

GRANT OF PLANNING PERMISSION

Town and Country Planning Act 1990



PART I - PARTICULARS OF DEVELOPMENT

Application No	H/2014/0579
Proposal	Extension of time of planning application H/2008/0026 for change of use, alterations, extensions and new build to create 14 dwellings and creation of new vehicular access
Location	North Farm The Green Elwick HARTLEPOOL TS27 3ED
Applicant	Mrs D Watson

PART II - PARTICULARS OF DECISION

The Hartlepool Borough Council hereby give notice in pursuance of the provisions of the above Act that **PLANNING PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans made valid on 11/12/2014 subject to the following condition(s) and reason(s):

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 plan(s) no(s) 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 26, 27, 30 received at the Local Planning Authority on 16 January 2008 as amended by the plans 03 Rev D, 04 Rev E, 10 Rev B, 11 Rev B, 17 Rev A, 18 Rev B, 25 Rev A, 28 Rev A, 29 Rev A, received at the Local Planning Authority on 25 June 2008, all in connection with the original planning permission H/2008/0026 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved including arrangements for dealing with existing facilities within the site 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 ensure the adequate disposal of foul and surface water drainage from the development.

4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent amending legislation no ancillary buildings (including garages and sheds) shall be erected within the curtilage of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.
In the interests of visual amenity and the character of the conservation area.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. The area(s) indicated for car parking on the plans hereby approved shall be provided before the occupation of the dwellings hereby approved and thereafter be kept available for such use at all times during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties and highway safety.
9. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
11. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall

indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.

To preserve the landscape features on the site in the interests of visual amenity.

12. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

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

In the interests of visual amenity.

14. Prior to any demolition or renovation works, a suitable bat box scheme shall be submitted and agreed in writing by the Local Planning Authority and implemented.

To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.

15. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

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

f. archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

16. Notwithstanding the submitted details prior to the commencement of the development hereby approved a plan showing the width of the access junction of plots H12, H13 and H14 reduced to 4.5m shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

17. Prior to the development hereby approved commencing large-scale details of new windows, doors and rainwater goods of the approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All windows and doors shall be constructed in timber.

In the interests of visual amenity.

18. The development hereby approved shall not commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority, once agreed the scheme shall be constructed in accordance with the agreed details.

In the interests of visual amenity.

19. Prior to the commencement of the development hereby approved details of the doors for the garages hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the doors shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

20. The area within the application site marked 'Village Green' on the approved plan shall be grassed within 1 month of the completion of the development and thereafter shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

21. Prior to the commencement of the development hereby approved full details of the bin enclosures shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the enclosures shall be constructed in accordance with the agreed details and remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

22. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the proposed diversion of the Public Right of Way (Elwick 1) running through the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the widths, siting and surfacing of footpaths to be provided and any access gates to facilitate the diversion and timetable to the diversion works. The details so agreed shall be implemented in accordance with the details and timetable so agreed.
- To ensure the access is safe and suitable for all people, including people with disabilities.
23. Unless otherwise agreed in writing by the Local Planning Authority the vehicular and pedestrian access to the site and visibility splays of 4.5m x 70m as indicated upon plan 1859 03 Rev D received by the Local Planning Authority on 25 June 2008 in connection with the original planning permission (H/2008/0026) shall be provided, to the satisfaction of the Local Planning Authority, before the other parts of the development hereby approved commence. The hedges on the Elwick Road boundaries of plots H1 and H14 shall be cut back to facilitate this. Thereafter the hedges shall be kept cut back so as not to obstruct visibility within the approved sight lines.
- In the interests of highway safety and visual amenity.
24. Notwithstanding the area marked for possible future extension on the approved plans for the avoidance of doubt this permission does not constitute an agreement in principle to the future expansion of the site.
- For the avoidance of doubt.
25. Prior to the commencement of the development hereby approved a scheme for security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority this shall include a scheme for the security of the site during construction. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of security of the occupants of the site.
26. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of any of the dwellinghouses hereby approved a pedestrian crossing (including if necessary signage) shall be provided across Elwick Road, with a link to the existing pathway into the village in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- In the interests of highway safety.
27. Prior to the commencement of development details of the extent and location of the curtilages to be associated with each approved dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The curtilages shall thereafter be retained by the properties as approved for the use of those respective properties.
- In order to ensure that appropriate curtilages are retained by each of the properties in the interests of the amenity of the future occupiers.
28. Any works that may potentially harm bats, such as demolition, shall not take place during the period November to March inclusive, unless otherwise agreed in writing with the Local Planning Authority.
- To mitigate the effect of the proposed development upon any roosting bats in or

adjacent to the site.

29. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

In the interest of supporting sustainable development.

30. Demolition and renovation works shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitable qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the demolition and renovation works. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.

In the interests of the ecology of the area.

Date of issue: 06/04/2016

Signed:



Director (Regeneration and Neighbourhoods)

Please note - The decision to grant planning permission has been taken having regard to the policies and proposals in the adopted Hartlepool Local Plan 2006 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

GEP1: General Environmental Principles

GEP12: Trees, Hedgerows and Development

GEP2: Access for All

GEP9: Developers' Contributions

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

Hsg5: Management of Housing Land Supply

Hsg7: Conversions for Residential Uses

Hsg9: New Residential Layout - Design and Other Requirements

PARA 002 : Primacy of Development Plan

Contribute to the achievement of sustainable development

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 028 : Rural economic growth
Significantly boost the supply of housing
PARA 049 : Housing applications and sustainable development
PARA 050 : Delivery of wide choice of high quality homes
PARA 051 : Approval of planning applications
PARA 053 : Rural Areas
PARA 055 : Homes in the rural area and isolated homes in countryside
PARA 056 : Design of built environment
PARA 057 : High quality and inclusive design
Quality of development that expected for the area
PARA 060: Planning decisions
PARA 061 : Architecture of individual buildings
Rur1: Urban Fence
Rur3: Village Envelopes
Rur7: Development in the Countryside

INFORMATIVE

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

See also notes overleaf

NOTES FOR APPLICANTS

1. This permission refers only to that required under the Town and Country Planning Act and does not include any consent or approval under any other enactment bylaw, order or regulation. Any other Statutory consent necessary e.g. Building Regulations approval must be obtained from the appropriate authority.
2. **Failure to adhere to the details of approved plans or to comply with conditions attached to this permission is a contravention of the provisions of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.**
3. If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant permission subject to conditions, you may appeal to the Secretary of State for Communities and Local Government in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 further details are included below.
4. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring that Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Under the provisions of Section 76 of the Town and Country Planning Act 1990 the Local Planning Authority is required to draw your attention to the provisions of the Chronically Sick and Disabled Persons Act 1970 which makes provisions for the needs of disabled people.
7. Your proposal may also be subject to the Building Regulations and the provisions of Section 5 of the County of Cleveland Act 1987. You are advised to check this before progressing the development with the Council's Building Control Section.

Regeneration & Neighbourhoods

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Hartlepool TS24 8AY

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Compliance with planning conditions

You should be aware that planning permission is often granted conditionally, and the conditions are set out in the decision notice. A number of conditions (referred to as “conditions precedent”) require the submission of additional information to the Council before development can commence on site; these might include, for example, the submission of finishing materials. A development that is commenced without compliance with conditions may be at risk of being invalidated.

Please be aware that the Government has introduced new fees for the discharge of planning conditions. The new procedures apply with regard to all requests made to the Council to discharge conditions imposed on planning approvals or requests seeking confirmation of compliance with such conditions. The request can be made in any written form, which is clear, understandable and identifies the relevant permission and conditions concerned. Alternatively, the Government has provided a new form to be used for the submission of details to discharge a planning condition.

The form is available at:

<http://www.planningportal.gov.uk/uploads/appPDF/H0724Form027.pdf>.

The fee payable for requests is £28.00 for conditions on householder developments and £97.00 on all others. The fee must be submitted at the same time the request is made. Requests that are received without the appropriate fee will be returned unanswered.

The fee is payable for each request made. A single request may seek to discharge more than one condition. If you later decide to change the details of an agreed condition a new payment is required.

The local planning authority will seek to respond within eight weeks. A longer period of time may be required where ongoing discussion and correspondence are necessary. If the authority fails to provide confirmation or notification that confirmation cannot be provided within twelve weeks of the date of receipt, the fee will be refunded.

Yours faithfully

A handwritten signature in black ink, appearing to be "D. G. G.", written over a horizontal line.

Director (Regeneration and Neighbourhoods)

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application or for a minor commercial application if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- In all other cases if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/government/organisations/planning-inspectorate> .
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.