy section are aware of.

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

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

PLANNING OBLIGATIONS

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

IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

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

5.49 The Hartlepool Local Plan 2018 advise that development should be of a scale and character which is in keeping with its surroundings. Policy QP4 (Layout and Design of Development) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting through appropriate layout, scale and form, the use of a variety of appropriate design elements and a mix of materials and colours amongst other considerations.

5.50 The existing buildings to be demolished are of a design typical of school buildings of this age, comprising a number of 1, and 2 storey blocks featuring flat roofs and a mixture of brown/buff brick and cladding panels with glazing above. The existing buildings appear dated and in parts are in a state of disrepair.

5.51 The proposed new school building will be located behind block EFAB, offset to the east as to provide a prominent entrance on the corner, visible on entering the site from Elwick Road. The northern section of the building will be rectangular in layout,

articulated by indents that form main points of entry or external covered spaces. The southern section of the building, a 4 court sports hall, will be attached with a single storey link integrating it into the main block. The main building provides a secure lobby area for visitors to the school which incorporates a large glazed frontage, whilst the pupil entrance is located on the east side of the building and is demarcated by a double height glazed space. The triple height dining space operates as a 'food court'. The dining area has been designed to use flexibility throughout the day, providing meeting spaces and group working areas. The remainder of the building features standardised window designs with slate grey cladding infill, and a mixture of brick work. It is considered that the main school building will be of a design and style that is characteristic of a modern school building.

5.52 In respect of the materials and design, it is considered that the proposal would create a contemporary building which, whilst distinct from its immediate surroundings and larger in scale, will appear unobtrusive in the street scene and is typical of a school site. The building is considered to be fit for the modern operational function of a contemporary educational facility and in terms of visual impact is considered to be acceptable on the site.

5.53 Site levels and sections have been provided which indicate re-profiling of the development site. The site ground level sits lower to that of the adjacent residential properties on Kielder Road. The re-profiling works are required to ensure that the school playing fields are level. It is not considered that the changes would have a significant impact upon the area, in terms of visual impact.

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

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

LANDSCAPING

5.56 The application is accompanied by a landscaping plan and planting plan. The proposed landscaping arrangements include the provision of amenity/sports grass to serve the new playing fields and other amenity spaces within the site (including where buildings are to be demolished),

5.57 The Council's Arboricultural Officer has been consulted on the application and has advised that the proposed indicative layout shown on the submitted landscape plan is acceptable.

5.58 The Council's Arboricultural Officer is therefore satisfied with the landscaping proposals and has no objections to the application, provided the works are carried out in accordance with the submitted details and subject to a standard landscape maintenance condition. There are a number of trees and hedges that are to be retained within the site, these will require protection during construction of the new school, it would be prudent to secure this by appropriate planning condition. Planning conditions to this effect are recommended accordingly.

5.59 The proposal is therefore considered to be acceptable in this respect subject to the abovementioned planning conditions.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

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

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

5.62 Objections have been received from neighbouring properties with regard to the position of the new school building, the height and the difference in levels between the school site and Kielder Road.

5.63 The proposed main school building is located to the west of the existing school buildings to be demolished. The main school building overlooks the playing fields to the east with ancillary buildings beyond, whilst to the west the building looks onto playing fields with residential properties beyond (Kielder Road). There is a separation in excess of 100 metres (approx) from the residential properties which are adjacent to the school site to the west. There is an existing hedge, which runs the length of this boundary which is to be retained. The school site slopes away from the residential properties on Kielder Road. There are some areas of the site which requires re-profiling, although this is not considered to be done to such a degree that it will have a significant impact upon the residential properties. Level and section details have been submitted and are considered acceptable. The proposed building does not directly overlook any neighbouring residential properties in this direction. It is therefore considered that there will be no appreciable impact on the amenity and privacy of neighbouring land users to the west.

5.64 To the north, the school site is bounded by Elwick Road. The proposed main school building is set back off the northern boundary of the site by a satisfactory distance in excess of 100 metres (approx) and is partially screened by an existing single storey school building which is to be retained. It is therefore considered that there will be no appreciable impact on the amenity and privacy of neighbouring land users to the north.

5.65 To the east, the eastern elevation of the proposed main school building features the principal elevation, including the large glazed entrance atrium and large vertical windows. Whilst this elevation features significant amounts of glazing, the proposed building overlooks the newly formed play pitch with ancillary school buildings

beyond. Whilst there are residential properties beyond the ancillary buildings there is in excess of 150m (approx) between these properties and the new school building. It is therefore considered that there would be no appreciable impact on the amenity and privacy of neighbouring land users to the east.

5.66 To the south, the proposed main building is located in excess of 200m (approx) from residential properties at Coniscliffe Road. It is considered that there would be no appreciable impact on the amenity and privacy of neighbouring land users to the south.

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

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

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

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

HIGHWAY AND PEDESTRIAN SAFETY

5.71 With respect to highway and pedestrian safety, the proposed development will use the existing school access points. The car park has been extended in several locations to accommodate 162 vehicles.

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

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

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

FLOOD RISK AND DRAINAGE

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

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

5.76 Northumbrian Water has advised that they would have no objections subject to foul water drainage details being submitted and this can be secured by appropriate condition.

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

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

ECOLOGY

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

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

5.81 Following the submission of the Preliminary Ecological Assessment (PEA) report details of a *Cotoneaster horizontalis* plant has been highlighted as present within the courtyard of the main building and will need to be removed and disposed of under controlled conditions, this is a legal requirement under the (Wildlife and Countryside Act 1981) the applicant is aware of this. This is outside of the planning

control and addressed under separate legislation, an informative will be added accordingly.

5.82 Whilst the PEA has highlighted that there are two ponds within the school site, there was no evidence of Great Crested Newts or other amphibians being present, however an informative will be required to highlight measures that would be needed should amphibians be found and safely relocated.

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

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

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

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

LAND CONTAMINATION

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

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

ARCHAEOLOGY AND HERITAGE

5.89 The application is accompanied by a geophysical survey of the area proposed for the new school building. Tees Archaeology has been consulted on the application and has recommended that no further evaluation work is required. Tees Archaeology therefore has no objection to the proposal and has advised that they have no further comments to make. The application is therefore considered to be acceptable with respect to matters of archaeology.

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

WASTE MANAGEMENT

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

OTHER PLANNING MATTERS

Safety and Security

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

Fire Safety

5.93 The proposal includes a sprinkler system to be incorporated within the design of the new building (with external compound to the south west corner of the building) in accordance with policy QP5 of the Hartlepool Local Plan. Cleveland Fire Brigade have been consulted and raised no objections to the proposals that include the sprinkler system. Final details of the sprinkler system and associated infrastructure can be secured by condition.

Community Use

5.94 High Tunstall College of Science does not currently offer community access. However, the Life Centre which forms part of the school's wider campus (and which would be retained) provides a range of community facilities open to members of the public on a membership or casual basis. Facilities include cardiovascular equipment, weight lifting equipment and swimming pool. Personal training and weight management programs are also available. The Life Centre is open seven days a week, and has a swimming pool which is open from Monday to Thursday.

5.95 Following the determination of the current application, however, the school are keen to explore opportunities to encourage public access to the new school and the building has been designed to allow for potential community use of the sports hall.

5.96 Sport England have been consulted and is aware that the school is looking to provide community use within the school, however in line with Government advice it would be prudent to condition the requirement for a Community Use Agreement.

CONCLUSION

5.97 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the policies of the 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

5.98 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.99 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.

5.100 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 111748-ONE-Z0-XX-DR-L-0101-S2-P02 (Location Plan), 111748-ONE-Z0-XX-DR-L-0108-S2-P02 (Proposed Block Plan), 111748-ONE-Z0-XX-DR-L-0401-S2-P02 (Site Sections), 111748-ONE-Z0-XX-DR-L-0106-S2-P02 (Existing and Proposed Playing Field Arrangement), 111748-ONE-Z0-XX-DR-L-0104-S2-P03 (Fencing Strategy), 111748-BMD-ZF-XX-DR-A-13000-P5 (Sections), 111748-BMD-ZF-OO-DR-A-14501-P9 (Ground Floor - Departments), 111748-BMD-ZF-01-DR-A-14502-P7 (First Floor - Departments), 111748-BMD-ZF-02-DR-A-14503-P8 (Second Floor - Departments), 111748-BMD-ZF-03-DR-A-11003-P8 (Roof - GA), 111748-BMD-ZF-XX-DR-A-12002-P5 (Elevations - South and West), received by the Local Planning Authority on the 27th April 2018, WIE10720-104-SA-77-049-A01 (Arboricultural Tree Constraints Assessment Sheet 1 of 2) and WIE10720-104-SA-77-049-A01 (Arboricultural Tree Constraints Assessment Sheet 2 of 2) received by the Local Planning Authority on 30 April 2018,

111748-BMD-ZF-XX-DR-A-12001-P6 (Elevations - North and East), received by the Local Planning Authority on the 4th May 2018, 111748-BMD-ZF-ZZ-DR-A-18243-P01 (External Materials Sample Panel), 111748-ONE-ZO-XX-DR-L-0201-S2-P02 (Soft Landscape Proposals) received by the Local Planning Authority on 29th May 2018, 111748-ONE-ZO-XX-DR-L-0403-S2-P02 (Proposed Indicative Levels and Contours sheet 1 of 2), 111748-ONE-ZO-XX-DR-L-0402-S2-P02 (Proposed Indicative Levels and Contours sheet 2 of 2), 111748-ONE-ZO-XX-DR-L-0102-S2-P10 (Hard and Soft Landscape General Arrangement) received by the Local Planning Authority on the 11th June 2018. For the avoidance of doubt.

3. No development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
4. No 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.
5. Notwithstanding the submitted information, a Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The scheme shall include a timetable for any land affected by the construction or demolition works to be made good following completion of the development. The development shall thereafter be carried out in accordance with the agreed scheme and timetable.

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

6. Prior to the commencement of development, a scheme to encourage reasonable steps to secure local training and employment shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme. To assist in ensuring that Hartlepool's economy grows sustainably in accordance with emerging policy QP1 of the emerging Hartlepool Local Plan and the adopted Planning Obligations SPD.
7. (a) Within 6 months of the commencement of use of the new school block the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation and in any event not later than 18 months after the occupation of the school block. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy NE5 of the Hartlepool Local Plan.
8. Notwithstanding the submitted details and prior to the commencement of development details of the landscaping, tree and shrub planting shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details for the creation of species rich grassland and wild flower seed mix. 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 buildings or the completion of the development whichever is sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
9. All trees and hedges within proximity of building works/ground operations and hedges along the western boundary (adjacent Kielder Road) shall be safeguarded by temporary protective fencing as described in Section 6 of the "Tree Protection Measures" within the "Arboricultural Tree Constraints

Assessment" dated April 2017 and shown on plans WIE-SA-77-049 A01 sheets 1 and 2 (Arboricultural Tree Constraints Assessment) received on the 27th April by the Local Planning Authority.

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

10. Notwithstanding the submitted information, final details of means of all boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the school building(s) hereby approved. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
11. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Project Resource Management Plan received 27th April 2018 by the Local Planning Authority. To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
12. No construction/building or demolition works shall be carried out except between the hours of 8:00am and 6:00pm on Mondays to Fridays and between 9:00am and 1:00pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
13. Prior to the commencement of development the hours for deliveries associated with the construction phase of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall operate solely in accordance with the agreed hours.
To avoid excessive noise and disturbance to the occupants of nearby properties.
14. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds.
15. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.
In the interests of highway safety.

16. Prior to the occupation of the school buildings hereby approved, details of a scheme for the installation of a sprinkler system within the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any ancillary buildings, equipment or structures required for the operation of the sprinkler system. Thereafter the development shall be carried out in accordance with the approved details before the occupation of the buildings hereby approved and shall be retained for the lifetime of the development, unless any variation to the scheme is agreed in writing with the Local Planning Authority.
In the interests of fire safety and to accord with the provisions of emerging Local Plan Policy QP5 which states that all new developments should adhere with national safety standards as set out by central government.
17. The development hereby approved shall be carried out in accordance with the details provided within the submitted Low and Zero Carbon Technologies Feasibility Study dated 20/12/2017 (received 27th April 2018 by the Local Planning Authority) and section 6(Sustainability) of the submitted Design and Access Statement (received 4th May 2018 by the Local Planning Authority). To ensure a sustainable form of development which minimises energy consumption to comply with paragraph 96 of the NPPF.
18. Notwithstanding the details submitted within the application and prior to the occupation of the school building(s) hereby approved, full details of the appearance, layout and scale of the bin store and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
In the interests of visual amenity.
19. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
In the interests of visual amenity.
20. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.

21. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks shall be carried out in accordance with the following submitted plans; 111748-ONE-ZO-XX-DR-L-0401-S2-P02 (Site Sections), 111748-BMD-ZF-XX-DR-A-13000-P5 (Sections) received by the Local Planning Authority on the 27th April 2018 and 111748-ONE-ZO-XX-DR-L-0403-S2-P02 (Proposed Indicative Levels and Contours sheet 1 of 2) and 111748-ONE-ZO-XX-DR-L-0402-S2-P02 (Proposed Indicative Levels and Contours sheet 2 of 2), received 11 June 2018 by the Local Planning Authority.
In the interest of visual amenity and the amenity of neighbouring land users.
23. Prior to the demolition of the school buildings, two bat roosting boxes shall be provided on building EFAB as identified within the Bat Survey (dated 25 September 2017) received by the Local Planning Authority on the 5th June 2018. In accordance with the requirements of condition 24, details of the boxes shall be submitted to and agreed in writing with the Local Planning Authority, thereafter the approved scheme shall be implemented in accordance with the approved details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
24. Prior to the commencement of development details of bat bricks (9 in total) and swift bricks (9 in total) to be installed along the eastern and western elevations of the new school building shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and retained in accordance with the approved details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
25. Notwithstanding the submitted details and prior to the erection of the proposed substation hereby approved, full details of the proposed substation shall be submitted to and agreed in writing by the Local Planning Authority. This will include final details of the construction and appearance of the substation, including all external finishing materials, finished levels and technical specifications. The substation shall thereafter be constructed in accordance with the approved details.
In the interest of visual amenity and the amenity of neighbouring land users.
26. The external materials shall be carried out in accordance with the submitted details on Dwg No: 111748-BMD-ZF-ZZ-DR-A-18243-P01 (External Materials Sample Panel) received by the Local Planning Authority on the 29th May 2018 unless an alternative scheme of materials is agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
27. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and sports hall and

include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

BACKGROUND PAPERS

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

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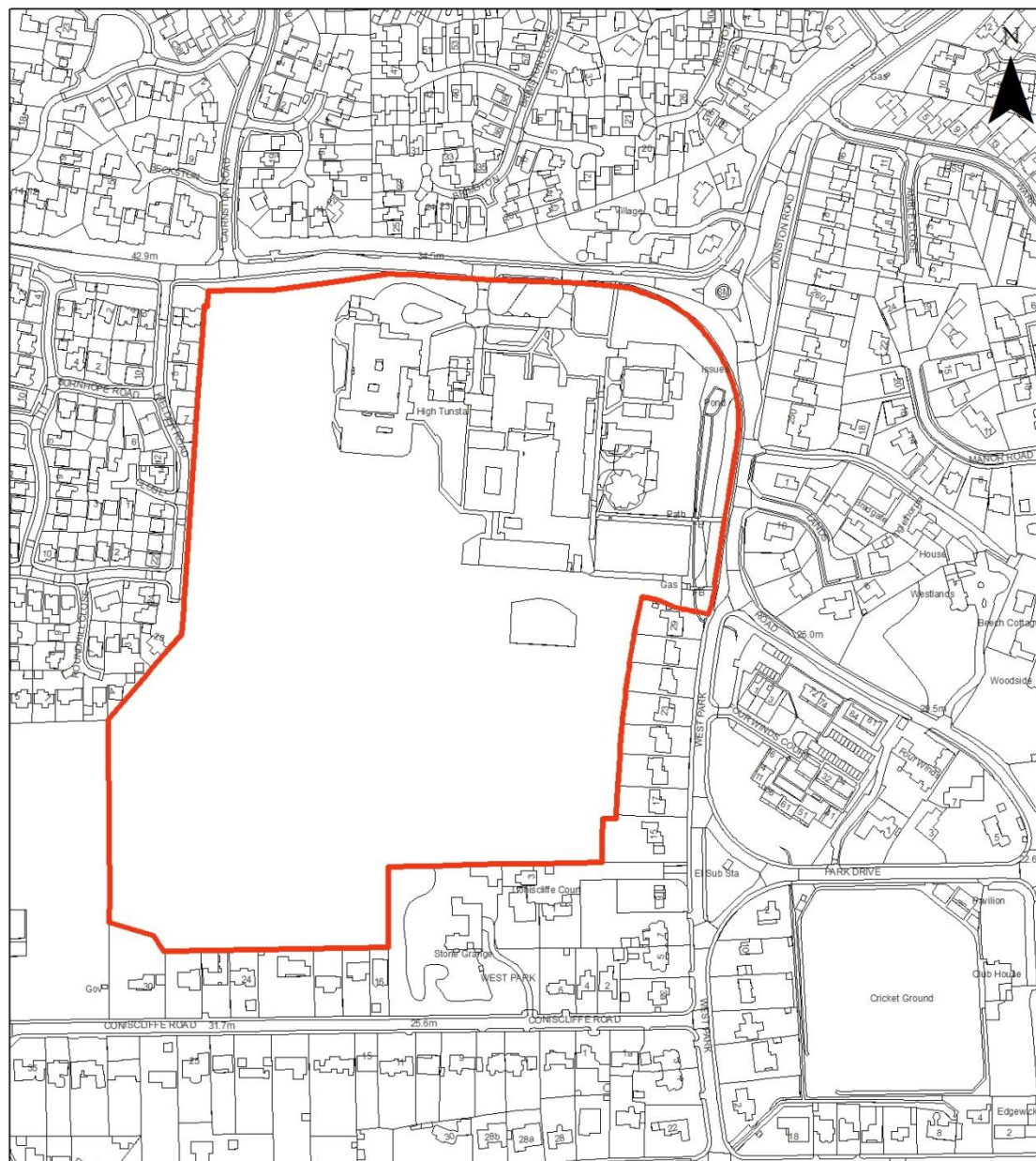
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Tunstall School, Elwick Road



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HARTLEPOOL BOROUGH COUNCIL Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 22.6.18
	SCALE 1:3,500	
	DRG.NO H/2018/0150	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

4th July 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT LAND TO THE NORTH OF
VOLTIGEUR DRIVE AND OTTERINGTON CLOSE,
HART VILLAGE
APPEAL REF: APP/H0724/W/18/3195143
3no detached residential units (H/2017/0366).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been determined against the decision of the Council to refuse planning permission for 3no detached residential units.

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

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appeal Decision

Site visit made on 11 May 2018

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 08 June 2018

Appeal Ref: APP/H0724/W/18/3195143

Land to the north of Voltigeur Drive and Otterington Close, Hart Village TS27 3BX

- 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 Stephen Seymour against the decision of Hartlepool Borough Council.
 - The application Ref H/2017/0366, dated 21 June 2017, was refused by notice dated 18 August 2017.
 - The development proposed is 3 no. detached residential units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the special interest, including the setting, of Church of St Mary Magdalene, which is listed grade I, and whether the appeal site, in principle, is a sustainable location for the proposed development, having regard to the relevant policies.

Reasons

Setting of the listed building

3. The appeal site lies on agricultural land to the east of the Church of St Mary Magdalene, which is listed grade I. The National Planning Policy Framework (NPPF) sets out that heritage assets should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight should be. Grade I buildings are particularly important buildings, and form only a small proportion of all listed buildings. The NPPF makes clear that significance can be harmed by development within the setting of a heritage asset.
4. The setting of a heritage asset is defined in the NPPF (Annex 2: Glossary) as the surroundings in which it is experienced. The extent of setting is not fixed and may change as the asset and its surroundings evolve. Elements of the setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance, or may be neutral.

5. The church dates from the late C11 to early C12, with subsequent additions and alterations. The significance of the church lies in its fine architecture and the sequence of physical changes it has undergone, its historic relationship to the manorial complex and the remainder of the village to the south, and its value as a focus of communal life in the area. The distance of the church from the main body of the village speaks to its high status, and also its function as a place of worship. The main approach to the building is a path from the south, and a further path leads to the east through the graveyard.
6. The open land to the north and east underlines the relative isolation of the church, and enhances the quiet, tranquil atmosphere of the church grounds. It also provides a peaceful backdrop for those visiting the graveyard. To the east, long range views to the sea are available from the higher land close to the church building, giving a sense of expansiveness within the setting that contrasts with the relative confinement of the village. These attributes make a positive contribution to the setting of the listed building, and enhance the experience of it.
7. The proposal would create three new detached dwellings with an access taken from Otterington Close. There is no dispute between the main parties that the appeal site falls within the setting of the listed building. The site currently appears as an open, undeveloped area of agricultural land that forms part of the rural backdrop of the church. The development would extend the built form of the village northwards, encroaching into the open setting of the church.
8. As a result, there would be an increased sense of enclosure within the church yard, which would harmfully detract from the experience of visiting the heritage asset. The sense of isolation, which adds to the understanding and experience of the heritage asset, would be substantially reduced. There is little evidence to show that the longer range views towards the sea would be preserved, and so the sense of openness that is currently associated with the church and its grounds would be unacceptably diminished.
9. On my site visit, I noted that planting has taken place along the eastern boundary of the church grounds, which would be retained by the proposal. A further band of planting would be introduced immediately to the west of the development. The appellant states that no part of the development would be visible once the screening was established. However, this would depend on the density of the planting, which could be variable and difficult to control. Furthermore, the presence of soft landscaping could not be relied upon to mitigate the harmful impact of the new development as planting could be cut back and removed at any time.
10. The presence of the development and the fundamental change to the character of the land would still be apparent, and street lighting would be prominent at night. The proposed reduction of the ground levels and the detailed design of the new houses would not ameliorate these effects. Moreover, the need for such mitigation measures serves to underline the inappropriate visual impact of such a development within the setting of the listed building.
11. I have had regard to the previous appeal decision¹ in relation to the site, which related to an outline proposal for five dwellings. I accept that the dwellings proposed within the current scheme would be located at a greater distance

¹ APP/H0724/W/16/3143528

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from the church, in excess of 136m from it, and that this would exceed the distance between the church and a number of existing developments. However, these factors would not overcome my concerns about the acceptability of the scheme, and the presence of the existing developments would not justify the further intrusion into the open space around the church.

12. I therefore find that the setting of the listed building would be unacceptably harmed by the proposed development. Accordingly, the proposal conflicts with the overarching statutory duty on the decision maker, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural interest it possesses. This duty is to be given considerable importance and weight. In addition, it would fail to comply with Policy HE8 of the Hartlepool Local Plan (LP), which relates to works affecting both listed buildings and their settings, and Policy HE4 of the emerging Hartlepool Local Plan, which seeks to resist harm caused through inappropriate development within the setting of listed buildings.
13. Whilst I agree that the wording of LP Policy HE8 does not specifically refer to proposals for new build, it nonetheless seeks to preserve the integrity of the setting of listed buildings, and to that extent is relevant to the proposal before me, and is compliant with the NPPF.
14. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 133 of the NPPF. Paragraph 134 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. The scheme would make a small contribution to the housing supply, and there would be some associated economic and social benefits, both during the construction phase, and through the support of future occupants for local services and facilities. Due to the small scale of the scheme, I attached moderate weight to these factors.
15. The appellant has offered to gift the remainder of the pasture land to the church, and to form a pedestrian link to the church yard. They have also indicated that they would be willing for a planning condition to be imposed to limit further development of the site. I note also that the spatial relationship between the church and the manorial complex would be unaffected. However, these marginal benefits would not outweigh the harm I have identified. Paragraph 132 of the NPPF states that great weight should be given to the conservation of designated heritage assets and any harm requires clear and convincing justification. Drawing all the above factors together, the combined public benefits do not outweigh the harm I have identified to the heritage asset.

Whether a sustainable location

16. The site is located outside any development limits and is therefore within the open countryside for planning purposes. The NPPF sets out, in paragraph 47, that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. The Council states that it is able to demonstrate a 5.93 year housing supply, based on the housing requirement in the emerging Hartlepool Local Plan, which is at an advanced stage, having been through an examination in public. The appellant disputes the Council's position and I have had regard to the article

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

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from the Hartlepool Mail that the appellant has supplied in support of their case. However, they have provided little substantive or detailed evidence to refute the Council's stance relating to the current housing supply, and so I have no firm basis to do other than accept it.

17. Paragraph 55 of the Framework states that local authorities should avoid new isolated homes in the countryside. In this particular instance, the proposed new dwellings would be close to existing residences in Hart, and would therefore not be 'isolated' in the sense of being remote from other development. However, LP Policy GEP1 requires that in general, development should be located within the limits to development, and on previously developed land. Policy RUR2 of the emerging Hartlepool Local Plan seeks to protect the countryside by permitting new dwellings outside of development limits only if there is clear justification, and it can be demonstrated that the proposal would meet the exceptions set out in the policy.
18. The existence of five year housing land supply does not preclude the approval of further planning permissions where there would be no conflict with the development plan. As highlighted above, the development would give rise to some modest benefits. However, in addition to the social and economic strands, paragraph 7 of the NPPF provides that the third dimension of sustainability is environmental.
19. Although it would be closely associated with existing residential development, the appeal scheme would result in the urbanisation of a currently open, undeveloped area of agricultural land. It would extend and reinforce the built form of the settlement, altering the character of the open countryside at the edge of the settlement. There is little evidence to suggest that the proposal would meet any of the exceptions that would justify its location, and so it would be contrary to LP Policy GEP1, and Policy RUR2 of the emerging Hartlepool Local Plan. In conjunction with the unacceptable harm I have found to the setting of the listed building, this leads me to conclude that proposal would fail to represent a sustainable pattern of development in environmental terms, as sought by the NPPF.
20. I note that other developments have been permitted outside development limits within the Council area. However, I have not been provided with the full details of the circumstances in which these proposals were found to be acceptable, and so I cannot be certain that they represent a direct parallel to the appeal scheme. I can therefore give them little weight in my consideration, and in any event, I have assessed the appeal scheme on its own merits.
21. The appellant contends that the proposal would meet a functional need in the area, providing a mix of housing type and size that reflects demand. However, there is little evidence before me of the specific local need for the housing proposed in this case. Finally, I have had regard to the cited case of *Wychavon DC v SSCLG & Crown House Developments Ltd [2016] EWHC 592*, but this has not led me to a different conclusion.

Conclusion

22. For the reasons above, I find that the proposal conflicts with the development plan and the NPPF overall, and so the appeal should be dismissed.

Elaine Gray INSPECTOR

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

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PLANNING COMMITTEE

4 July 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of an extension at the side and rear of a residential property in Kielder Road.
2. The storage of vehicles and equipment in relation to a construction business at a residential property in Hillcrest Grove.
3. The erection of a high fence to the side of a residential property in Ardrossan Road.
4. Car repairs at two residential properties in Kildale Grove.
5. The untidy condition of a former licensed premises at High Street, Greatham.
6. The change of use to a waste transfer station of a former garden centre on Mainsforth Terrace.
7. The installation of metal doors at residential properties in Church Street and Tower Street.
8. Non-compliance with a condition relating to working hours at a residential development site at Wynyard Woods.
9. The installation of a replacement first floor window at a flat above a commercial premises at The Front.
10. The erection of an outbuilding in the rear garden of a residential property in Coniscliffe Road.

11. The installation of raised decking in the rear garden of a residential property in Snowdrop Avenue.
12. The erection of a high fence at the side of a residential property in Pinewood Close.
13. The running of a hairdressing business at a residential property in Linden Grove.
14. Car repairs at a residential property in Falmouth Grove.
15. The erection of a high fence at the rear of a residential property in Sandwich Grove.
16. The raising of ground levels in the rear garden of a residential property in Pikeston Close.

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

1. The erection of an extension at the rear of a residential property in Jameson Road. It was found that the erection of the extension had progressed no further than the digging of a foundation trench. The foundation trench was within the dimensions allowed under permitted development. The homeowner was advised of the permitted development dimensions for rear extensions and that should the extension exceed these dimensions then planning permission will be required.
2. Building works at a residential property in Olive Street. It was found that no external alterations had been undertaken. The matter was redirected to the Council's Building Control section for further investigation.
3. A development not built in accordance with the approved plans at a residential property on Hylton Road. A valid application seeking to regularise the development has since been received.
4. Non-compliance with conditions relating to working hours at a residential development site at Buttercup Avenue. The site is now operating in compliance with the condition.

2. RECOMMENDATION

- 2.1 Members note this report.

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