

PLANNING COMMITTEE

AGENDA



Wednesday 21 June, 2023

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson and Young.

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 19 April 2023.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. H/2022/0472 - 1 Woodlands Grove, Hartlepool

5. **ITEMS FOR INFORMATION**

5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*

5.2 Appeal at 17 Butterstone Avenue, Hartlepool – *Assistant Director, Neighbourhood Services*

5.3 Appeal at Raglan Quoit Club, Clarence Road, Hartlepool – *Assistant Director, Neighbourhood Services*

5.4 Planning Appeal at Low Throston House, The Bungalow, Netherby Gate, Hartlepool – *Assistant Director, Neighbourhood Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 19 July 2023 at 10.00 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19 APRIL 2023

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Tom Feeney, Brenda Harrison, Sue Little, Dennis Loynes, Melanie Morley, David Nicholson, Veronica Nicholson and Mike Young.

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Brian Cowie was in attendance as substitute for Councillor Andrew Martin-Wells.

Officers: Kieran Bostock, Assistant Director (Place Management)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Aidan Dobinson Booth, Principal Planning Officer
Stephanie Bell, Senior Planning Officer
Peter Frost, Highways, Traffic and Transport Team Leader
Stuart Edwards, Flood Risk Officer
Chris Scaife, Countryside Access Officer
Rosie Bannens, Archaeologist (Planning)
Scott Watson, Arboriculture Officer
Umi Filby, Planning Lawyer
David Cosgrove, Democratic Services Team

108. Apologies for Absence

Councillors Moss Boddy and Andrew Martin-Wells.

109. Declarations of interest by members

None.

110. Confirmation of the minutes of the meeting held on 15 March, 2023

Confirmed.

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

- 112.** Number: H/2022/0350
- Applicant: HARTLEPOOL WATER/ AWG PROPERTY LTD
BORDERWAY ROSEHILL CARLISLE
- Agent: H&H LAND AND PROPERTY LTD MR ANGUS
HUTCHINSON BORDERWAY ROSEHILL CARLISLE
- Date received: 05/10/2022
- Development: Erection of 1no. dwelling and annex/car port (outline, all matters reserved except access)
- Location: LAND ADJACENT TO MANOR FARM DALTON PIERCY
HARTLEPOOL

The applicant’s agent, Mr A Hutchinson, was present at the meeting and addressed the Committee. The application was for a single dwelling and a separate home office on the site. A deed of easement had been agreed with the Parish Council for access across the Village Green. The site had been identified for infill development and the original plans had been amended to bring the proposed house forward to the front of the site in line with the other village properties in this part of the village. The design complied with the rural neighbourhood plan. In relation to the comments on loss of privacy made by objectors, the applicant’s representative stated that this would be addressed in the separate application for reserved matters.

The applicant’s agent also referred to the disputed access issue and stated that the previous owners of the site had permitted limited access in the past but there was no specific rights of access through the site.

An objector, Mr C Grylls, was present at the meeting and addressed the Committee on behalf of himself and other objectors in Dalton Piercy. The main objection related to the existing wall that extended across the full frontage of the site. The wall was considered to be an integral part of the historic character of the village and any actions to demolish it would be against the design statement for the village. There were concerns with privacy being affected for the Grade 2 listed farm cottage and the other adjacent properties to the site. The proposals submitted did not allow for the minimum separation distances and had overlooking windows in the design.

There were also concerns with the proposed access to the site and the potential removal of earth from the site during construction which could cause damage to the adjacent properties.

In debate Members questioned the extent of the wall that was being removed and whether the wall itself was listed. Officers stated that with the house being built at the front of the site, matching adjacent properties in this part of the village, the length of wall matching the frontage of the building and the access point would be removed. It was stated that the farm cottage had been listed some time ago but the wall had not been listed nor was it considered to be curtilage listed or included in the Council's own historic environment list.

The Chair proposed a recorded vote be taken on the officer recommendation to approve the application.

Those for: Councillors Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

The application was approved unanimously.

Decision: Outline Planning Permission Approved

CONDITIONS AND REASONS

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

To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with the plans and details Drwg. No. 2302-01 (Location Plan) received by the Local Planning Authority on 21st October 2022, and Drwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31st January 2023.

For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 1 no. dwelling house (C3 use class).

To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with the layout shown on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31st January 2023.

To ensure a satisfactory form of development.

6. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for protection of the existing stone walls to the southern boundary, as annotated on drawing number LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31st January 2023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site and retained for the duration of the construction period. In order to ensure that the historic interest of this feature is retained and in the interest of the visual amenity of the area.
7. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, a scheme for the protection and retention of the retained trees (as identified in the 'Arboricultural Implications Assessment and Tree Bat Roost Risk Assessment, documented dated June 2022, received by the Local Planning Authority on 22nd November 2022 and as annotated on drawing entitled 'Appendix 4 - Tree Protection Plan', plan dated 18/11/22, received by the Local Planning Authority on 22nd November 2022) shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include a dimensioned tree protection plan(s) (TPP). Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed protection measures shall be implemented on site (and thereafter retained until the completion of the development) and an on-site meeting shall be undertaken with the Local Planning Authority to confirm that all tree protection measures have been installed in accordance with the required and approved dimensioned tree protection plan. 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 retained trees that are found to be dead, dying, severely damaged or diseased 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 existing trees and the visual amenity of the area.
8. Notwithstanding the submitted details and prior to the commencement of development, details of the existing and proposed site levels of the application site (including any proposed mounding and or associated earth retention measures) and finished floor levels of the hereby permitted development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details. To ensure that the development safeguards the visual amenity of the area and the living conditions of the neighbouring residents.

9. Notwithstanding the submitted information, development of the dwelling hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
10. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure 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.
11. Notwithstanding the submitted information and prior to the commencement of works above ground level, full details of a minimum of 2no. integral bat roosting box bricks (suitable for crevice roosting bats) and 2no. integral bird nesting bricks to be installed in a south or east facing sides of the buildings hereby approved at a height of a minimum of 3m (including the exact location, specification and design) shall be submitted to and approved in writing by the Local Planning Authority. The bat roost bricks and bird nesting bricks shall be installed prior to the first use of the development or completion of the development (whichever is the sooner). The bat roost bricks and bird nesting bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.
To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.
12. The Reserved Matters application (referred to in conditions 2 and 3) for the development hereby approved shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. 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. Thereafter the agreed scheme (as part of the Reserved Matters) shall be provided in accordance with the approved details and timetable. All planting, seeding or turfing comprised in the approved details of landscaping of the development hereby approved shall be carried out in the first planting season following the first use or completion of the development hereby approved (whichever is the sooner). Any trees plants or shrubs which within a period of 5 years from the completion of the development, 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.

13. Notwithstanding the submitted information, the Reserved Matters application for the development hereby approved shall be accompanied by final details of all hard surfaces, hard landscaping, external finishing materials, boundary treatments and enclosures including all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings, and shall include a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed details and timetable. To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers
14. Prior to the installation of any external lighting and/or floodlights associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, 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 and retained for the lifetime of the development hereby approved. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
15. No construction/building works or deliveries associated with the development hereby approved shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development hereby approved shall be used solely for C3 use as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended) and for no other purpose or use (including any other use within the C3 Use

Class) and shall not be extended, sub-divided, converted or externally altered in any manner.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development and to manage environmental impacts of the development.

17. Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the annex and car port hereby approved as shown on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31st January 2023 shall not be converted, altered or extended in any way without the written approval of the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and to accord with Policy RUR1 of the Hartlepool Local Plan (2018).
18. The use of the ancillary accommodation (annex and car port) hereby approved shall remain ancillary to the use of the dwellinghouse hereby approved. It shall not be used as a separate dwelling house (C3 Use Class), or for any other use.
For the avoidance of doubt.
19. No part of the development hereby approved shall be occupied until vehicular access connecting the application site to the public highway has been constructed to the satisfaction of the Local Planning Authority and in accordance with the layout and materials as stipulated on dwg. No. LPFDP-CF-XX-DR-A-0503 Rev P9 (Site Plan), received by the Local Planning Authority on 31st January 2023.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.

The Committee considered representations in relation to this matter.

- 113.** Number: H/2022/0475
- Applicant: MR KARL BYERS 11 THE GREEN ELWICK HARTLEPOOL
- Agent: ASP Service Ltd OFFICE 206 ADVANCED HOUSE
WESLEY SQUARE HARTLEPOOL
- Date received: 24/01/2023
- Development: Erection of single storey front porch and replacement of existing windows and doors with uPVC double glazed units (Re-submission of H/2022/0216).
- Location: CHANTRY COTTAGE 11 THE GREEN ELWICK
HARTLEPOOL

In general debate Members discussed the changes to the proposed window designs. There was also debate around the installation of the porch and the cutting back of the two conifer trees currently either side of the front door. Officers confirmed that a separate application would be required to undertake any work beyond ordinary trimming of the trees.

Members commented that they would have been more comfortable with the application if the style and opening mechanism of the windows echoed the existing traditional sash windows, but this was not the application that was before them.

The Chair proposed a recorded vote be taken on the officer recommendation to refuse the application.

Those for: Councillors Brown, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

Those against: Councillor Feeney.

Those abstaining: none.

The application was refused.

Decision: Planning Permission Refused.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows, the replacement doors and the proposed porch at the property would cause less than substantial harm to the designated heritage asset (Elwick Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018), Policies HA1 and HA2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124, 130, 189 and 196 of the National Planning Policy Framework 2021.

- 114.** Number: H/2021/0096
- Applicant: B MILLER HARBOUR WALK THE MARINA HARTLEPOOL
TS24 0UX
- Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD
HARTLEPOOL TS26 0QE

Date valid: 22/06/2021

Development: Erection of 7no. bungalows (including 3no. dormer units), garages and associated infrastructure.

Location: LAND TO NORTH WEST OF HIGHGATE MEADOWS
DALTON PIERCY HARTLEPOOL

Members questioned the protection that should be provided to the ancient trees in the area known locally as The Howls. Officers stated that guidance set a minimum distance of 15 metres which would be provided by 10 metres of garden and a further 5 m buffer zone behind the fence line. During development there would need to be protection for the trees to a similar extent and there were also restrictions on earth movement in the 15 metre protection area.

Members questioned the works to the public footpath and officers confirmed that this would be an upgrading of the path by installation of an aggregate surface laid on top of the existing path so as not to damage existing vegetation around the path. A new path from the development would link into the public right of way which ran alongside the existing development site.

Members noted that at the site visit there were concerns around anti-social behaviour caused by off-road motorbikes and quadbikes. Officers stated that a motorbike inhibitor gate would be fitted on the pathway to defend against this kind of misuse.

There was detailed discussion on the proposed discharge of surface water from the development into the stream. Officers stated that while the application was recommended for refusal, the technical report on the plans for surface water treatment could be effected through conditions and would be in line with Natural England guidance.

The applicant's agent, Mr Pearson, was present at the meeting and addressed the Committee. The applicant commented that the sales of the initial development showed there was great demand for further bungalows that would be provided by this extension to the development.

In response to a question on the provision of affordable housing, the applicant's agent commented that two affordable properties would be provided as a result of the development. Officers clarified this would be offsite provision. A member noted that one of the properties original planned as part of the original development was being removed to provide access to the extended area of the development; would this result in the additional area being of higher density. The applicant's agent stated that if the last house had been constructed, this area now proposed for development would be land locked. The plot sizes on the extended area would be slightly larger so there would be no increase in density.

An objector, Mr M Jackson, was present at the meeting and addressed the Committee indicating he was representing some of the other objectors to the application. The objector stated that he had been involved in the creation of the Batts nature reserve with the support of a former Councillor. The objector considered it was the Committee’s responsibility to protect the ancient trees and wildlife in The Howls. The application would only damage irreversibly The Howls with normal household activities disturbing the wildlife and driving it away and by opening up a footpath into a protected and presently remote ancient wilderness. Despite all the promises to protect the trees around the development, the developer had not yet planted a single tree or shrub on the site.

In general debate a Member commented on the need for more bungalows in the borough. The Chair noted that the affordable housing would be provided off-site and further questioned the management of surface water proposed in the application. Officers stated that the surface water management would comply with the Tees Valley SUDS design criteria and could be controlled by planning conditions.

Members were concerned at the protection of the ancient woodland in The Howls and the protection of its wildlife and questioned the measures that could be taken through conditions. It was confirmed by officers that there would need to be a minimum 15 metres protection buffer which in this case was to be by 10 metres of garden and a further 5 metres behind fencing. The area known as The Howls was managed by the land owner and the Forestry Commission and their comments were included in the report.

The Chair proposed a recorded vote be taken on the officer recommendation to refuse the application.

Those for: none.

Those against: Councillor Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

Those abstaining: none.

The proposal to refuse the application was lost. Members recorded the following reason for departing from the Officer recommendation. That the development would meet a need for bungalows in the Borough.

The Chair then proposed a recorded vote be taken on a proposal to approve the application, subject to completion of a Section 106 Agreement and the drafting of appropriate conditions by the Planning and Development Manager to be agreed with the Chair.

Those for: Councillor Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

Those against: none.

Those abstaining: none.

The application was, therefore, approved.

Decision: Minded to Approve subject to completion of a Section 106 Agreement to secure Play facilities contribution (£1,500.00) towards play in Dalton Piercy or the Village Hall; Built sports contribution (£1,500.00) towards the Village Hall and/or Summerhill Country Park; Tennis (£342.12) towards provision the Dalton Piercy Village Hall and/or at Brierton Sports Centre; Playing pitches contribution (£1,399.74) towards Dalton Piercy Village Hall and/or pitches at Rift House Recreation Ground; Bowling green contribution (£29.82) for borough wide provisions; Secondary school provision/contribution (£11,591.84); Provision of footpath link (west) to existing public right of way (Public Footpath No.03 Dalton Piercy Parish)(south west) including the upgrading of the PROW and maintenance; Ecological Mitigation contribution (£1,400.00) in respect to the Special Protection Area(s) as identified through the Habitats Regulations Assessment HRA; Long term management of surface water drainage infrastructure; Long term management of any open space within the site; and securing 2no. affordable dwellings linked to 'minded to approve' application H/2022/0046 (and associated s106 legal agreement) and subject to planning conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.

The Committee considered representations in relation to this matter.

The Committee took a short break before moving on to the next agenda item.

- 115.** Number: H/2022/0299
- Applicant: ROBERTSON HOMES
- Agent: LICHFIELDS THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
- Date received: 28/07/2022
- Development: Full planning permission for the erection of 143no. dwelling houses (Use Class C3) with associated infrastructure, access and landscaping (Certificate B received 19.01.23)
- Location: LAND WEST OF WYNYARD VILLAGE AND SOUTH OF A689 WYNYARD BILLINGHAM

The applicant's agent, Mr W English, was present at the meeting and addressed the Committee. The application was for a site identified for housing and the development would benefit from a large central open space. The developer acknowledged that the green wedge around the site would be narrowed. Occupations on the development would be restricted until the further improvements had taken place at the A19 / Wolviston junction. The S.106 for this development also included a contribution towards work to improve the A689 / The Meadows roundabout. The developers noted the comments made at the site visit around the tidiness of the site and commented that this would be improved.

Members questioned the reduction of the green wedge caused by the development commenting that the quoted width of 5 to 12 metres did tend much more towards the 5 metres. The applicant indicated that their estimate was 12 to 14 metres with a pinch-point of 5 metres.

A Member asked if there was joint work with Stockton-On-Tees BC in relation to the infrastructure around the Wynyard area and this site. Officers stated that the two authorities had produced the Wynyard Masterplan and had linked infrastructure development to the growth in housing in Wynyard. The further improvement works at the A19 Wolviston would create more stacking space.

An objector, Mr K Malcolm, representing Wynyard Parish Council was present at the meeting and addressed the Committee. The development site had originally been approved for 134 properties but that had lapsed and with this proposal of 134 homes, the whole site would have 194 properties. This was significant growth and the parish Council considered that the development now looked cramped and out of keeping with the wider Wynyard developments. The traffic from the development would also be significant as there could potentially be 388 additional vehicle movements and the parish Council considered that alternative access arrangements to this area should be considered.

The Parish Council were also very concerned at the significant reduction in the green wedge caused by this development. There was to be a route for cyclists and pedestrians in the green wedge, locally known as the Deer Run, which was also an important area for wildlife. The Parish Council also noted the S.106 contributions and asked when these community facilities would be forthcoming as there were few there now and the school was already oversubscribed.

Members questioned the use of the green wedge area by wildlife and particularly deer, though it was stated that while deer had been seen in the area, there was no monitoring undertaken.

In general debate the Committee discussed the use of S.106 monies on the development of facilities and infrastructure for the Wynyard community.

There were questions around the number of homes on the development site and whether this should be reduced. Officers stated that the development would still have a very low density with 12.4 houses per hectare.

Members were also very concerned at the reduction in the green wedge. Officers stated that for a combined footpath and cycleway, the normal land required would be 2 metres, so even at the pinch-point referred to, there was sufficient space for the path.

The Chair moved the recommendation to approve the application which was seconded by Councillor V Nicholson. The Chair proposed a recorded vote be taken on the officer recommendation to approve the application.

Those for: Councillors Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

The application was approved unanimously.

Decision: Minded to Approve subject to completion of a Section 106 Agreement to secure off-site affordable housing contribution: (£1,378,664.26), a primary education contribution (£422,966.25), a secondary education contribution (£276,399.20), highways contribution (£70,000) health facilities (£69,069), play provision (£35,750), built sports facilities (£35,750), mitigation for recreation disturbance to protected sites (£21,450) Tennis courts, (£8,153.86), playing pitches (£33,360.47) bowling greens, (£710.71), improved link to Castle Eden Walkway, Open Space Management Plan and a Local Employment and Training Plan and the following planning conditions;

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following plans and reports:
 - a. Drawing No. SD-00.01A, (OS Location Plan)
 - b. Drawing No. SD10.01A (Proposed Site Layout)
 - c. Drawing No. SD10.02A (Boundary Treatments Plan)
 - d. Drawing No. SD10.03A (Surface Treatments Plan)
 - e. Drawing No. SD10.04A (Adoption Plan)
 - f. Drawing No. WYL-ARC-009 (Wynyard Plot Separation Distances)
 - g. Drawing No. WYL-ENG-010B (Informal Footpath Overlay)
 - h. Drawing No. 18-GU-Mk11-B-011 (Guimard 18 MkII) Proposed Floor Plans
 - i. Drawing No. 18-GU-Mk11-B-012 (Guimard 18 MkII) Proposed Elevations
 - j. Drawing No. 18-NA-G-11 (Naysmith Grand 18) Proposed Floor Plans
 - k. Drawing No. 18-NA-G-12 (Nasmyth Grand 18) Proposed Elevations
 - l. Drawing No. 18-NE-GR-11 (Newman Garden Room 18) Proposed Floor Plans

- m. Drawing No. 18-NE-GR-12 (Newman Garden Room 18) Proposed Elevations
- n. Drawing No. 18-ST-GR-12 Rev A (Stewart Garden Room 18) Proposed Elevations
- o. Drawing No. 18-ST-GR-11 (Stewart Garden Room 18) Proposed Floor Plans
- p. Drawing No. 18-EV-GR-11 (Everett Garden Room 18) Proposed Floor Plans
- q. Drawing No. 18-EV-GR-12 Rev A (Everett Garden Room 18) Proposed Elevations
- r. Drawing No. 18-HU-GR-12 Rev A (Hutton Garden Room 18) Proposed Elevations
- s. Drawing No. 18-HU-GR-11 (Hutton Garden Room 18) Proposed Floor Plans
- t. Drawing No. 18-LA-GR-12 Rev A (Lawrie Garden Room 18) Proposed Elevations
- u. Drawing No. 18-LA-GR-11 (Lawrie Garden Room 18) Proposed Floor Plans
- v. Drawing No. 18-LA-G-12 Rev A (Lawrie Grand 18) Proposed Elevations
- w. Drawing No. 18-LA-G-11 (Lawrie Grand 18) Proposed Floor Plans
- x. Drawing No. 18-LE-GR-12 Rev A (Leonardo & GR 18) Rev A Proposed Elevations
- y. Drawing No. 18-LE-GR-11 (Leonardo & GR 18) Proposed Floor Plans
- z. Drawing No. 18-LE-G-12 Rev A (Leonardo Grand 18) Rev A Proposed Elevations
- aa. Drawing No. 18-LE-G-11 (Leonardo Grand 18) Proposed Floor Plans
- bb. Drawing No. 18-LI-GR-12 (Linton Garden Room 18) Proposed Elevations
- cc. Drawing No. 18-LI-GR-11 (Linton Garden Room 18) Proposed Floor Plans
- dd. Drawing No. 18-MU-GR-11 (Murray Garden Room) Proposed Floor Plans
- ee. Drawing No. 18-MU-GR-12 Rev B (Murray Garden Room) Proposed Elevations
- ff. Drawing No. 18-MI-GR-12 Rev A (Mitchell Garden Room 18) Proposed Elevations
- gg. Drawing No. 18-MI-GR-11 (Mitchell Garden Room 18) Proposed Floor Plans
- hh. Drawing No. 18-MI-G-11 (Mitchell Grand 18) Proposed Floor Plans
- ii. Drawing No. 18-MI-G-12 (Mitchell Grand 18) Proposed Elevations
- jj. Drawing No. 18-MA-G-11 (Mackintosh Grand 18) Proposed Floor Plans
- kk. Drawing No. 18-MA-G-12 (Mackintosh Grand 18) Proposed Elevations
- ll. Drawing No. 18-MA-GR-11 (Mackintosh GR 18) Proposed Floor Plans

- mm. Drawing No. 18-MA-GR-12 Rev A (Mackintosh GR 18) Proposed Elevations
 - nn. Drawing No. 201 Rev P2 Engineering Appraisal Sheet 1
 - oo. Drawing No. 202 Rev P2 Engineering Appraisal Sheet 2
 - pp. Drawing No. N1203-ONE-ZZ-XX-DR-L-0001 Rev P01 (Softworks General Arrangement
 - qq. Drawing No. N1203-ONE-ZZ-XX-DR-L-0201 Rev P01 (Detailed Planting Plan (Sheet 1 of 6)
 - rr. Drawing No. N1203-ONE-ZZ-XX-DR-L-0202 Rev P01 (Detailed Planting Plan (Sheet 2 of 6)
 - ss. Drawing No. N1203-ONE-ZZ-XX-DR-L-0203 Rev P01 (Detailed Planting Plan (Sheet 3 of 6)
 - tt. Drawing No. N1203-ONE-ZZ-XX-DR-L-0204 Rev P01 (Detailed Planting Plan (Sheet 4 of 6)
 - uu. Drawing No. N1203-ONE-ZZ-XX-DR-L-0205 Rev P01 (Detailed Planting Plan (Sheet 5 of 6)
 - vv. Drawing No. N1203-ONE-ZZ-XX-DR-L-0206 Rev P01 (Detailed Planting Plan (Sheet 6 of 6)
 - ww. Flood Risk Assessment and Drainage Strategy by Coast Consulting En Engineers dated April 2022.
 - xx. Travel Plan by Bryan G Hall dated August 2022
 - yy. Ecological Appraisal by OS Ecology dated July 2022.
 - zz. Noise Assessment by NJD Environmental Associates dated June 2022.
 - aaa. Arboricultural Impact Assessment by Elliot Consultancy Ltd dated May 2022
 - bbb. Air Quality Assessment by NJD Environmental Associates dated July 2022
- For the avoidance of doubt.
2. 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.
 3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
 4. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, garden levels, car parking levels and the areas adjoining the site boundary any proposed mounding 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.
This needs to be pre-commencement to ensure that the land levels are properly recorded to take into account the position and levels of the building and car parking areas and the impact on adjacent residential properties.

5. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not adversely affect neighbours living conditions.
6. Notwithstanding the submitted information and the measures outlines with the submitted Flood Risk Assessment, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water: detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the 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 through 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.
The needs to be pre-commencement to prevent increased risk of flooding form any sources in accordance with the NPPF and to ensure future maintenance of the surface water drainage.
7. 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 in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter, the development shall take place in accordance with the approved details.
This needs to be pre-commencement to ensure that the site is appropriately constructed to prevent the increased risk of flooding in accordance with the advice in NPPF.
8. A Construction Environment Management Plan (CEMP) shall be submitted to 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 measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The CEMP shall also set out as a minimum site specific

measures to control and monitor impacts in relation to construction traffic, noise, vibration, dust and air pollution, land contamination, disturbance to ecology and ground water. Thereafter, the development shall be carried out in accordance with the approved CEMP.

This needs to be pre-commencement to ensure that the agreed measures are in place in the interests of the amenities of the area.

9. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, 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, programme of the works to be undertaken, and implementation in accordance with the approved details and programme of works.

In the interests of visual amenity and biodiversity enhancement.

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 other of the same size and species, unless the Local Planning Authority gives written consent to any variation.

To ensure the proposed landscaping can mature in the interests of the character and appearance of the site and its surroundings.

11. No part of the residential development shall be occupied until a vehicular and pedestrian access to the proposed development has been constructed to the satisfaction of the Local Planning Authority. In the interests of highways and pedestrian safety and in the interest of the visual amenities of the surrounding area.

12. Prior to first occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwelling Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.

13. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with the contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objective. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved

in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure that the site is suitable for its intended use.

14. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if 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 is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

15. Notwithstanding the submitted details none of the dwellings shall be first occupied until details of the proposed street lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the street lighting shall be provided in accordance with the approved details.

In the interests of biodiversity.

The Committee considered representations in relation to this matter.

- 116.** Number: H/2022/0302
- Applicant: CONRAD ENERGY
- Agent: LICHFIELDS MISS RACHEL DODD THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
- Date received: 15/09/2022
- Development: Erection of a Synchronous Condenser with ancillary infrastructure, and associated works including access and landscaping
- Location: HART MOOR FARM NORTH OF THE A179 HARTLEPOOL

The applicant’s agent, Mr J Cooper, was present at the meeting and addressed the Committee. The development of the synchronous condenser at the site was a necessary part of the National Grid’s adaptation to the new forms of energy generation which was part of the country’s need for future energy security. Not building facilities like this would produce a less stable national network. This site had been identified by National Grid as being in the right position to provide support to the national grid. The development would be hidden by natural barriers and the buildings themselves would be similar to farm buildings. The applicant’s agent also highlighted that there were no technical or statutory consultee objections to the application.

Members questioned why this particular site had been chosen. The applicant's agent commented that there were a number of factors including that the synchronous condenser had to be installed close to a substation and also the land had to be commercially available. Land to the south of the A179 was already filled with energy generation sites so this site had been chosen as being close to the desire location and it was largely visually screened. The Planning Team Leader responded to a number of points made by the applicant's agent highlighting that the location of the proposed development was unacceptable for a number of reasons including the principle of development not being acceptable and that the proposed landscaping would not address the identified visual harm. Members commented that it might have been advantageous to see some photo-montages to show the size and scale of the development.

In general debate Members acknowledged the need for this type of development to support the national grid but considered that this location was not the best choice on this occasion.

The Chair moved the recommendation to refuse the application which was seconded by Councillor V Nicholson. The Chair proposed a recorded vote be taken on the officer recommendation to refuse the application.

Those for: Councillors Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

The application was refused unanimously.

Decision: Planning Permission Refused.

REASONS FOR REFUSAL

01. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development and village envelopes as defined by Policy RUR1 of the Hartlepool Local Plan (2018) and Policy GEN1 of the Rural Neighbourhood Plan (2018) and the proposed use is not supported and does not constitute a sustainable form of development.
02. In the opinion of the Local Planning Authority, due to its size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising/urbanising effect on this part of the rural area, contrary to Policies RUR1 and QP4 of the Hartlepool Local Plan (2018), and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

The Committee considered representations in relation to this matter.

The Committee took a short break before moving on to the next agenda item.

- 117.** Number: H/2022/0428
- Applicant: MR DEREK COOPER THE GREEN ELWICK
HARTLEPOOL
- Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD
HARTLEPOOL
- Date received: 20/12/2022
- Development: Erection of single storey side/rear extension at ground floor with extended patio area, a garden equipment store below proposed extension and balcony above proposed extension.
- Location: THE GHYLL LANE HOUSE THE GREEN ELWICK
HARTLEPOOL

The Planning Team Leader advised that there were tabled conditions 2 and 3 before Members which reflected amended plans that had been received to address some drawing anomalies on the existing plans. No further consultation was undertaken on the amended plans given the minor scale and nature of the changes.

Councillor Feeney moved that the application be approved. This was seconded by Councillor Young. The Chair proposed a recorded vote be taken on the officer recommendation to refuse the application.

Those for: Councillors Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

The application was approved unanimously.

Decision: Planning Permission Approved subject to the updated, tabled planning conditions 2 and 3.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Dwg no.2233.P.02 (Location Plan) and Dwg no. 2140.P.01 Rev E (Existing and Proposed Plans and Elevations, & Block Plans) received by the Local Planning Authority on 13th April 2023.
For the avoidance of doubt.

3. Prior to any equipment, machinery or materials being brought onto the site for the purposes for the development, the tree protection measures identified in Dwg no. 2140.P.01 Rev E (Existing and Proposed Plans and Elevations & Block Plans) received by the Local Planning Authority on 13th April 2023, shall be in place and thereafter retained until completion 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 existing trees and the visual amenity of the area.
4. The external materials used for this development shall match those of the existing dwelling.
In the interests of visual amenity.

118. Number: H/2022/0454

Applicant: MRS S CAWTHORNE LONSDALE DAY NURSERY
GRANGE ROAD HARTLEPOOL

Agent: JOHN TAYLOR ARCHITECTS LTD MR JOHN TAYLOR
THE STUDIO 64 HIGH WEST ROAD CROOK

Date received: 27/01/2023

Development: Proposed conversion/change of use from children's nursery to four residential units (1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom apartments)

Location: 22 GRANGE ROAD HARTLEPOOL

Councillor Feeney moved that the application be approved. This was seconded by Councillor Young. The Chair proposed a recorded vote be taken on the officer recommendation to refuse the application.

Those for: Councillors Brown, Feeney, Harrison, Little, Loynes, Cowie, Morley, D Nicholson, V Nicholson and Young.

The application was approved unanimously.

Decision: Planning Permission Approved.

CONDITIONS AND REASONS:

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

2. The development hereby approved shall be carried out in accordance with the following plans; Dwg No: 22 52 02 (Proposed Plans & Elevations) received by the Local Planning Authority on 30/11/2022; Site Location Plan @ 1:1250 scale received by the Local Planning Authority on 04/01/2023; and Dwg No: 22 52 03 Rev A (Existing and Proposed Block Plan) received by the Local Planning Authority on 10.03.2023.
For the avoidance of doubt.

3. Prior to the development hereby approved being occupied, a scheme demonstrating suitable sound insulation measures between the proposed individual flats and adjoining properties (No's 20 and 24 Grange Road) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the sound insulation scheme as approved shall be implemented in full prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and retained thereafter during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and future occupiers.

4. The proposed waste storage provisions that are to serve the residential use hereby approved shall be implemented in accordance with the layout and details shown on plan Dwg No: 22 52 03 Rev A (Existing and Proposed Block Plan received 10th March 2022 by the Local Planning Authority) and shall be provided prior to the development hereby approved being brought into use and shall thereafter be retained for the lifetime of the development.
For the avoidance of doubt, to ensure a satisfactory form of development and in the interests of the visual amenity of the area.

5. Notwithstanding the submitted information and prior to the occupation or completion of the development hereby approved (whichever is the sooner), details of the replacement roof lights shall be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed details shall be installed prior to the occupation or completion of the development (whichever is the sooner) and maintained for the lifetime of the development.
For the avoidance of doubt, in the interests of the character and appearance of the conservation area and to ensure a satisfactory form of development.

6. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
In the interests of visual amenity.
7. The development hereby approved shall be used as 4 no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

119. Update on Current Complaints and Enforcement Actions *(Assistant Director (Place Management))*

The Planning Team Leader submitted a report updating Members with regard to complaints that have been received, investigations that have been completed and enforcement actions that have been taken.

Decision

That the report be noted.

120. Appeal at Old Yacht Club, Ferry Road, Hartlepool *(Assistant Director (Place Management))*

The Planning Team Leader advised the Committee of the outcome of a planning appeal that has been determined in respect of an application for planning permission for demolition of the existing structure and the construction of artificial nesting structures for kittiwakes and associated infrastructure (H/2022/0009). The appeal was allowed. A copy of the Inspector's decision was submitted for Members information.

Some Members recorded their dissatisfaction at the over-turning of a Committee decision by the Inspector.

Decision

That the report be noted.

121. Appeal at 107 Park Road, Hartlepool (*Assistant Director (Place Management)*)

The Planning Team Leader advised the Committee of the outcome of a planning appeal that has been determined in respect of an application for advertisement consent for the upgrade of an existing 48 sheet advert to support a digital poster (displaying multiple static adverts on rotation) at 107 Park Road, Hartlepool (H/2022/0355). The appeal was allowed. A copy of the Inspector's decision was submitted for Member's information.

Decision

That the report be noted.

122. Planning Appeal at 234 Stockton Road, Hartlepool (*Assistant Director (Place Management)*)

The Planning Team Leader advised the Committee of a planning appeal that had been submitted against the Council's decision to refuse a Section 73 planning application to remove condition 15 (hours of use restriction) of planning approval H/2021/0573 (Demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements), to allow 24-hour operation of the roadside service facility (H/2022/0440).

The planning application had been refused under delegated powers on 12 January 2023 with the principle concern being the adverse noise impact on neighbouring domestic properties.

Decision

That the report be noted.

123. Planning Appeal at land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool (*Assistant Director (Place Management)*)

The Planning Team Leader advised the Committee of a planning appeal that had been submitted against the Council's decision to refuse a planning application for the erection of a three bedroom dwelling and associated works including new access from the highway (H/2022/0418). The planning application was refused under delegated powers on 14th February 2023.

Decision

That the report be noted.

124. Any Other Items which the Chairman Considers are Urgent

None.

As this was the last Planning Committee of the municipal year ahead of the May elections, the Chair thanked Members and Officers for their input into the meetings of the Committee while he had been Chair.

The meeting concluded at 12.55 pm.

CHAIR

No: 1.
 Number: H/2022/0472
 Applicant: MR MRS S CARROLL WOODLANDS GROVE
 HARTLEPOOL TS26 0EJ
 Agent: PYRAMID ARCHITECTURAL DESIGNS MR BEN
 WEARS UNIT 8 LEXINGTON BUILDINGS MARSKE BY
 THE SEA TS11 6HR
 Date valid: 13/03/2023
 Development: Erection of single storey extension to side and rear, single
 storey extension and porch to front, alteration to roof and
 render/cladding to all external elevations
 Location: 1 WOODLANDS GROVE HARTLEPOOL

PURPOSE OF REPORT

1.1 An 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 None.

PROPOSAL

1.3 This planning application seeks permission for the erection of single storey extensions to the side and rear, single storey infill extensions and porch to the front, alterations to the roof and render/cladding to all external elevations. The proposed side/west and rear/north extension would be of an 'L' shaped design and would project approximately 4.35m from the original side elevation for a length of approximately 7.5m and approximately 3.3m from the original rear elevation for a width of approximately 11.3m with a roof height of approximately 5.1m dropping to approximately 2.6m at the eaves. This extension would feature a three pane full length window to the front/south elevation, a walk in bay window and 3 pane bi-fold doors to the side/west elevation and access door and three pane window to the rear/north elevation and is to be finished in off-white render.

1.4 The proposed side/east and rear/north extension (thereafter referred to as the 'infill' extension) would project approximately 2.45m from the existing rear garage elevation and approximately 3m from the original side elevation of the main dwelling (in effect, infilling a gap between the two existing elevations) with a roof height of approximately 5.1m dropping to approximately 2.7m at the eaves. The existing garage is to be converted to a habitable room and 2no. windows are to be installed in to the side/east elevation and is to be finished externally with timber cladding.

1.5 The proposed works to the original front/south elevation include the erection of a single storey porch element and infill extension to the main front/south elevation.

The original front/south elevation would extend forward from the original front/south elevation by approximately 0.77m. The proposed front porch element would project approximately 2.1m from the front elevation with a width of approximately 4.4m and a roof height of approximately 4m dropping to approximately 2.7m at the eaves. The proposed porch features an access door with a full length window either side and 3no. window panels to the roof element on the front/south elevation. The front/south elevation is to be finished in an off white render with elements finished in timber cladding.

1.6 The proposal would include increasing the roof height of the main host dwelling by approximately 0.77m and would be finished in black/anthracite tiles.

1.7 The application has been called in to planning committee at the request of a local ward councillor and in agreement with the Chair of Planning Committee, in line with the Council's scheme of delegation.

SITE CONTEXT

1.8 The application site relates to 1 Woodlands Grove, a south facing, detached bungalow in a residential area (Woodlands Grove) within the Rural West ward of Hartlepool. The application site is located in a prominent position at the entrance to the cul de sac of Woodlands Grove. To the side/east is no.2 Woodlands Grove. To the front/south the application site is bounded by the highway of Woodlands Grove with No 10 beyond. Beyond the side/west is the highway of Elwick Road with High Tunstall College of Science beyond. To the rear/north, the site is abounded by a row of formally protected trees (TPOs) and green buffer with a private access road (leading to other properties to the east) and 250 Elwick Road beyond.

1.9 The immediate street scene consists of a mix of detached bungalows and detached two storey/dormer properties most of which are of a traditional design and finished in either brick or render with stone features.

1.10 At the time of the case officer's site visit, the front, side/west, side/east and rear/north garden were undergoing landscaping works with the majority of the turf removed, the original concrete driveway to the front of the property removed and existing front boundary wall demolished. The 2no. sycamore trees (covered by a Tree Preservation Order) and shrubbery to the south/west corner of the front garden were present on site although there were no tree protection measures in place at the time of the case officer's site visit. The applicant's agent was made aware of the ongoing works and that any further works undertaken were at the applicant's own risk.

1.11 The host property is enclosed to the front/south by the remaining brick wall approximately 0.5m in height, to the side/east by hedging approximately 1.5m in height and to the side/west by a brick wall with closed boarded fencing above (cumulative height of approximately 2m in height when measured from the adjacent footpath – the fence is approximately 1m in height when measured within the site) and to the rear/north by a brick wall with shrubbery approximately 2.5m in height leading to an approximately 2m high closed boarded fence. There is a closed boarded fence with access gate separating the front garden from the rear garden

approximately 1.8m in height. It was noted by the case officer on site that the property is set at a higher level to the land to the south and the highway/footpath to the west.

PUBLICITY

1.12 The application has been advertised by way of neighbour letters (4 in total) and a site notice. To date, no representations have been received

1.13 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156388>

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

HBC Building Control: I can confirm that a Building Regulation application is required 'single storey extension to side and rear, single storey extension and porch to front, alteration to roof and render/cladding to all external elevations'

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

HBC Arboricultural Officer: Looking at the application it was requested at validation that the following documents were provided:

BS5837 Tree survey (See below comments)

Tree retention/removal plan (information is provided that both trees will remain)

Retained trees and RPAs shown on proposed layout (no key information as to what circles around trees mean)

Arboricultural impact assessment (no impact stated by no credibility provided to back this up, see below)

Tree protection plan (See below comments)

If works are proposed within the RPA of trees then an arboricultural method statement is needed as well (not needed if works aren't within the RPA)

The applicant has provided a 'Tree survey'. There is no inclination as to who has completed the tree survey and what their level of qualification is to do so. This is highlighted from a statement within 'In all cases, trees benefit from regular care and pruning'. This is untrue, trees do not benefit from pruning. People benefit from pruning but trees suffer as a result of pruning.

There needs to be a tree protection plan in place, the report states that fencing will be erected 1m beyond the dripline of the tree, no crown radius is provided and the fencing should be erected beyond the RPA of tree anyway as stated in BS5837.

The report claims to be BS5837 compliant yet when it talks about grading trees it uses an 'R' category rating, there is no 'R' grading within the British standard, it is 'A', 'B', 'C' and 'U'.

The survey part of the report is missing information and does not comply with BS5837.

Report states no trees are within falling distance of the proposed extension which is 6.5m from T2, T2 is 9.5m tall, this means the tree potentially can fall 3 meters beyond the property.

The report is not fit for purpose and therefore a new report which is compliant to BS5837:2012 Trees in relation to design, demolition and construction - recommendations should be completed by a qualified Arboriculturalist.

Updated comments received 02/06/2023

I've had chance to look through the new tree document and it is a lot better. It highlights the issues I would expect and provided by a credible qualified arboriculturalist. I'm happy that the Arboricultural Method Statement inc. Impact Assessment provided by Elliot's Consultancy Ltd dated May 2023 provides all the necessary information for the development and its impact on trees including the 2 no. Protected trees (T1 & T2) and thus I have no objections to the proposed works providing that the document is followed, specifically the tree protection plan within it. Furthermore I think it expedient in this case to include a pre commencement meeting condition so the tree protection measures that have been put in place can be checked considering the trees are TPO trees.

Condition: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to ensure that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

PLANNING POLICY

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

Hatlepool Local Plan

1.17 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
 HSG11: Extensions and alterations to existing dwellings
 LS1: Locational Strategy
 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

National Planning Policy Framework (NPPF)(2021)

1.18 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA047: Determining applications
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA134: Achieving well-designed places
 PARA218: Implementation

PLANNING CONSIDERATIONS

1.19 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 character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users, impact on trees and highway safety. These and any other planning and non-planning related matters are set out below.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND THE SURROUNDING AREA

1.20 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with/sympathetic to the host property and the character of the surrounding area.

1.21 The surrounding area of the application site has a relatively open plan feel, with low boundary treatments adjacent to the highway. The application site sits on a corner plot at the entrance to a cul de sac of bungalows and holds a prominent corner position, set on a higher ground level to the adjacent highway of Elwick Road, and whilst there are existing boundary treatments and mature trees, the property is readily seen when viewed along Woodlands Grove and Elwick Road. It was noted by the case officer when on site that a number of bungalows/dormer bungalows appear to have been extended/altered in the wider street scene, whilst maintaining the original design and appearance of the properties. However the host property and the property directly opposite (No 10 Woodlands Grove) are single storey bungalows (as opposed to dormer bungalows) and appear to be a similar design, retaining their original simple character, appearance and form. It was observed that there are other similar scale bungalows within the wider cul de sac.

1.22 In this context, the proposals are of a contemporary design and appearance taking into account the choice of materials (high level glazing, off-white render, anthracite coloured windows, and heavy application of timber panelling), the design of the lean to roof of the side/rear extension, and raising of the roof height, all of which are considered to be at odds with the character and appearance of the existing host bungalow (and others within Woodlands Grove). Furthermore, it is considered that the proposed side/rear extension to the west of the host dwelling is considered to be an overly dominant and unsympathetic design to the appearance of the host dwelling and site as a whole, again exacerbated by the visually jarring roof design, choice of materials and the raising of the main roof height. Furthermore, the proposed single storey extension to the front is also considered to be of a notable and unsympathetic scale, resulting in a prominent projection that is considered to be out of keeping with the scale and appearance of the existing bungalow.

1.23 Furthermore, it is considered that the removal of the previous rear garden boundary treatment to the side and the position of the proposed side/rear extension would expose the side elevation of the existing property to views from the wider area even more so than existing. The prominence of this when viewed from the wider

area would be exacerbated by the high level of fenestration in the side/west elevation. Given the remaining low boundary treatment (on the western boundary and when measured from within the site), it is considered that this is likely to put pressure for a new and higher boundary treatment along the western boundary (where it meets the footpath) which in turn would be likely to result in another incongruous feature that is at odds with the character of the existing property and the wider area.

1.24 It is acknowledged that the choice of the proposed external finishing materials (off-white render and timber cladding) are reflective of some of the existing external materials on the host property however at the scale, colour choice and extent proposed, it is considered that this would result in a design and choice of materials that is out of keeping with the character and appearance of the host property and wider street scene, which is generally one of restraint.

1.25 It is acknowledged that the proposed infill extensions to the rear/side and to the original front/south extension (and garage conversion) are generally considered to be modest additions that respect the proportions of the host property that would not adversely affect the character and appearance of the host bungalow or the wider area.

1.26 In view of the concerns outlined above, the Case Officer requested that the applicant amend the design to reduce the scale and provide a more complementary design and appearance, which the applicant's agent has confirmed that they do not wish to do. As such, the application has been considered as submitted.

1.27 Taken as a whole, it is considered that the proposed scheme is out of keeping with design, scale and appearance of the host bungalow and would introduce incongruous features into the street scene to the detriment of the visual amenity of the area, contrary to policies HSG11, QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 130 and 134 of the NPPF (2021) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. As such, the identified impacts are considered to warrant a refusal of the application in this instance.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

1.28 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

1.29 The above requirements are reiterated in the Council's Residential Design SPD (2019).

Impact on 2 Woodlands Grove (east)

1.30 Number 2 Woodlands Grove is an 'L' shaped two storey dwelling (with dormer window to rear) which sits further north than the rear of the host dwelling and at an oblique angle to the host property. The neighbouring property features a two pane window to the first floor side/west elevation (likely to serve a bedroom/habitable room although the case officer has been unable to corroborate this) and 3no. single pane, narrow windows below (the use of which has not been confirmed either), which are partially screened by the large, attached garage to the side of No 2 (which features no windows in the side/west elevation) and which is present along the adjacent boundary to the host dwelling. A two pane window to the ground floor side/west elevation of the projecting element to the front.

1.31 The proposed infill single storey extension to the rear/north and side/east would not project beyond the front or rear of this neighbouring property and would be sited approximately 2m away from the shared boundary and approximately 8.9m to the windows in the side elevation of the neighbouring property with a closed boarded fence approximately 1.8m in height and attached garage serving no.2 in between. The proposal would be located at an oblique angle and satisfactory separation distance of approximately 12.7m to the side window in the projecting front element of No 2. In view of the above, and given the modest scale of the proposal, it is considered that there would be no adverse impact on the amenity of this property in terms of overshadowing, overbearing effect and loss of outlook as a result of this element of the scheme.

1.32 In terms of privacy matters, the proposed side and rear infill extension features a blank side and rear elevation but the proposed garage conversion/alterations to the side would feature 2no. windows (both serving en-suites) to the side/east elevation. Consideration is given to the aforementioned separations distances, existing approximately 1.8m high closed boarded fence and existing garage at no.2 which assists in partially screening these elements of the proposal. Furthermore, the proposed windows would be located at oblique angle and separation distance to the nearest windows in the side/west elevations of No 2, including those towards the front part of No 2. Notwithstanding this, had the application been deemed acceptable in all respects, a planning condition could have secured the requirement for these windows to be obscurely glazed with limited opening to address any potential impacts resulting from a perception of overlooking. In view of the above, it is considered the proposed infill extension would not result in an adverse impact on the privacy of No.2 in terms of overlooking towards habitable room windows and the immediate garden area.

1.33 The proposed single storey side/west and rear/north extension would be sited approximately 12m away from the shared rear boundary (east) and approximately 18m away from the main side/west elevation of no.2 (containing windows) with a closed boarded fence approximately 1.8m in height in between. The proposal would be located at an oblique angle to the rear elevation of No 2 including the aforementioned separation distance. As such and in view of this relationship, it is

considered that there would be no adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook and overlooking for this property.

1.34 The proposed front/south porch extension would be sited at an oblique angle and separation distance of approximately 6.1m from the shared boundary and approximately 16m to the nearest window in the side elevation of the projecting two storey front element of No 2. There is an approximately 1.5m high hedge separating these two properties at the front with the driveway of No 2 beyond. Due to the satisfactory separation distances and modest scale of the proposal, it is considered that there would be no adverse impact on amenity in terms of overshadowing, overbearing effect and loss of outlook for this property.

1.35 In terms of privacy matters, the proposed front/south porch extension features an access door with a full length window either side and 3no. window panels to the roof element on the front/south elevation. It is considered that there would be no direct views from the windows within the proposed front porch towards windows in the front and side elevations of no.2 due to the existing relationship between this neighbouring property and given that this property sits at an angle to this neighbour. In view of the above, it is considered that this element of the proposed development would not result in an adverse impact on the privacy of No.2 in terms of overlooking towards habitable room windows.

1.36 The proposal would include the raising of the roof height (ridge) by approximately 0.77m, taking the overall ridge height to approximately 5.13m (the existing eaves height (approximately 2.7m) would remain the same). It is acknowledged that this increase may result in a degree of impact in terms of a change to the outlook of the first floor window in the side/west elevation of No 2. However, consideration is given to the overall modest increase in height and the remaining orientation of the two properties (that would be unaffected) as well as the remaining oblique separation distance of approximately 9m from the increased ridge height to the windows in the ground and first floor side/west elevation of No 2. Further consideration is given to the oblique separation distance of approximately 11.5m to the window in the side elevation of the front projecting element of No 2 and that the ridge would not extend beyond the windows in the front (south) or rear (north) elevations of No 2. In view of the above, it is considered that the modest increase in height would not result in an unacceptable impact on the amenity of No 2 in terms of overbearing, overshadowing or loss of outlook as to warrant a refusal of the application.

1.37 The proposed alterations to infill the existing front elevation which would extend the front/south elevation forward by approximately 0.7m are considered to be of a modest scale and would be located approximately 10m from the nearest window in the side elevation of the front element of No 2. Due to the remaining satisfactory distances between these elements and the nearest windows in the side and front elevations of no.2, it is considered that there would be no adverse impact of amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property as a result of such works, including the application of render and timber panelling.

Impact on 250 Elwick Road (north)

1.38 The proposed single storey side/west and rear/north extension would be sited approximately 22m away from the main side/south elevation of 250 Elwick Road with an approximately 1.8m high closed boarded fence, mature trees beyond and private access road and garage serving no.250 Elwick Road between. Due to this satisfactory distance and relationship, it is considered that there would be no adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property.

1.39 The proposed rear and side infill extension would be sited approximately 28m away from the main side/south elevation of 250 Elwick Road with an approximately 1.8m high closed boarded fence, mature trees beyond and private access road and garage serving no.250 Elwick Road between. Due to this satisfactory distance, it is considered that there would be no adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property.

1.40 The proposed front porch extension and infill extensions to the front would be screened from views by the host property to the neighbouring property located to the rear and separated by a private access road. As a result, it is considered that there would be no adverse impact in terms of overshadowing, overbearing effect, loss of outlook or loss of privacy for this property.

1.41 The proposed alterations to increase the roof height by 0.77m is considered to be of a modest scale in amenity terms. Due to the satisfactory distance between the host property and no.250 Elwick Road, it is considered that there would be no adverse impact of amenity in terms of overshadowing, overbearing effect or loss of outlook for this property, including in respect to the proposed render/application of timber panelling.

Impact on 10 Woodlands Grove (south)

1.42 The proposed front porch extension and infill extensions to the front/south elevation would be sited in excess of approximately 21m away from the front/north elevation of no.10 with the adopted highway of Woodlands Grove between. Due to this satisfactory distance which accords with the requirements of Policy QP4 and the aforementioned SPD, it is considered that there would be no adverse impact on amenity and privacy for this property in terms of overshadowing, overbearing effect, loss of outlook or overlooking.

1.43 The proposed side/west and rear/north extension would be partially screened by the siting of the host dwelling whilst the side/west element would be sited approximately 28.8m away from the front/north elevation of no.10 with the adopted highway of Woodlands Grove between. Due to this satisfactory distance and relationship, it is considered that there would be no adverse impact on amenity and privacy for this property in terms of overshadowing, overbearing effect, loss of outlook or loss of privacy.

1.44 The proposed rear and side infill extension would be screened from view to the neighbouring property (by the presence of the converted garage serving the host

dwelling) located to the front opposite the site and separated by adopted highway. It is considered that there would be no adverse impact on the amenity and privacy of this property in terms of overshadowing, overbearing effect, loss of outlook or overlooking.

1.45 The proposed alterations to increase the roof height by 0.77m is considered to be of a modest scale in amenity terms. Due to the satisfactory distance between the host property and no.10, it is considered that there would be no adverse impact of amenity as a result of this element or the application of render and timber panelling, in terms of overshadowing, overbearing effect or loss of outlook.

Impact on High Tunstall Youth Centre (and High Tunstall College of Science beyond) (west)

1.46 The nearest element of the proposals are sited in excess of 70m away from the nearest neighbouring property to the west (that being High Tunstall Youth Centre with the main school sited beyond that) with the highway of Elwick Road in between. Due to this satisfactory distance, it is considered that there would be no adverse impact of amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property or neighbouring land users

IMPACT ON TREES

1.47 The application was accompanied by an initial 'tree survey'. However on review, the Council's Arboricultural Officer commented that the report was not fit for purpose and did not meet British Standards, and requested a number of new assessments be provided by an appropriately qualified person.

1.48 Upon receipt of the requested arboricultural assessments, the Council's Arboricultural Officer confirmed there are no objections provided the statement, specifically the tree protection plan, is adhered to. Had the application been acceptable in all respects, the requirements for tree protection would have been secured by a planning condition including a requirement for such works to be implemented within an appropriate timescale i.e. before any further development commences, given the works that have commenced on site.

HIGHWAY SAFETY AND PARKING PROVISION

1.49 The proposals would not increase the number of bedrooms although the conversion of garage to habitable room would result in the loss of 1no. car parking spaces. The host property would continue to be served by a driveway to the front. In response, HBC Traffic and Transport have confirmed there are no highway or traffic concerns. The proposal is therefore acceptable in this respect.

OTHER PLANNING MATTERS

1.50 The '3D Images' accompanying the application indicate an extended area of hardstanding to the front/side of the property in place of the previous grassed area. Such works could constitute permitted development subject to the appropriate use of permeable materials and/or runoff to a soakaway within the site. Had the application

been deemed acceptable in all respects, a planning condition would have been secured to ensure the use of appropriate materials in the interests of surface water drainage and to ensure a satisfactory form of development.

CONCLUSION

1.51 In light of the above considerations and policies identified within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021), it is considered that the proposed development, by virtue of the design, use of materials, scale and siting, when taken as a whole, results in an unsympathetic and visually intrusive form of development, that is out of keeping with the character and appearance of the host property and the wider street scene, to the detriment of the visual amenity of the surrounding area. It is therefore considered the development is contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 130, 132 and 134 of the NPPF (2021) and the application is therefore recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.53 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.

1.54 There are no Section 17 implications.

REASON FOR DECISION

1.55 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 reason below:

01. In the opinion of the Local Planning Authority, the proposed development by virtue of its design (including choice of materials), scale and siting, when taken as a whole, would constitute an unsympathetic and visually intrusive form of development, that is out of keeping with the character and appearance of the host property and the wider street scene, to the detriment of the visual amenity of the surrounding area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

BACKGROUND PAPERS

1.56 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156388>

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1 Woodlands Grove, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 08.06.2023
	SCALE 1:500	
	DRG.NO H/2022/0472	REV

POLICY NOTE

The following details a precis of the overarching policy documents 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>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

PLANNING COMMITTEE

21 June 2023



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON CURRENT COMPLAINTS AND ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

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

1. The change of use of a flat above a shop on Northgate into a house in multiple occupation.
2. The erection of a rear extension, and outbuilding with a flue, and the enclosure of land into the rear garden at a residential property in Rossmere Way.
3. Non-compliance with a working hours condition at a residential development site at land east of Brenda Road and south of Seaton Lane.
4. Non-compliance with the approved plans, and an untidy site, at a householder development at a residential property in Bolton Grove.
5. The change of use of a residential property in Dorset Street to a bike shop.
6. Non-compliance with a working hours condition at a residential development site at land off Coniscliffe Road.
7. The provision of outdoor seating in the car parking area at the front of three licensed premises at Navigation Point.
8. The change of use of a dwellinghouse to a short term let contractors accommodation at a residential property in Dalkeith Road.
9. The erection of an outbuilding at the front of a residential property in South Crescent.
10. The installation of uPVC windows at a residential property in Victoria Place.

11. Renovations and the installation of uPVC windows at a residential property in Albion Terrace.
 12. The change of use of a dwellinghouse to a short term let holiday accommodation at a residential property in Farndale Road.
 13. The erection of a boundary wall to enclose additional land at the side of a residential property in Nightingale Close.
 14. The change of use to a fee charging car park, and the display of signs at a former bingo hall on York Road.
 15. The sub-division of a dwellinghouse to create two flats at a residential property in Belk Street.
 16. Non-compliance with the approved plans at a householder development at a residential property in Windsor Street.
 17. The siting of a caravan at a residential development site at a farm off Hartlepool Road.
 18. The erection of an outbuilding at the rear of a residential property in Davison Drive.
 19. Non-compliance with a working hours condition at a residential development site at land at Quarry Farm.
 20. The application of tiles to the front elevation of a commercial property at The Front.
 21. The change of use of a dwellinghouse to a short term let holiday accommodation at a residential property in Jackson Street.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The construction of an external staircase at the rear of a commercial premises at The Front. No external staircase has been constructed.
 2. The replacement of garage doors with uPVC anthracite bi-fold doors and erection of two single-storey, flat-roof side extensions at a residential property in Meadowgate Drive. A retrospective planning application seeking to regularise the development has since been approved.
 3. The removal of a timber fence on the boundary between a residential property and a local shopping parade on Powlett Road. Permitted development rights apply in this case.
 4. Earthworks including the laying of a footpath and installation of underground cabling at a sports ground on Jesmond Gardens. A planning application in respect of the development has since been approved.

5. The display of advertising signs at a residential development site at land off Stoney Wood Drive, Wynyard. The advertising signs were found to be located outside of Hartlepool Borough Council administrative area.
6. The change of use of a residential property in St Pauls Road to a house in multiple occupation. Permitted development rights apply in this case.
7. The demolition of a garage at a residential property on Eldon Grove. No demolition or development works have yet taken place.
8. Running a car repair business at a residential property in Robinson Close. It was found that the activity did not lead to a material change of use requiring planning permission.
9. The replacement of a front boundary wall and alterations to a canopy over the front door at a residential property in Hutton Avenue. A retrospective planning application seeking to regularise the development has since been approved.
10. The erection of a timber clubhouse at a former yacht club on Ferry Road. The timber clubhouse has since been removed.
11. The change of use of a residential property in Lakeland Walk for use as short term let accommodation. No evidence of a material change of use was established.
12. Running a mask manufacturing business at a residential property in Catcote Road. No evidence of a material change of use was established.
13. The rendering of the rear of a residential property in Hayfield Close. A retrospective planning application seeking to regularise the development has since been approved.
14. Non-compliance with conditions relating to surface water drainage, site levels, external materials and obscure glazing at a residential development at land off Elwick Road. A discharge of conditions application has since been approved.
15. The conversion of a single dwellinghouse to two flats at a residential property in Moor Parade. The property has now been returned to a single dwellinghouse.
16. Change of use of a dwellinghouse to short term let contractors accommodation at a residential property in Annandale Crescent. A retrospective planning application seeking to regularise the development has since been approved.
17. Non-compliance with a construction management plan (relates to site access arrangements and construction vehicle parking) at a residential development site at land off Seaton Lane. The site was found to be operating in compliance with the approved construction management plan.

18. The erection of a fence to incorporate additional land to the side into garden at a residential property in Rosthwaite Close. The fence has now been re-located to its original position.
19. The relocation of a car park at a primary school on Hart Lane. The relocation of the car park does not result in a material change of use, and no operational development has taken place. There is therefore no breach of planning control in this instance.
20. The demolition of garages, erection of structures and fences, and the use of land as a recycling centre at an area of land at Marquis Street. No evidence of demolition of garages or the erection of new structures or fences was established. No material change of use to a recycling centre was established.
21. The erection of a telecommunications pole outside a residential property in Clifton Avenue. Permitted development rights apply in this case.

1.3 The following enforcement actions have been taken within this reporting period:

1. An enforcement notice has been served in respect of the erection of a high timber fence and gate and the front and sides of a residential property in West View Road.
2. A section 215 notice has been served in respect of the untidy condition of a commercial premises in Stockton Road.
3. A breach of condition notice has been served in respect of non-compliance with conditions at an area of land off Wynyard Woods.

2. RECOMMENDATION

2.1 Members note this report.

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PLANNING COMMITTEE

21st June 2023



Report of: Assistant Director – Neighbourhood Services

Subject: APPEAL AT 17 BUTTERSTONE AVENUE,
HARTLEPOOL, TS24 0GA
Appeal A: APP/H0724/C/22/3305149 (Appeal against an enforcement notice issued by Hartlepool Borough Council)
Appeal B: APP/H0724/W/22/3305187 (Appeal against refusal to grant planning permission by Hartlepool Borough Council)

Planning application for Enclosure of balcony to front with glass walls and roof, installation of electric shutters to the ground floor window at the front, erection of a fence to the front (approx. height 1.6m) and erection of fence to the both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front (H/2021/0198).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a joint planning appeal outcome that has been determined in respect of a refused planning application (Appeal B) and against the associated issuing of an Enforcement Notice (Appeal A) for the enclosure of balcony to front with glass walls and roof, installation of electric shutters to the ground floor window at the front, erection of a fence to the front (approx. height 1.6m) and erection of fence to the both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front (H/2021/0798).
- 1.2 The appeal(s) was part allowed (in so far as the shutters to the windows, fences to the rear, weatherboard cladding to the front and subject to the reduced height of the fence to the front) and part dismissed (in so far as the balcony enclosure to the front). This was reflected the in the updated requirements of the Enforcement Notice (Appeal A). A copy of the Inspector’s decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



Appeal Decisions

Site visit made on 20 March 2023

by **R Merrett Bsc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal A: APP/H0724/C/22/3305149 17 Butterstone Avenue, Hartlepool TS24 0GA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss Helen Broughton against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 11 August 2022.
- The breach of planning control as alleged in the notice is Without planning permission, the enclosure of the balcony to the front with glass walls and roof, the installation of electric shutters to the ground floor window at the front, and the erection of a fence at the front.
- The requirements of the notice are (i) Remove the first floor glazed screening/conservatory to the original balcony to the front; (ii) Remove the shutter to the front elevation; (iii) Remove the fencing to the front; (iv) Restore the land and boundary to their condition prior to the breaches taking place; (v) Remove any debris associated steps (i) to (iv).
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Appeal B: APP/H0724/W/22/3305187 17 Butterstone Avenue, Hartlepool TS24 0GA

- 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 Miss Helen Broughton against the decision of Hartlepool Borough Council.
- The application Ref H/2021/0198, dated 21 April 2021, was refused by notice dated 27 July 2022.
- The development proposed is Enclosure of balcony to front with glass walls and roof, installation of electric shutters to the ground floor window at the front, erection of a fence to the front (approx. height 1.6m) and erection of fence to both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front.

Summary of Decision: The appeal is allowed in part and is dismissed in part as set out below in the Formal Decision.

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Preliminary Matters

1. With regard to Appeal B, I have taken the description of development from the Council's decision notice, as agreed on the appeal form.
2. The Council said in its statement of case that the house, the subject of this appeal, was governed by a planning condition removing permitted development rights¹ for means of enclosure to the front of the property. The Council has since conceded, however, that this statement was made in error and that there is no such permitted development right restriction in place.

Main Issues

3. The main issues are the effect of (i) the development on the character and appearance of the host dwelling and wider area; (ii) the enclosed balcony on the living conditions of the occupiers of no. 15 Butterstone Avenue, having particular regard to privacy and (iii) the front fence on highway safety.

Reasons

Character and Appearance

4. The appeal site is part of a modern development of predominantly two-storey detached and semi-detached houses. It is located amongst a ribbon of dwellings which face the nearby coastline. Accordingly the front of the property is prominent, viewed from the adjacent highway and coastal footways beyond.
5. Although designs vary, the houses commonly feature brick, smooth render and / or weatherboarding in various colours. Other common features shared by many of the dwellings in the vicinity, including the appeal property itself, which are a key part of their character, are a forward projecting upper floor balcony and prominent gables above first floor level extending across the full or part width of the frontage. Despite their forward projection, their general lack of enclosure means that balconies tend to appear subordinate in comparison to the more dominant gables.

Balcony enclosure

6. The enclosure of the balcony, in this case with a black-framed, glazed, lean-to structure, is one of the developments targeted by the enforcement notice. From my visit it was apparent that this structure has a relatively limited footprint, sitting within the existing walls of the balcony and not projecting beyond the forward elevation of the integral garage below, albeit that it is forward of the main front elevation of the neighbouring dwelling at no. 15 Butterstone Avenue. In addition the structure, in itself, has a relatively recessive appearance because of its predominantly glazed construction.
7. However, despite its limited forward projection and glazed construction, the prominent lean-to design extends above the eaves height of, and across much of the width of, the gabled main frontage to the house. As such the structure visually jars with and begins to dominate the main gable elevation, such that the balcony feature is no longer subordinate to the main dwelling, having a 'top

¹ Granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

heavy' and somewhat contrived and unsympathetic appearance. Furthermore, it is the only development of its type along this stretch of the coastal frontage, and whilst not interrupting any strong sense of uniformity along the street scene, it nevertheless detracts from the visual rhythm of open balconies next to prominent gables.

8. Accordingly the balcony structure is harmful to the character and appearance of the host dwelling and the wider street scene. As such it is in conflict with Policies HSG11 and QP4 of the Hartlepool Local Plan 2018 (LP) and with the National Planning Policy Framework (the Framework) insofar as they seek to promote high quality design that respects its surroundings.
9. I acknowledge the supporting statements based on the enclosure allowing for weather protection and therefore more flexible use, also the saving of energy all in the context of the alleged substandard build quality of the original dwelling. However, the development would not be justified by technical problems associated with the original build quality of the dwelling. Furthermore, any private benefits to the appellant, along with supporting comments from local residents, do not outweigh the harm identified. The appellant has also referred to other properties on the estate that have been changed in appearance in various ways. I have been provided with limited details in this regard, but in any event for the above reasons they do not justify the harm identified, with each case needing to be decided on its individual merits.

Front fence

10. The appellant has erected a vertical close boarded fence along the front side boundary with no. 15 Butterstone Avenue. The fence is approximately 1.5 metres in height, but is reduced to just over 1 metre in height where it comes within 1 metre of the highway.
11. Whilst there are other examples of fences forward of front elevations elsewhere on the estate these are very few and far between. It is also unclear from the evidence whether these structures have been authorised. I agree with the Council that the front fence is at odds with the predominantly open plan character of the frontages. The visual impact is exacerbated by the relatively tall height of the structure.
12. This development is therefore also harmful to the character and appearance of the area. Accordingly, it is in conflict with Policy QP4 of the LP and with the Framework insofar as they seek to promote high quality design that respects its surroundings. I am not persuaded that any suggested security benefits arising from the fence acting as a privacy screen, even if recommended by others, serve to outweigh the harm identified.
13. Notwithstanding this I am mindful that in accordance with Paragraph A.1 of Part 2 of Schedule 2 of the GPDO it would be possible to erect a fence not exceeding one metre in height adjacent to the highway at the front of the property, without the need for planning permission. It seems to me that if I required the demolition of the front fence in its entirety, a fence to a height not exceeding one metre could then be erected in its place. Accordingly I propose to vary the requirements of the notice to allow for the option of reducing the front fence to a maximum height of one metre, because this represents a

realistic fallback position and is an 'obvious alternative' that could be achieved with less cost and disruption.

Window shutter and other developments

14. The roller shutter targeted by the notice relates to a recessed window on the front elevation. The shutter housing takes the form of a metal box situated above the window. Overall the shutter is of limited scale and is similar in design to the adjacent roller shutter garage door. It is also unlikely that it would permanently be in a lowered position. Although the metal shutter housing projects forward of the window it is situated on a recessed part of the front elevation and is not a prominent addition. For the above reasons I do not concur with the Council's view that the shutter and housing constitute an incongruous and unsympathetic form of development. It is also noted that the dark coloured finishing of these alterations are visually assimilated against the similar dark colouring of the surrounding cladding.
15. The Council does not take issue with the rear fencing or the application, in principle, of weatherboarding to the front elevation. I see no reason to take a contrary view. The Council suggest the inclusion of a condition to control the colour of the weatherboard cladding, however this seems to me to be unnecessarily restrictive having regard to the surrounding area.
16. For the above reasons I conclude that the window shutter, rear fencing and weatherboarding do not result in harm to the character and appearance of the host dwelling or wider area. Accordingly they do not conflict with Policies HSG11 or QP4 of the LP or with the Framework. In permitting these developments I have considered the need for an 'approved plans' condition. However this will not be necessary given the retrospective nature of the development.

Privacy

17. During my visit I inspected the outlook from the enclosed first floor balcony. Whilst it is possible to view the front elevation of the neighbouring dwelling at no. 15, and the windows in that elevation, visibility is at a very acute angle. It is not therefore possible to view the interior of the respective rooms such that it would intrude on the neighbour's privacy. Furthermore, the immediate front apron area of the neighbouring property, including driveway, is screened from view by the side wall of the balcony. I am therefore in no doubt that the development has not resulted in harm to the living conditions of neighbouring residents due to overlooking and loss of privacy.
18. I have considered the argument that the development still leads to a perception of being overlooked, even if in reality this effect is not occurring. However this argument is not compelling given that residents would still be able to use the balcony area, and be perceived by the neighbours there, even in the absence of the enclosure. Accordingly the development does not conflict with Policies HSG11 or QP4 of the LP or with the Council's Residential Design Guide SPD (2019) insofar as they seek to protect the living conditions of neighbouring residents. This finding does not however overcome the concerns that I have raised above.

Appeal Decisions APP/H0724/C/22/3305149, APP/H0724/W/22/3305187

Highway Safety

19. From my visit it was apparent that Butterstone Avenue is not a particularly busy road. Furthermore the appeal site is close to a pronounced bend in the road which serves to slow the speed of traffic passing the site. The reduction in the height of the forward most part of the front fence also aids visibility. Therefore the argument that the fence would result in harm to highway safety with respect to drivers emerging from the appeal site, or from the neighbouring driveway at no. 15, is simply not compelling.
20. Accordingly I conclude that the development would not conflict with Policies HSG11 or QP5 of the LP insofar as they seek to safeguard road safety and to ensure that all developments are designed to be safe and secure. Again however, this finding does not overcome the concerns that I have raised above.

Other Matters

21. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations. The Act recognises that disability constitutes a relevant protected characteristic for the purposes of PSED. I have also considered the appellant's rights under Article 8 of the European Convention on Human Rights², as the notice's requirements amount to interference with those rights.
22. I have noted the appellant has referred to being registered disabled, but have been provided with little more detail than this. On the basis of the information before me I do not consider the requirements of the notice, as I propose to vary them, or the period that has been set for compliance with the notice to result in a disproportionate burden, when balanced against the harm that I have identified.
23. Separately, and for the avoidance of doubt, any dispute regarding the encroachment of fencing on neighbouring property would be a private matter and would be outside the remit of my considerations in this case.

Conclusion

Appeal A

24. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for part of the matters, but otherwise I will uphold the notice with variations and refuse to grant planning permission in respect of the other part. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.
25. Section 180 of the Act states that where after the service of an enforcement notice planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. Consequently the notice ceases to have

² As set out within the Human Rights Act 1998, which states that everyone has the right to respect for their private and family life, their home and correspondence.

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effect with regard to the installation of electric shutters to the ground floor window at the front because this now benefits from planning permission and is therefore lawful for planning purposes.

Appeal B

26. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Formal Decisions

Appeal A

27. The appeal is allowed in part and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the installation of electric shutters to the ground floor window at the front at 17 Butterstone Avenue, Hartlepool TS24 0GA.

28. It is directed that the enforcement notice be varied by the addition of the words:-

"OR reduce the height of the fencing to the front to no greater than one metre" at the end of paragraph (iii) of Schedule 5; and

"Subject to paragraph (iii) above" at the beginning of paragraph (iv) of Schedule 5.

29. The appeal is dismissed and the enforcement notice is upheld as varied and planning permission is refused in respect of the enclosure of the balcony to the front with glass walls and roof and the erection of a fence at the front at 17 Butterstone Avenue, Hartlepool TS24 0GA on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

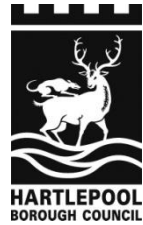
30. The appeal is dismissed insofar as it relates to the enclosure of balcony to front with glass walls and roof and erection of a fence to the front (approx. height 1.6m). The appeal is allowed and planning permission is granted insofar as it relates to the installation of electric shutters to the ground floor window at the front, erection of fence to both side boundaries at the rear (approx. height 2.1m) (retrospective) and proposed installation of weatherboard cladding to the front at 17 Butterstone Avenue, Hartlepool TS24 0GA in accordance with the terms of the application, Ref H/2021/0198, dated 21 April 2021, so far as relevant to that part of the development hereby permitted.

R Merrett

INSPECTOR

PLANNING COMMITTEE

21st June 2023



Report of: Assistant Director – Neighbourhood Services

Subject: APPEAL AT RAGLAN QUOIT CLUB, CLARENCE ROAD, HARTLEPOOL, TS26 8DA
APPEAL REF: APP/H0724/Z/23/3316644
Advertisement consent for the erection and display of a freestanding 48-sheet digital LED advertising unit (H/2022/0421).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an advertisement consent for the erection and display of a freestanding 48-sheet digital LED advertising unit at Raglan Quoit Club, Clarence Road, Hartlepool (H/2022/0421).
- 1.2 The appeal was allowed. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1



The Planning Inspectorate

Appeal Decision

Site visit made on 20 March 2023

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/H0724/Z/23/3316644

Land adjacent to the Raglan Quoit Club, Clarence Road, Hartlepool TS24 8DA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Warren Milroy (Vivid Outdoor Media Solutions (B) Limited) against the decision of Hartlepool Borough Council.
- The application Ref H/2022/0421, dated 22 October 2022, was refused by notice dated 18 January 2023.
- The advertisement proposed is the erection and display of a freestanding 48-sheet sized digital LED advertising unit.

Decision

1. The appeal is allowed and express consent is granted for the display a freestanding 48-sheet sized digital LED advertising unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule of conditions.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reason for refusal refers to Hartlepool Local Plan (HLP) policies QP4 and QP8. I have taken these policies into account insofar as they relate to amenity.
3. The Council's decision raises no objection to the proposed advertisement display in respect of public safety. Having assessed the proposal, I see no reason to disagree. The main issue in this case is therefore the effect of the digital LED advertising display on amenity.

Reasons

4. The appeal site lies within an area of open grass land adjacent to the flank elevation of the Raglan Quoit Club building. The area of grass land extends southwards along the western side of Clarence Road towards Hartlepool United's football ground. To the west of it lie the rears of residential properties on Stuart Street and Milner Grove whilst to the east, beyond and above a continuous wall which runs the length of Clarence Road, the roofs of commercial buildings on an adjacent retail park are visible.
5. The Quoit Club building is a relatively low, single storey building. Comprised of multiple elements, it presents a taller gable ended element and, at right angles

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- to it, a lower projecting element as an immediate backdrop to the appeal site. The advertisement panel itself would face broadly south, angled slightly towards Clarence Road, its content principally visible from the south.
6. The area of grass land does, as the Council suggest, fulfil a useful function of softening the Clarence Road street environment. However, despite this, the prevailing character of the area around the appeal site is, notwithstanding the pocket of residential development on Milner Grove which backs on to the area of grass, commercial in nature. The Quoit Club building as backdrop provides immediate context in this respect, but the football ground, roofs of the retail sheds to the east, and the large superstores beyond the football ground, all contribute to the predominant character noted above.
 7. The appeal proposal would not noticeably reduce the extent of the grassed area. It would, therefore, still fulfil the same 'softening' role. The sign itself would be seen in close quarters with, and in the immediate context of, the Quoit Club building, whose wide, starkly painted white flank elevation abruptly terminates the grassed area. The advertisement panel would stand in front of this, elevated on steel support legs, with the building and its roof providing an immediate backdrop.
 8. Although the Quoit Club building is not overtly laden with advertisements or signage on this elevation, there are signs elsewhere about it. There are also multiple large-format advertising panels, including a digital panel, elsewhere around that site's permitted on Middleton Road and Stuart Street. Commercial signage of varying types is therefore not uncommon in the appeal site's immediate surroundings, whilst in longer views on approach from the south along Clarence Road the advertisement would first be experienced from the immediate surroundings of the football ground.
 9. Whilst the other signs and panels provide context, the proposal would not in my judgement result in an over-proliferation of such installations. Rather, they would be sufficiently distant from each other to provide context without creating intrusive visual clutter. Moreover, whilst providing that context, the proposed advertisement would not be seen directly against or alongside other such panels and, as such, would not cause harm to amenity in this respect.
 10. The grassed area is referred to as an area of 'restraint' although it is not clear whether this term has any development plan standing. Reference has also been made to advertisements previously situated along the grassed area's Clarence Road frontage and, particularly, their subsequent removal as evidence of an approach of restraint. However, it is not clear whether the term 'restraint' has any particular development plan standing or status, whilst I have assessed the proposal on its merits and in the context of its surroundings.
 11. The presence of residential properties is noted in the Council's officer report. It concludes that the angle upon which they would look out towards the advertisement, and the distance between it and them, would be such that amenity concerns would not exist in this respect. I agree. The advertisement panel would be angled towards the road resulting in an oblique angle across the face of the panel, whilst intervening vegetation (when in leaf) and tree canopies (skeletal, when not in leaf) intercept direct views.
 12. For these reasons, I therefore conclude that the proposed digital LED advertising unit would not have a harmful effect on the amenity of the

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surrounding area. I have taken into account the provisions of HLP policies QP4 and QP8, and the Framework, which have been cited in the refusal reason, and which broadly seek to promote high quality design. As I have concluded that the proposal would not harm amenity, it does not conflict with these policies. However, as the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity, they have not been decisive in my determination.

Conditions

13. The Council has suggested a range of conditions¹ other than the five standard conditions set out in the Regulations. Condition 1 is not necessary as the decision set out above already refers to these matters, whilst the plans referred to in condition 2 are also part of the application 'as applied for' in the decision. Other conditions may be combined² where necessary and covering similar subject matter in order to avoid excessive numbers of conditions.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR

¹ Reference to condition numbers in this section correspond with the numbering of the Council's suggested conditions. There was no suggested condition 11.

² Conditions 4 and 6 and conditions 8, 9, 11 and 12

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Schedule of Conditions

(in addition to the five standard conditions set out in the Regulations)

- 1) No individual advertisement displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
- 2) The interval between successive displays on the sign shall be instantaneous (0.1 second or less), with no flashing and a smooth instant change into the next static image and the complete screen shall change. There shall be no visual effects, including swiping or other animated transition methods between successive displays on the sign. The display shall not change more frequently than once every 10 seconds.
- 3) The intensity of the illumination of the sign shall accord with the Institute of Lighting Professionals publication PLG05 (2015): The Brightness of Illuminated Advertisements, or any publication replacing or superseding this guidance and shall not exceed 300cd/m² during the hours of 'darkness' defined as the hours after dusk and before dawn. The display panel of the sign shall be fitted with a light sensor to adjust the brightness in response to changes in light patterns. The intensity of the luminance anywhere on the surface of the advertisements hereby granted shall be no greater than 300 candela per square metre during night-time hours (23:00hrs to 06:00hrs). The illumination of the advertisement shall not at any time be intermittent.
- 4) The display shall include a mechanism to freeze the image in the event of malfunction or default to a black screen to avoid any flashing error message or pixilation.
- 5) The use of message sequencing for the same product is prohibited and the advertisement shall not include features/equipment which would allow interactive messages/ advertisements to be displayed.
- 6) The advertisement displayed shall be silent and any audio capability that the billboard has shall be disabled for the duration of its period of display.

****end of schedule****

PLANNING COMMITTEE

19th April 2023



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT LOW THROSTON HOUSE,
THE BUNGALOW, NETHERBY GATE,
HARTLEPOOL, TS26 0LF
APPEAL REF: APP/H0724/W/23/3323428
Change of use of land to extend curtilage of 1no.
dwelling approved under H/2021/0215 and to enclose
land into residential curtilage (H/2022/0378).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse an application for the 'change of use of land to extend curtilage of 1no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage' (H/2022/0378).
- 1.2 The planning application was refused under delegated powers on 15th March 2023 for the following reason:
- In the opinion of the Local Planning Authority, it is considered that the extension of the garden curtilage and erection of a timber closed boarded fence fails to preserve and/or enhance the special character and setting of the Schedule Monument (known as Low Throston deserted medieval village) due to the design, scale and siting of the development. It is further considered that the development results in an unsympathetic and visually intrusive form of development that significantly diminishes the character and appearance of the area and that there is no evidence or identified public benefits that would outweigh this harm. The application is therefore contrary to Policies HE1 and QP4 of the Hartlepool Local Plan (2018) and the relevant provisions of the NPPF (2021).*
- 1.3 A copy of the officer's delegated report is appended at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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Appendix 1

DELEGATED REPORT

Application No H/2022/0378

Proposal Change of use of land to extend curtilage of 1no. dwelling approved under H/2021/0215 and to enclose land into residential curtilage.

Location LOW THROSTON HOUSE NETHERBY GATE
HARTLEPOOL

PS Code: 13

DELEGATION ISSUES	Neighbour letters:	08/12/2022
1) Publicity Expiry	Site notice:	08/12/2022
	Advert:	14/12/2022
	Weekly list:	11/12/2023
	Expiry date:	02/01/2023
	Extended date:	15/03/2023
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of a site notice, press advert and neighbour notifications (9). To date, 3 letters of no objection have been received.</p>		
CONSULTATIONS		
<p>The following consultation responses were received;</p>		
<p>Historic England - Thank you for your letter of 17 November 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.</p>		
<p>Summary</p> <p>The development, as built, extends into the area of a Scheduled Monument known as “Low Throston deserted medieval village” (National Heritage List for England HA 1006765).</p> <ul style="list-style-type: none"> • The purple fence line shown on the submitted drawings extends the garden area into the scheduled area to the west and north of the bungalow 		

- The fence causes a permanent level of harm to setting of the monument. There will also have been physical harm caused during the construction of the fence and garden.
- Historic England objects to this application on heritage grounds. We believe that there is an ongoing permanent level of harm to the heritage asset caused by this development as built. However, we note that it is for the LPA to make a necessary balance of harms vs the public benefits of the development with regard to para. 202 of the NPPF (2021).

Historic England Advice

Significance

The development lies in the north-west corner of an area of housing which is surrounded by the well preserved earthwork remains of an abandoned medieval village.

The earthworks are expressed on the 1st Edition OS maps onwards and are clearly visible on the ground and on Google Earth satellite imagery. Partial excavation in 1972 provided evidence suggesting occupation dating between 14th - 16th centuries. The site's significance lies in the evidence it may contain for the development and subsequent abandonment of medieval settlements in the North. It has high levels of evidential, historical and communal heritage values. The site is of national importance and is protected as a scheduled monument known as "Low Throston deserted medieval village" (National Heritage List for England HA 1006765).

Impact

The development has already been constructed. This is an application to regularise parts of the development which were not covered in the original application. Historic England are most concerned about the extension of the garden area to the east and north of the bungalow as expressed on submitted drawings by the fence line on:

- L020142 - 101 - Location plan
- L020142 - 102 - Proposed block Plan
- L020142 - 003 (Rev B) - Existing and Proposed site levels plan and Proposed landscaping

A fence line is shown on the drawings as a purple line to the west and north of the bungalow footprint. This encloses an area described as "curtilage for the proposed dwelling" and "enclosed by 1.8m high close boarded timber fence". This area intrudes beyond the previous (as existing) fence line and is located inside the scheduled monument area by several meters.

The submitted heritage statement declares that no part of the development intrudes into the scheduled area. Also, reference is made to a plan submitted for the original application - 415/A.Z. construction works zones - which I cannot find. However, the Heritage Statement notes that the construction "...access route [will be] via the new footpath route...". We understand that construction materials were stored on the scheduled monument and may have been tracked across the monument during construction.

Policy

This application needs to be judged against Government policy on the importance of conserving heritage for the benefit of current and future generations, as set out in the National Planning Policy Framework (NPPF 2021). Namely:

- □ Paragraph 189 is clear that all heritage assets are an irreplaceable resource and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- Paragraph 194 requires that developers describe the significance of any heritage assets which may be affected, including any contribution made by their setting. In addition, where a proposed development will or may impact on potential archaeological assets, the local planning authority should require a desk-based assessment and, where necessary, a field evaluation.
- Paragraph 197 requires that LPA’s should take account of “...a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”
 - Paragraph 199 requires that when there is an impact from a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
 - Paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
 - Paragraph 202 requires that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use.

In addition, Scheduled Monument Consent (SMC) is required for any works or development on a scheduled monument. We have no record of SMC being applied for these works. It is not possible to apply for retrospective SMC.

Position

It is Historic England's view that the submitted heritage statement is incorrect in its conclusion that "... there is to be no intrusion into the Scheduled Monument asset area, there are no visible workings and none are planned in the foreseeable future, there is no significant impact on the asset for the new bungalow..."

We accepted the original proposal for this development on the understanding that it would lie entirely outside of the scheduled medieval settlement. Although the encroachment into the monument by the fencing work is relatively small, it causes a degree of permanent harm to the setting of this site by eating into and covering the monument. It visually separates this area from the other open ground which allows an understanding and appreciation of the medieval village. There is also physical harm to the protected below ground archaeological material which may exist in this area.

Historic England object to this application as we believe that there is an ongoing permanent level of harm to the heritage asset caused by this development as built. However, it is for the LPA, with specific regard to para. 202 of the NPPF (2021), to make the necessary balance of these harms vs the public benefits of the development.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph number 202. However, it is for the LPA to make the considered balance between the identified harm and the public benefits of the development.

UPDATE 27.01.2023

Thank you for your letter of 12 January 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Having considered the additional heritage statement presented by the applicant we wish to reiterate our previous advice (dated 6th December 2022), namely:

That the development subject to this application would cause a modest degree of permanent harm to the scheduled remains of the medieval settlement at Low Throston. The currently permitted development avoided this harm, and we therefore did not oppose this. As a consequence, Historic England objects to the proposed work. It is for the Council, as LPA, to balance this harm against any public benefits which you consider would arise from the development in line with the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that because the application would cause harm to the scheduled monument at Low Throston, if you are to grant permission for this development the Council will need to be convinced that there are public benefits from the scheme which outweigh this and that there are clear and convincing justifications for the development, in line with NPPF Paragraphs 202 and 200.

Tees Archaeology - We note the inclusion of a heritage statement. This document was originally submitted for application H/2020/0062, and has not been updated to suit the current application. The groundworks associated with applications H/2020/0062 and H/2021/0215 have already taken place. The area proposed for residential curtilage is part of the Scheduled Monument of Low Throston, and has already been enclosed by the erection of a fence.

The heritage statement discusses the site as if the works on site have not taken place; it should be acknowledged that this application is part retrospective as the works associated with application H/2021/0215 have already started. This document states that there will be a watching brief to monitor the works for the foundations and service trenches; although a Written Scheme of Investigation was submitted, a watching brief was not carried out during these works. It also asserts that there will be no intrusion into the Scheduled Monument asset area; this is incorrect as the fence has been erected within the Scheduled Monument and works have been carried out between the fence and the dwelling. Indeed, comparisons between the submitted existing and proposed site plans show that an earthwork to the north of the site has been directly impacted by these proposals.

The heritage statement concludes that “On this occasion, as there is to be no intrusion into the Scheduled Monument asset area, there are no visible workings and none are planned in the foreseeable future, there is no significant impact on the asset for the new bungalow. A watching brief has been agreed as sufficient during a recent site meeting. Should anything of significance be discovered during the watching brief, then appropriate action will be taken at the time.” We disagree with this conclusion – works have been undertaken in the Scheduled Monument asset area, without Scheduled Monument Consent and this is an offence under the Ancient Monuments and Archaeological Areas Act 1979. These works impact the significance of the monument, and a watching brief was not carried out as agreed.

We understand that Historic England do not support this application, due to the harm that has been caused to the Scheduled Monument, and would prefer to see the fence removed and reinstated along the original approved boundary.

I would ask that a revised heritage statement is submitted, addressing the above points, and assessing the impact of the removal of the fence versus the retention of the fence upon the Scheduled Monument.

UPDATE 31.01.2023

Thank you for the additional consultation on this application. We note the submission of a new heritage statement. This clearly sets out the impact of the fence on the scheduled monument, as well as setting out recommendations for mitigation. The heritage statement concludes that, although the development has negatively impacted the scheduled monument, the removal of the fence might cause more harm than leaving it in place. It recommends reducing the visual impact of the development and instituting a management plan for the scheduled monument. Whilst we cannot approve of the development within the scheduled monument for which no consent was given, the conclusions and recommendations of this heritage statement are sound.

HBC Engineering Consultancy – No objection to proposals in respect of surface water management or contaminated land.

HBC Landscape Architect – Although the proposed change of use would alter the previously logical western boundary line, I would defer to Heritage and Open Space.

HBC Head of Service (Heritage and Open spaces) – This site is not in close proximity to any listed or locally listed buildings nor any conservation areas therefore I wouldn't wish to comment. I would leave this to Tees Archaeology as it is their area of expertise.

Natural England – No comments to make on this application.

3) Neighbour letters needed Y

4) Parish letter needed N

5) Policy

National Planning Policy Framework (NPPF)(2021)

In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

- PARA001: Role of NPPF
- PARA002: Determination of applications in accordance with development plan
- PARA003: Utilisation of NPPF
- PARA007: Achieving sustainable development
- PARA008: Achieving sustainable development
- PARA009: Achieving sustainable development
- PARA010: Achieving sustainable development
- PARA011: The presumption in favour of sustainable development
- PARA012: The presumption in favour of sustainable development
- PARA038: Decision making
- PARA047: Determining applications
- PARA055: Planning conditions and obligations
- PARA056: Planning conditions and obligations
- PARA110: Considering development proposals
- PARA124: Achieving appropriate densities
- PARA126: Achieving well-designed places
- PARA130: Achieving well-designed places

PARA134: Achieving well-designed places
 PARA154: Meeting the challenge of climate change, flooding and coastal change
 PARA189: Conserving and enhancing the historic environment
 PARA194: Conserving and enhancing the historic environment
 PARA197: Conserving and enhancing the historic environment
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts
 PARA200: Conserving and enhancing the historic environment - Considering potential impacts
 PARA201: Conserving and enhancing the historic environment - Considering potential impacts
 PARA202: Conserving and enhancing the historic environment
 PARA205: Conserving and enhancing the historic environment
 PARA218: Implementation

Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change
 HE1: Heritage Assets
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency

HBC Planning Policy - Planning Policy note that the application site is within an area allocated via policy HE1 (Heritage Assets) and is allocated as part of the Medieval Village of Low Throston. The designation boundary was drawn as it is an area of importance and encroachment into it should be resisted. Planning Policy have concerns with regards to this proposal and consider that the view of the Heritage and Open spaces manager will be paramount to determining the application.

6) Planning Consideration

HISTORY

The application site has a complex and lengthy planning history as set out below:

H/2021/0215 - Approval of reserved matters relating to appearance, landscaping, layout and scale for the erection of a single residential dwelling pursuant to outline planning permission H/2020/0062 – approved 02/08/2021.

H/2020/0062 - Outline planning permission with some matters reserved for the erection of dwellinghouse – approved 20/12/2020.

H/2018/0345 – Change of use of land to residential use and erection of an attached garage and car port to bungalow – approved 02/05/2018

H/2017/0069 – Application for Lawful Development Certificate for existing use of land to site chalet under Mobile Homes Act definition within curtilage of Low Throston House for ancillary use, refused 2017. The application was subsequently allowed on appeal.

ENF/13/00004- Following the granting of planning permission, the applicant erected a 'caravan/residential unit' on the foundations of the site where the approved detached bungalow (H/2012/0547) was to be positioned. Works commenced and foundation and services works were carried out. The Local Planning Authority served an Enforcement Notice (reference ENF/13/00004) against the unauthorised works on 10.09.2013 requiring;

- (i) Permanently remove the residential unit and associated paraphernalia with the use from the land.
- (ii) Permanently remove from the land all materials arising from compliance with requirement (i).

The Enforcement Notice was appealed against (appeal ref; APP/H0724/C/13/2209310) on ground 'C' that there had not been a breach of planning control (no other planning merits were therefore considered as part of the appeal). The appellant contended that permission was not required.

The Inspector concluded that that the 'caravan/residential unit' comprised development which required planning permission and as there was no planning permission in place and there were no permitted rights existing, and therefore there had been a breach of planning control. The appeal was subsequently dismissed and the enforcement notice was upheld by the Planning Inspectorate on 28.03.2014.

H/2013/0627 – Following the issue of the above referenced Enforcement Notice, a retrospective application for the 'temporary siting of chalet' was submitted to the LPA on 25 November 2013. The application was refused by the Local Planning Authority on 02.04.2017 for the following reasons;

1. It is considered that the siting of a chalet/mobile home in a predominantly residential area would set a precedent for similar development to come forward, contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the external appearance of the prominently positioned chalet/mobile home would be incongruous to the surrounding area contrary to GEP1 of the adopted Hartlepool Local Plan 2006.

The applicant subsequently appealed the LPA's decision (appeal ref APP/H0724/A/14/2219037) which was allowed by the Planning Inspectorate on 10.10.2014 subject to a planning condition restricting the permission to a temporary 2 year period.

H/2012/0547 – Erection of a detached bungalow (resubmitted application), approved 2012, to which the current application relates.

H/2012/0439 – Erection of a detached bungalow.

This application was withdrawn as the applicant proposed to revise the drainage arrangements for the dwelling.

H/2008/0057 – Erection of quadruple car garage with granny annexe over.

This permission, granted March 2008, relates to the replacement of the existing garage to the south-west of the main house. The permission granted approval for the erection of a two-storey building comprising a garage at ground floor and a self-contained annexe to Low Throston House at first floor.

HFUL/2002/0649 – Erection of a stable block.

Permission was granted in December 2002 for a stable block adjacent to the entrance to Low Throston House, opposite the land to which this application relates.

HFUL/2000/0363 – Use of the land for the siting of a portable building in connection with grazing.

Permission was granted in October 2000 to retain a portable building on the site thereafter occupied by the stable block. The building has since been removed.

HFUL/1996/0288 – Change of use and engineering works to create ménage area, extension to existing stables and erection of a fence.

This application, granted March 2007, related to the part of the site to which this application relates – the paddock.

HOUT/1995/0591 – Erection of a detached bungalow and widening of a private access.

The application was withdrawn in September 1998.

HOUT/1995/0457 – Erection of a detached bungalow and associated alterations to access to Hart Lane.

This application related to the erection of a detached bungalow on the application site. The application was refused in November 1995 on three grounds: impact on the Scheduled Ancient Monument, visual intrusiveness and highway safety.

HOUT/1987/0373 – Erection of two detached bungalows.

The application was refused in September 1987 on the grounds of visual amenity. The proposal was subsequently dismissed on appeal.

SITE AND SURROUNDINGS

The site is located at the end of a small un-adopted cul-de-sac currently serving four properties (as per the history for H/2017/0069, this relates to an ancillary structure/chalet to that of the main dwelling of Low Throston House). Within the grounds of the main dwelling of Low Throston House there is a two-storey building comprising garages and a self contained annexe at first floor, currently occupied by family members of the occupants of Low Throston House. To the south of the property is an area of land currently occupied by stables, paddock, residential accommodation consisting of a detached bungalow and the aforementioned caravan/chalet. The site as a whole including the residential, stable and paddock are set back from and slightly elevated in relation to Hart Lane to the south. The

site is surrounded to the north and west by the medieval village of Low Throston which is a scheduled ancient monument, beyond which are residential properties.

PROPOSAL

The proposal seeks retrospective planning permission for the extension of the residential curtilage to the property known as The Bungalow, Low Throston House (Approved under H/2021/0215 + H/2020/0062). The curtilage for the new dwelling was defined by a red line boundary and agreed under condition 15 of H/2020/0062 and agreed and discharged D/2021/0068 on 26th July 2021. The land that is incorporated into the residential curtilage forms part of the open pasture occupied by the Low Throston Deserted Medieval Village (DMV) scheduled monument (protected area). An area to the north approximately 6.43m² (to form a side garden) and an area to the west approximately 3.68m² (to form a rear/front garden) has had a timber boundary fence erected approximately 1.8m in height to enclose the area (approximately 133.72 sqm). These areas that have been enclosed are beyond the approved curtilage defined by H/2020/0062.

Owing to the change in levels (the land slopes east to west) the front area appears to have created a platform(s) within the garden area. It was also noted that a pole mounted CCTV system present in the north east corner of the extended curtilage (no known planning records).

Based on the case officer's site observations and comparison to previous approved plans at the application site (and adjacent sites), it would also appear that the adjacent property of Low Throston House has extended its curtilage to the north (also into the Schedule Ancient Monument site). This will need to be investigated separate to the current application.

MATERIAL PLANNING CONSIDERATIONS

The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the host building and the Schedule Ancient Monument Site, the impact on the amenity of neighbouring land users, and any other planning matters as set out below;

IMPACT ON VISUAL AMENITY AND HERITAGE ASSESTS

The National Planning Policy Framework 2021 (NPPF) sets out the Government's commitment to good design. Paragraph 130 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The Hartlepool Local Plan 2018 advises that development should be designed to a high quality and positively enhance their location and setting, be of a scale and character which is in keeping with its surroundings, and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy QP4 states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development

should be designed to take into account a density that is reflective of the surrounding area.

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

Proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting will be required to:

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;
- 2) Be of high quality design which has a positive impact on the heritage asset.
- 3) Ensure the sensitive and viable use of the heritage asset.

The extension of residential curtilage incorporates land which forms part of the Scheduled Ancient Monument (SAM) which has been enclosed by unstained timber fencing approximately 1.8m in height. The site sits in an elevated position when viewing from west to east, the fence steps out from the existing boundary treatment which runs the length of the Netherby Gate site and is considered to be visible from wider vantage points. It is also of note that the approved curtilage for the dwelling was given careful consideration during the course of the determining the outline and associated reserved matters approvals. The current development clearly extends beyond the agreed curtilage with associated and identified visual impacts.

Historic England has been consulted on the application and considers that the extension of curtilage and erection of fencing causes a permanent level of harm to the setting of the SAM. It is also of note that Schedule Monument Consent (SMC) is required for any works or development on a scheduled monument, there is no record of this being applied for these works. SMC cannot be applied for retrospectively (this is separate from the current planning application/process).

Tees Archaeology have been consulted and consider that the extension of curtilage into the SAM, with a timber boundary fencing enclosing it would cause harm. An updated Heritage Statement has been submitted by the applicant and further consultation carried out on the updated document. Tees Archaeology acknowledge that the document clearly sets out the impact of the fence on the scheduled monument, including recommendations for mitigation measures. However, it is not considered that the mitigation proposed would address or overcome the Local Planning Authority's concerns regarding the impact on the heritage asset and visual amenity of the wider area.

It is considered that there are no identified public benefit from these works when weighing up the identified harm in the planning balance as required by the provisions of the relevant Local Plan Policies and those of the NPPF (2021).

In addition to extending the curtilage notably into the SAM to the north and west, it also appears that the applicant has extended the curtilage of the property into the curtilage and side garden of Low Throston House and the residential annex (to the

south). Given such changes are screened from wider areas and are not within the SAM, there are no significant visual or heritage impacts of this element.

The garden area to the front/rear (west) of the approved dwelling that has been constructed has incorporated a raised area within the garden area due to the existing land levels between the original site and the open area of the SAM. It would appear that the raised areas do encroach into the SAM. It is considered that this element would have an impact upon the SAM, which gives clear views above the boundary fence across the open area of the SAM.

It is considered that the extension of the garden curtilage and erection of a timber closed boarded fence to enclose land which is protected due to the status of Schedule Ancient Monument has a detrimental impact to its special character and setting due to its design, scale and prominent siting and results in an unsympathetic and visually intrusive form of development, that would significantly diminish the open character and appearance of the area and there is no evidence or identified public benefits that would outweigh the impact. The application is therefore contrary to Policies HE1 and QP4 of the Hartlepool Local Plan (s218) or paragraphs 126, 130, 134 and 202 of the NPPF (2021). This would therefore warrant a reason to refuse the application in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Paragraph 130 of the NPPF requires that planning decision should ensure that developments create places with a high standard of amenity for existing and future users.

Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that development should not negatively impact upon the relationship with existing and proposed neighbouring land users and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure to sustain and/or enhance the historic environment and heritage assets including archaeological remains, and their settings.

Owing to the siting of the extended curtilage and its relationship to residential properties to the north, south and west there are separation distances in excess of approximately 100m to these residential properties, it is considered that the development will not have an impact in terms of overbearing, overshadowing, loss of outlook or overlooking.

The extended curtilage will be screened by the existing dwelling and boundary treatments that enclose the garden area of the closest property known as Low Throston House and it is considered that the development will not have an impact in terms of overbearing, overshadowing, loss of outlook or overlooking for this property.

OTHER PLANNING MATTERS

The Council’s Engineering section have been consulted and have raised no objection to the proposal. The application is therefore considered to be acceptable with respect to matters of flood risk and drainage.

CONCLUSION

It is considered that the extension of the garden curtilage and erection of a timber closed boarded fence to enclose land which is protected due to the status of Schedule Ancient Monument has a detrimental impact to its special character and setting due to its design, scale and prominent siting and results in an unsympathetic and visually intrusive form of development, that would significantly diminish the open character and appearance of the area and there is no evidence or identified public benefits that would outweigh the impact. The application is therefore contrary to Policies HE1 and QP4 of the Hartlepool Local Plan (s218) or paragraphs 126, 130, 134 and 202 of the NPPF (2021). This would therefore warrant a reason to refuse the application in this instance.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

No

10) Any Declared Register of Interest

No

11) Chair’s Consent Necessary N

12) Recommendation REFUSE for the following reason;

REASON

1. In the opinion of the Local Planning Authority, it is considered that the extension of the garden curtilage and erection of a timber closed boarded fence fails to preserve and/or enhance the special character and setting of the Schedule Monument (known as Low Throston deserted medieval village) due to the design, scale and siting of the development. It is further considered that the development results in an unsympathetic and visually intrusive form of development that significantly diminishes the character and appearance of the area and that there is no evidence or identified public benefits that would outweigh this harm. The

application is therefore contrary to Policies HE1 and QP4 of the Hartlepool Local Plan (2018) and the relevant provisions of the NPPF (2021).

INFORMATIVE

01. Statement of Proactive Engagement

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

Author of Report: Jane Tindall

Signed: JT Tindall

Dated: 13/03/2023

Signed: D JAMES
Planning Team Leader DC

Dated: 15/03/2023