

# PLANNING COMMITTEE AGENDA



**Wednesday 27 July 2016**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Black, Cook, James, Lawton, Loynes, Martin-Wells, Morris and Robinson.

### 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 6 July 2016 (*to follow*)

### 4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

- |    |             |                                     |
|----|-------------|-------------------------------------|
| 1. | H/2015/0383 | 14-16 Whitby Street (page 1)        |
| 2. | H/2015/0384 | 14-16 Whitby Street (page 19)       |
| 3. | H/2016/0227 | 76 Church Street (page 27)          |
| 4. | H/2016/0158 | 5 Riverston Close (page 45)         |
| 5. | H/2016/0083 | Mayfair Centre, Tees Road (page 53) |

### 5. ITEMS FOR INFORMATION

5.1 Appeal at 10 Forester Close - *Director of Regeneration and Neighbourhoods*

5.2 Update on current complaints - *Director of Regeneration and Neighbourhoods*

### 6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



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

**EXEMPT ITEMS**

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

**8. ITEMS REQUIRING DECISION**

8.1 Enforcement Action (paras 5 and 6) – *Director of Regeneration and Neighbourhoods*

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

**10. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting.

The next scheduled meeting of the Committee will take place on 24 August, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **6 July 2016**

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

**Present:**

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Rob Cook, Marjorie James, Trisha Lawton, Ray Martin-Wells, George Morris and Jean Robinson

Also present: Councillor Paul Beck

Officers: Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Highways, Traffic and Transportation Manager  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Adrian Hurst, Principal Environmental Health Officer  
Daniel James, Senior Planning Officer  
Fiona McCall, Planning Officer  
Jo Stubbs, Democratic Services Officer

## **7. Apologies for Absence**

Apologies were submitted by Councillor Brenda Loynes.

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

Councillor Ray Martin-Wells declared a personal non-prejudicial interest in item H/2016/0186 (The Homestead, Cresswell Drive).

## **9. Confirmation of the minutes of the meeting held on 22<sup>nd</sup> June 2016**

Approved.

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

**Number:** H/2016/0186

**Applicant:** Mr George Ward

**Agent:** STEVE HESMONDHALGH AND ASSOCIATES MR C STOCKLEY 24 PARSONS COURT WELBURY WAY AYCLIFFE BUSINESS PARK

**Date received:** 17/05/2016

**Development:** Erection of a single dwelling and provision of retaining walls to the rear (demolition of detached garage)

**Location:** The Homestead Cresswell Drive HARTLEPOOL

Members requested that this application be deferred due to certain anomalies within the report. These specifically related to confusion over the number of properties in the area, doubts over the distance measured, drainage concerns, future replenishment of lost trees and a request for more information on loss of privacy and access points as raised by objectors. A member also queried how many properties in the area were currently paying council tax. Members voted to defer the application to a future meeting unanimously.

**Decision:** **Deferred** for further information on the following:

- i) Clarification from Traffic & Transportation on the suitability of the length of the driveway and the acceptability of the proposed number of properties served by a private drive
- ii) A detailed drainage scheme taking account of possible drainage problems arising from the removal of the trees
- iii) replacement tree planting
- iv) the impact on the privacy of neighbours
- v) the suitability of the access arrangements for access for emergency vehicles
- vi) Clarification as to how many properties are paying council tax in the cul de sac

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**Number:** H/2016/0155

**Applicant:** Mr Ward Wynyard Woods BILLINGHAM

**Agent:** JLL Mrs Bernadette Broderick One Piccadilly Gardens MANCHESTER

**Date received:** 13/05/2016

**Development:** Continued use of existing temporary school and installation of two additional temporary classroom blocks (for a period up to September 2018), associated tarmac play area, access and car parking areas, and an extension to the existing 1.8m high boundary fence and 2m high acoustic fence (ADDITIONAL AMENDED PLANS AND ADDITIONAL INFORMATION RECEIVED)

**Location:** Wynyard Church of England Primary School  
Wynyard Woods BILLINGHAM

Bernadette Broderick, the Agent, urged members to support the application which had been submitted due to delays on the part of Stockton Borough Council in the signing of the 106 agreement for the permanent school. A 2-year permission had been granted in July 2014 with the expectation that this would be the maximum required. Since then interest in the school had increased and it was now thought prudent to increase the site to allow for 100 children over the next 2 years while the permanent site was under development. She assured members that the site would be restored to its former state when its current use expired. There would be no impact on visual amenity or noise impact and highway and pedestrian safety would not be affected.

Members approved the application unanimously.

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

### **CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with plan 6APFS094/TEMP-2/050.001 REV P1 (Site Location Plan) received by the Local Planning Authority on 26th April 2016 and amended plans 6APFS094/TEMP-2/001 REV P3 (Existing Site Plan), 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), 6APFS094/TEMP-2/003 REV P2 (Fencing Details), 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations), 6APFS094/TEMP-2/005 REV P2 (Double Classroom Unit Plans & Elevations), 6APFS094/TEMP-2/006 REV P1 (Existing Site Sections) and 6APFS094/TEMP-2/007 REV P1 (Proposed Site Sections), all plans received by the Local Planning Authority on 7th June 2016. For the avoidance of doubt.
2. The external finishing materials of the buildings hereby approved shall match those of the existing adjacent school buildings, as annotated on approved plans 6/APFS094/TEMP-2/004 REV P2 and 6/APFS094/TEMP-2/005 REV P2 (both plans date received 7th June

2016) unless an alternative scheme of similar materials is agreed in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details of the proposed development.

3. The development hereby approved shall be carried out solely in accordance with the agreed details of the existing and proposed levels of the site including the finished ground levels of the site and buildings to be erected and any proposed mounding and or earth retention measures as detailed on plans 6APFS094/TEMP-2/001 REV P3 (Existing Site Plan), 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), 6APFS094/TEMP-2/006 REV P1 (Existing Site Sections) and 6APFS094/TEMP-2/007 REV P1 (Proposed Site Sections), all plans date received by the Local Planning Authority on 7th June 2016. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents.
4. The 2m high acoustic fence hereby approved and as specified on plans 6APFS094/TEMP-2/003 REV P2 (Fencing Details) and 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), both plans date received 07.06.2016 shall be implemented in accordance with the agreed details prior to the occupation of the additional classroom units and use of external play areas and shall remain in place for the lifetime of the development hereby approved.  
In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
5. The proposed landscaping and surface finishes shall be implemented in accordance with the agreed details specified on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan) and 6APFS094/TEMP-2/003 REV P2 (Fencing Details) both plans date received 07/06/2016. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
6. The 1.8m high access gates and welded mesh fencing hereby approved shall be implemented in accordance with the approved details as specified on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan) and 6APFS094/TEMP-2/003 REV P2 (Fencing Details, both date received 07.06.2016) before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity and amenity of surrounding neighbouring properties.
7. The external lighting associated with the development hereby approved shall be implemented wholly in accordance with the agreed scheme as

annotated/specified on plans 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations) and 6APFS094/TEMP-2/005 REV P2 (Double Classroom Unit Plans & Elevations)(both plans date received 07.06.2016) unless an alternative lighting scheme is agreed in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

8. The scheme for surface water drainage shall be implemented in accordance with plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan, date received 07.06.2016).

To ensure a satisfactory form of development.

9. The temporary school buildings, associated structures and hard standing areas hereby approved shall be removed from the site, the use shall cease and the land (including the proposed spoil heap) restored to its former condition on or before 1st September 2018 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.

The buildings, structures, works and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of the extant residential development approval for the adjacent site.

10. The development hereby approved shall operate solely in accordance with the working layout as set out on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan, date received 07.06.2016) including the proposed external play areas, car parking and access/egress to/from the site.

In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of saved Local Plan Policy GEP1.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided.

To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the building(s) and structures hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

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

13. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than one hundred (100)

- children and twelve (12) members of staff at any one time.  
In the interests of highway and pedestrian safety.
14. The 2no. windows in the side (south west) elevation of the single classroom unit hereby approved shall be fixed and opaque film applied to the windows as detailed on plan 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations, date received 07.06.2016) unless an alternative scheme is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.  
To assist in minimising any adverse loss of privacy for neighbouring properties.
15. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In order to avoid harm to birds.
16. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only).  
In the interests of residential amenity.
17. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.

The Committee considered representations in relation to this matter.

### **Councillor Rob Cook left the meeting**

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<b>Number:</b>	H/2016/0211
<b>Applicant:</b>	Gleeson Developments Ltd Chris Dodds Lumley Court CHESTER LE STREET
<b>Agent:</b>	Chris Dodds Gleeson Developments Ltd 3 Lumley Court CHESTER LE STREET
<b>Date received:</b>	25/05/2016
<b>Development:</b>	Variation of condition No. 2 (approved plans) of



planning application H/2012/0427 for the erection of 45 No. residential dwellings with associated works to allow amendments to landscaping scheme (Retrospective)

**Location:** Whistlewood Close (Land at Tanfield Road)  
HARTLEPOOL

Members referred to the breach of condition notice which had previously been served in respect of this development. The Senior Planning Officer indicated that this retrospective application had been submitted following receipt of the breach of condition notice and officers had decided to bring it to committee before taking enforcement action. The Chief Solicitor advised members to disregard the breach of condition notice when considering the application.

Chris Dodds, The Agent, addressed the committee. He explained that the developer wished to tarmac a strip of land opposite the newly built dwellings on Whistlewood Close. They felt that the original intent to soft landscape the area with tree planting at intervals was no longer appropriate as individual landowners would be responsible for the upkeep of the area and the Council had indicated they would be unable to fund this. Pockets had been left within the tarmac for trees. He denied that this was a cost saving exercise saying tarmac and fencing were more expensive than grass seed. If the area was grassed over this would allow drivers to park there which would cause the area to look unsightly. This was felt to be a sensible solution and he asked that members approve it.

A member queried Mr Dodds assertion that this was not a cost saving exercise, commenting that they had already tried pass on the responsibility for maintenance of the grassed area to the public purse. By taking this action they were in breach of the arrangements agreed by the planning authority. Members referred to the problems which could be caused by the tarmac commenting that flooding was already taking place in the area. Any trees planted in a pocket within the tarmac would either die or damage the surface of the tarmac in the future.

Members refused the application by a majority.

**Decision:** Variation Refused

### **REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority, the development by virtue of the use of materials and its siting within the street scene, is considered to result in an unacceptable form of development, to the detriment of the visual amenity of the surrounding area, contrary to the provisions of saved Policy GEP1 (criterion xi) and the provisions of the NPPF paragraph 64 which states that 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 should be refused.

The Committee considered representations in relation to this matter.

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**11. Appeal at 10 Forester Close, Hartlepool** *(Director of Regeneration and Neighbourhoods)*

An appeal had been submitted against the decision of the Council, taken under delegated powers, to refuse planning permission for the erection of a various extensions to an existing bungalow at 10 Forester Close. Authority was requested to contest the appeal.

**Decision**

That Officers be authorised to contest the appeal.

**12. Appeal at land to the rear of Voltigeur Drive and Otterington Close, Hart, Hartlepool** *(Director of Regeneration and Neighbourhoods)*

Members were advised that the above appeal was dismissed.

**Decision**

That the appeal decision be noted.

**13. Update on Current Complaints** *(Director of Regeneration and Neighbourhoods)*

Details were given of 22 ongoing issues currently being investigated.

**Decision**

That the report be noted.

**14. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 15 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

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

The Chair advised members that the subject of the enforcement action had requested that this item be deferred to enable her to approach her ward councillor to speak on her behalf. Members were happy to accede to her request.

**Decision**

That the item be deferred.

**The meeting returned to open session**

**16. Any Other Items which the Chairman Considers are Urgent**

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

**17. Planning training**

The Chair advised that committee members would be invited to a programme of training during September / October 2016. Dates would be confirmed subject to officer and member availability and he urged members to attend wherever possible. There was also a potential for mini training sessions to take place before and/or after scheduled Planning Committee meetings.

## **18. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 19 – (Local Plan Update) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **19. Local Plan update**

The Planning Services Manager gave members a brief update on the current status of the Local Plan. Details were given of the preparation stages, evidence base used, housing need in the future, future economic growth, proposed housing locations and key policy areas. The current consultation was due to end on Friday 22<sup>nd</sup> July. Further details of the discussion are provided in the exempt minutes.

The meeting concluded at 11:20am

CHAIR

**No:** 1  
**Number:** H/2015/0383  
**Applicant:** Mr Colin Sawtell 14 – 16 Whitby Street HARTLEPOOL TS24 7AD  
**Agent:** SJR Architectural & Interior Designers Mr David Johnson Suite 104 The Innovation Centre HARTLEPOOL TS25 5TG  
**Date valid:** 20/05/2016  
**Development:** Retrospective application for change of use of former place of worship to a rehabilitation centre for drug and alcohol dependants and internal alterations  
**Location:** 14 - 16 Whitby Street HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 Planning permission for alterations and extension to form a function room, restaurant, bars and nightclub was granted in May 1998 (H/FUL/0093/98) with a related listed building consent granted in April 1998 (H/FUL/0094/98). In February 2003 permission was granted to vary the permission to provide basement, cellars and stores, ground first and second floor nightclub and for alterations to opening hours (H/FUL/0655/02) with a related retrospective listed building consent approved in March 2006 (H/LBC/0011/03).

1.3 In 2009 permission for alterations and change of use of the premises to a place of worship including youth activities area, bookshop, cafe, manager's apartment and emergency overnight stay facilities for members of the public and visiting speakers was granted (H/2009/0475). A related listed building application was approved in 2011. A non material amendment application (H/2011/0225) was also approved in 2011 which made amendments to the internal layout.

## PROPOSAL

1.4 Planning permission is sought for a change of use of the former place of worship to a rehabilitation centre for drug and alcohol dependents. Internal alterations are proposed to facilitate this change of use. The application is retrospective. The ground floor will accommodate a reception area, kitchen, dining area, shower room, toilets and consulting rooms. The first floor will accommodate a communal area, foyer, office, counselling room, toilets and five bedrooms. The second floor will accommodate 10 bedrooms, bathrooms, a shower room, toilets and communal areas. Cellars and a storage room will be accommodated in the basement.

1.5 The facility is operated by the Elim Pentecostal Church and is staffed 24 hours a day, providing assessment, counselling and rehabilitation support to occupiers. Occupants have their own bedrooms and meals are provided in the ground floor café area. There is generally a minimum of 3 staff members on duty at any given time, depending upon occupancy levels. There is an administrator on site and additional support workers who work with the residents and report to various statutory authorities. The internal communal areas will be camera monitored and a security system is in place. There is also a fire detection and alarm system throughout the premises.

1.6 The use class of the property was previously within the D1 category (non-residential institution). The use proposed would now be considered to be C2 (residential institution).

1.7 An associated listed building consent application (H/2015/0384) has also been submitted for the alterations to the building this is also before members.

1.8 The application has been referred to planning committee due to the sensitive nature of the proposal.

## **SITE CONTEXT**

1.9 The application site is 14 – 16 Whitby Street which is a grade II listed building and is located within the town centre and Church Street conservation area. Within Whitby Street there is a mix of commercial uses.

## **PUBLICITY**

1.10 The application has been advertised by way of neighbour letters (40) and a site notice. Two objections have been received from two neighbouring properties on Whitby Street which have been submitted by the same person. The concerns raised are outlined below:

- The proposal will not encourage businesses to relocate to this regeneration area.
- The proposed use (for drug and alcohol rehabilitation) is not a benefit to an area the Council is spending money on to improve.

1.11 Copy Letters D

1.12 The period for publicity expires on 21<sup>st</sup> July.

## **CONSULTATIONS**

1.13 The following consultation replies have been received:

**HBC Regeneration** – I note that this is a retrospective application and there is an existing use of the building as a rehabilitation centre. With this in mind there is however a potential conflict with the regeneration strategy for the area so it's

important to ensure that any potential adverse impacts on the surrounding area are managed and minimised.

The regeneration strategy for the area is to develop a creative industries quarter in and around Church Street. The regeneration strategy aims to change the perception of the area, encourage the growth of new businesses, increase footfall and support the development of both Cleveland College of Art and Design and Hartlepool College of Further Education with the creation of a safe and secure environment that will attract and retain students within the area.

**HBC Economic Development** – Support for comments from HBC Regeneration.

**HBC Engineers** – No comments.

**HBC Heritage** – The application is for retrospective works to 14 - 16 Whitby Street. The property is a Grade II Listed Building located in Church Street Conservation Area. Directly opposite is 9 Whitby Street, a locally listed building which will not be affected by the proposals.

The retrospective applications (planning permission and listed building consent) cover the change of use of the former church meeting space to create 8 additional bedrooms in association with current use of the building as a rehabilitation centre for drug and alcohol dependents and other internal alterations.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).

Local Plan Policy HE8 states, alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.

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

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

The conservation area is considered to be at risk under the criteria used by Historic England to assess heritage at risk.

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

Further to this at a local level, Local Plan policy HE1 is relevant, this states, proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.

The proposals are predominantly internal alterations to the property. Previous works to the building have removed many internal features. It is considered that the proposed internal works will not impact on the significance of the heritage asset.

To the rear elevation of the building alterations are proposed in the form of a set of fire doors which are closed and a number of air extraction fans installed at ground floor and first floor level. No elevations have been provided however from an assessment made during a site visit it is considered that the proposals will not impact on the significance of the heritage asset.

No objections to the proposals.

**HBC Public Protection** – No objection.

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

**HBC Estates** – No comments.

**HBC Housing** - Making reference to the Housing Act 2004 - It would appear that the building may be exempt from the HMO (House in Multiple Occupation) definition as a “Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering”

It may also be exempt as “Any building whose occupation is regulated otherwise than by or under [the Act] and which is of a description specified for the purposes [of this paragraph] in regulations made by the appropriate national authority”

I understand that the primary use of the building is care and rehabilitation (in a religious setting) not accommodation, although I gather that some residents won't have permanent accommodation elsewhere when taking up residence.

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I am aware that the centre is run by a religious community and the application states that it is licensed and regulated by the Care Quality Commission (although, I have had a look on the CQC website and can't find the premises listed).

Having said all this, if we were to declare the building a HMO, it would appear that there are adequate facilities for the number of occupants (on the assumption that meals are provided as part of the care/rehabilitation). Some of the bedrooms look to be on the small side but there is sufficient communal space to compensate for that.

In terms of the need for such accommodation, I have consulted with my housing advice colleagues and they have advised that there is a demand for this type of accommodation.

**Northumbrian Water** – No comments to make at this stage.

**Cleveland Police** - I have carried out Police incident checked for the past 12 months in relation to this premises which revealed nothing of significant concern. I understand that the premises is permanently staffed and appears to be well managed.

There is also access control and CCTV to the premise which will assist in providing a safe and secure environment.

I would always encourage premises of multi occupancy to fit flat doors which are certified to PAS24:2012 fitted with a door view and internal thumb turn locking system.

I am not aware of postal arrangements but mail delivery should be in place for residents.

Good lighting should be in place in communal and passageway areas

Secure bin storage should be provide.

Emergency Exit doors can provide a weakness in security these need to comply with Building regulations and also offer a similar level of security to entrance doors.

**Cleveland Fire Brigade** - Matters covered by Building Regulations

The application has been examined, all comments noted and my observations are listed below.

#### Means of Escape

Bedrooms 1&2 (1<sup>st</sup> Floor) and 9 & 10 (2<sup>nd</sup> floor) are both inner rooms contravening AD B Vol2 – 3.10 (b). Confirm what mitigating features are being applied.

- Confirm that the following areas have 30 minutes fire resistance protection:
- Store cupboard (2<sup>nd</sup> floor) escape stairs.
- Plant room to 2<sup>nd</sup> floor
- High level window (2<sup>nd</sup> floor) between communal area and escape stairs.
- Partition (ground floor) between lift lobby and reception.

### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

### Regulatory Reform (Fire Safety) Order 2005

You should note that, in accordance with the Regulatory Reform (Fire Safety) Order 2005, responsible persons must carry out a fire risk assessment.

Further guidance on what may be required for your particular premises, and how to carry out the risk assessment can be found in the series of 11 guides, entitled Fire Safety Risk Assessment, published by HM Government. The guide for your premises type needs to be used, for further advice, contact Cleveland Fire Brigade, Fire Engineering. Copies of the guide applicable to your premises may be purchased from the Stationery Office, their Agent, or any good bookseller or accessed through Cleveland Fire Brigade web site: [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk)

A reconsultation was undertaken with neighbours and consultees regarding an updated description. There were concerns that the original description did not make it clear that permission is sought for a change of use to a drug and alcohol rehabilitation centre. A new site notice was displayed and a new press advert issued outlining the updated description. No additional comments/objections have been received by neighbours. The following consultation replies have been received. It should also be noted that additional advice was sought from internal departments on the storing of waste in the rear alley way.

**HBC Regeneration** - I note that this is a retrospective application. With this in mind there is however a potential conflict with the regeneration strategy for the area and the new use for the building.

The regeneration strategy for the area is to develop a creative industries quarter in and around Church Street. The regeneration strategy aims to change the perception of the area, encourage the growth of new businesses, increase footfall and support the development of both Cleveland College of Art and Design and Hartlepool College of Further Education with the creation of a safe and secure environment that will attract and retain students and businesses.

It's important to ensure that any potential adverse impacts on the area are considered and minimised including ensuring adequate management and security arrangements.

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

**HBC Engineers** – No further comments.

**HBC Heritage** – No further comments (verbal).

**HBC Waste Management** - Whilst we prefer for bins to be stored within the property boundary such as back yard etc to ensure the safety of the containers from risks

such as fire, misuse etc, In some instances bins are stored in the rear alley, and I would recommend you check with Highways if there is any issues with obstruction.

**HBC Public Protection** - I would still have no objections to this application. With regards to the bins being stored in the back alley our only requirement would be that the business has adequate facilities for the storage and disposal of their refuse and a covered bin in the back street although not ideal would meet this requirement. None of the properties on this side of Whitby Street have back yards and are all commercial properties and therefore have no alternative than to have the bins in the back street. I would seek advice from Jon Wright and Fiona Srogi re this issue.

**HBC Traffic & Transport** - I can confirm that the change in description does not alter my previous comments. It is expected that the site will generate low levels of car usage and the site is located close to town centre car parks and public transport. I therefore do not have any highway or traffic concerns.

I can confirm that Highways would not object to the bins being stored in the back alley. Although this is a far from ideal scenario, the business's in this area have no alternative option and the use of the back alley has become the accepted practice.

**HBC Estates** – No comments.

**HBC Housing** - I am of the opinion that the clarified proposed use would exempt the building from the HMO definition as the residential accommodation would be ancillary to the main use of the building (rehabilitation). As previously mentioned, the Care Quality Commission would be the body responsible for regulating the service provision and it would be the responsibility of the service provider to ensure that they apply for registration before the business starts. I am concerned that the building is not currently registered with the CQC, however the previous use may not have been a regulated service.

With all buildings of this type, there is a concern that the use may change over time and the use may revert to the provision of accommodation only, and this may mean that the building could fall within the Housing Act 2004 definition of a HMO. I would perhaps look to seek reassurance from the applicant, that an application for registration with the CQC has been made.

Just to reiterate, my colleagues in the housing advice and homelessness section do consider that there is a need for such a facility in Hartlepool.

**HBC Community Safety & Engagement** - During the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, 37 incidents of anti-social behaviour (ASB) and 51 crimes have been recorded within the area outlined in the map below.

None of the ASB incidents were recorded as hate related. Anti-social behaviour in this area is predominantly linked to the night time economy with 38% of incidents recorded as alcohol related.

Comparison of area with the rest of the ward and whole town is as follows:

## Anti-Social Behaviour April 2015 – March 2016

Hartlepool	Headland and Harbour Ward	Whitby Street Boundary
6696	1119	37

3% of ASB in the Headland and Harbour ward occurred within the research boundary outlined above.

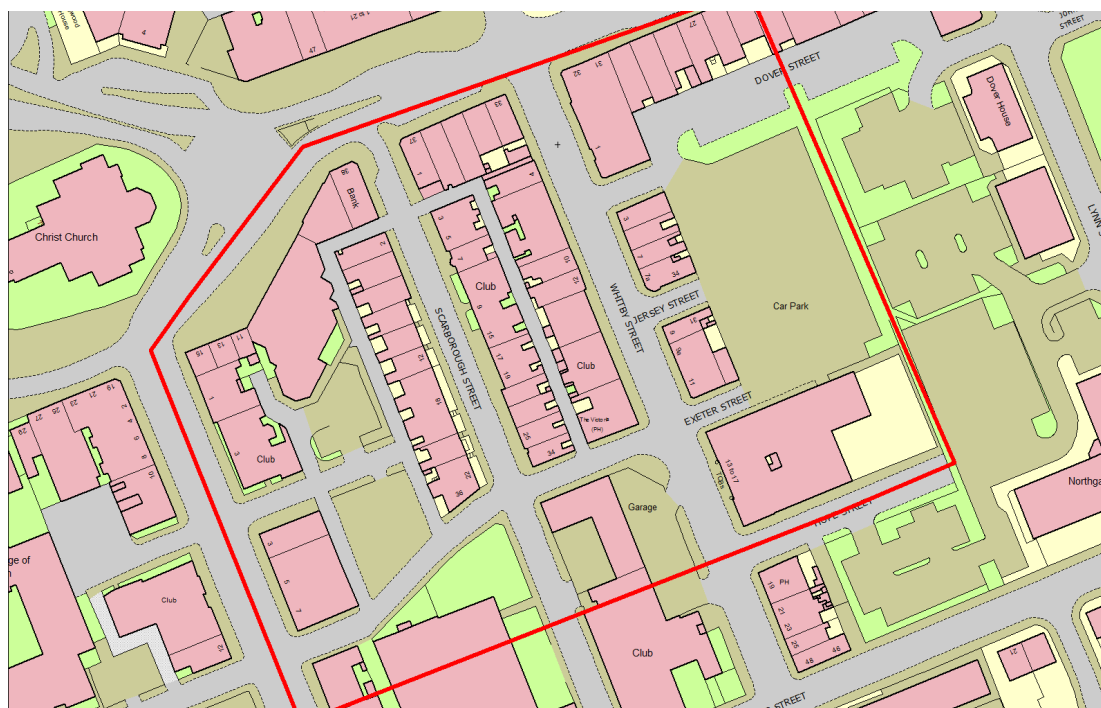
Of the 51 crimes recorded in the area, none were hate crime. Similar to ASB incidents, offences in this area are often linked to the night time economy.

Comparison of area with the rest of the ward and whole town is as follows:

## Crime April 2015 – March 2016

Hartlepool	Headland and Harbour Ward	Whitby Street Boundary
7962	1127	51

4.5% of crime in the Headland and Harbour ward was recorded within the research boundary.



**HBC Public Health** - Public Health considered the application H/2015/0383 and did not offer any objection to this retrospective application, facilities such as that being proposed, bring much needed treatment options to those suffering from addiction and increase the availability of out of area interventions, which can sometimes be more beneficial to those in recovery.

Whilst there was no objection to the application the proximity of the accommodation to the night time economy area of Church Street and in particular the licensed premises therein, was noted, which could present difficulties for the client group,

which would need to be considered and routinely managed by the applicant going forward.

**Northumbrian Water Ltd** – No further comments.

**Cleveland Police** – No further comments.

**Cleveland Fire Brigade** – No further comments.

## **PLANNING POLICY**

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

### Local Policy

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

COM1 Development of the Town Centre  
COM6 Commercial Improvement Areas  
GEP1 Environmental Principles  
GEP2 Access for All  
HE1 Protection & Enhancement of the Conservation Area  
HE8 Works to Listed Buildings (including part demolition)  
HSG12 Homes & Hostels.

### National Policy

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

Paragraph 17 – Core Planning Principles

Paragraph 126 – Positive strategy for the historic environment.  
 Paragraph 128 – Heritage assets  
 Paragraph 129 – Significance of heritage assets  
 Paragraph 131 – Viable uses consistent with conservation  
 Paragraph 132 – Weight given to asset's conservation.  
 Paragraph 137 – Opportunities for new development.  
 Paragraph 196 – Primacy of the Development Plan  
 Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

1.17 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, the impact on the character of the conservation area and listed building, neighbour amenity, highways and crime and fear of crime.

## PRINCIPLE OF THE DEVELOPMENT

1.18 The proposal is situated within the town centre as defined by Local Plan policy Com1 and the proposals map. Policy Com1 states that the town centre provides opportunities for a range of commercial and mixed use development, and that proposals for revitalisation/redevelopment should where possible provide for improvements to the overall appearance of the area. The proposal is considered to be in compliance with this policy.

1.19 The proposal is also located within the Church Street Commercial Improvement Area as defined by Local Plan policy Com6 which seeks to encourage environmental and other improvements in the area.

1.20 Policy Hsg12 in the adopted Local Plan states that proposals for residential institutions (Class C2 of the Use Classes Order) will be approved provided that there is no significant detrimental impact on the amenity of occupiers of adjoining and neighbouring properties or on the character of the surrounding area, and subject to:

- The development being conveniently located for access to public transport, shopping and other community facilities
- An appropriate amount of car parking within the curtilage
- The provision of amenity space to meet the needs of residents

1.21 The development is located within the town centre and has good access to public transport, shopping and other facilities. At present there appears to be ample public car parking within the immediate vicinity of the development with good access to public transport. In accordance with Local Plan policy Hsg12 this proposal is acceptable in principle and can be supported provided the Council is satisfied that there will be no detrimental impact on occupiers of nearby properties and the character of the area.

1.22 As the property is located within the Church Street Conservation Area and it is a listed building heritage policies HE1 and HE8 will also apply. These policies will be

discussed in detail later on in this report. The main objective of these policies is to protect and enhance designated heritage assets.

1.23 The application site is situated in the Church Street regeneration area. The regeneration strategy for the area, the Hartlepool Vision, aims to change the perception of the area, encourage the growth of new businesses, increase footfall and support the development of both Cleveland College of Art and Design and Hartlepool College of Further Education with the creation of a safe and secure environment that will attract and retain students within the area. The Council is focusing investment in this area to create an innovation and skills quarter with a focus on creative industries, as outlined in the Hartlepool Vision document. It should be noted that whilst the vision document has been endorsed by the Council it does not form part of the development plan (Hartlepool Local Plan 2006) for Hartlepool and therefore carries little weight. Notwithstanding this the impact on the regeneration strategy has been considered.

1.24 The Council's Regeneration Team were consulted on the application. No formal objection was submitted however it was stated that there is a potential conflict with the regeneration strategy for the area so it is important to ensure that any potential adverse impacts on the surrounding area are managed and minimised.

1.25 It is acknowledged there are concerns the use of the host property does not accord with the aims of the Council's regeneration strategy for the area, however, strictly speaking, nor does the approved use of the building as a place of worship. It should be noted that the extant permission allows for use of part of the building for emergency overnight accommodation for the homeless. If the application failed, the use ceased and the building were left vacant then nor would this scenario assist in the regeneration of the area or support the regeneration strategy. It is considered that the proposal will not significantly inhibit the aspirations to create an innovation and skills quarter in this area. Although the proposal does not fall within the types of uses the regeneration strategy is looking to encourage in this area it is not considered this would warrant a refusal of the application. It is crucial to note that the principle of the development is considered to be acceptable when assessed against the development plan. Management policies and practices for the centre also appear to be in place which should assist in managing any adverse impacts on the surrounding area.

1.26 It is also important to note that the centre provides a valuable service to the wider community as it gives support and care to individuals with drug and alcohol problems. The Council's Housing team have commented that there is a demand for this type of accommodation in Hartlepool. The Council's Public Health section were consulted on the proposal due to the nature of facility. No objections were raised and it was stated that the facility proposed brings much needed treatment options to those suffering from addiction. It was also emphasised that out of area interventions can sometimes be more beneficial to those in recovery. The proximity of the application site to the night time economy area of Church Street and in particular licensed premises therein was noted. It was stated that this may present difficulties for the client group and would need to be considered and routinely managed by the applicant going forward. The Council's Public Health team verbally commented that to the south of the application site, further along Whitby Street there is a Community

Drug Centre which is a Council ran facility. This does not provide accommodation. No concerns were raised in terms of the proposal conflicting with this facility.

1.27 In conclusion the principle of the proposed use is considered acceptable.

#### CHARACTER OF THE CONSERVATION AREA AND LISTED BUILDING

1.28 The host property is a grade II listed building and is situated within the Church Street conservation area. Directly opposite is 9 Whitby Street, a locally listed building which will not be affected by the proposals. The conservation area is considered to be at risk under the criteria used by Historic England to assess heritage at risk.

1.29 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).

1.30 Local Plan Policy HE8 states, alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.

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

1.32 Further to this at a local level, Local Plan policy HE1 is relevant, this states, proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.

1.33 The Council's Heritage and Countryside Manager was consulted on the application no objections or concerns were raised. It was stated that the proposals are predominantly internal alterations to the property. Previous works to the building have removed many internal features. It is considered that the proposed internal works will not impact on the significance of the heritage asset.

1.34 The Heritage and Countryside Manager did state that to the rear elevation of the building alterations are proposed in the form of a fire door sealed off internally. A number of air extraction fans are also installed at ground floor and first floor level. No elevations have been provided but this is illustrated on the proposed floor plans. The Heritage and Countryside Manager did however state that from an assessment



made during a site visit it is considered that the proposals will not impact on the significance of the heritage asset.

## NEIGHBOUR AMENITY

1.35 The host property is situated within the town centre in an area of Whitby Street where a mix of commercial uses predominate. No significant external alterations are proposed, consequently there are no concerns in terms of overshadowing, overbearing or loss of privacy. The Council's Public Protection section were also consulted on the proposal and no objections or concerns were raised.

1.36 In terms of any impacts on the amenity of neighbours the proposal is considered acceptable. The proposal is considered to be in accordance with saved policy GEP1 of the Hartlepool Local Plan.

## HIGHWAYS

1.37 The Council's Traffic & Transport section were consulted on the application. No objections or concerns were raised. It is expected that the site will generate low levels of car usage and the site is located close to town centre car parks and public transport. The proposal is considered to be acceptable in terms of parking and highway safety.

## CRIME AND FEAR OF CRIME

1.38 Cleveland Police were consulted on the proposal. The Architectural Liaison officer commented that he had carried out a Police incident check for the past 12 months in relation to this premises which revealed nothing of significant concern. It was acknowledged that the premises is permanently staffed and appears to be well managed. There is also access control and CCTV to the premise which will assist in providing a safe and secure environment. Consequently there are no concerns regarding issues relating to crime or fear of crime.

1.39 Advice was provided by the Architectural Liaison Officer on a number of management issues. These factors are not material planning considerations but will be forwarded to the applicant's agent for information.

1.40 The Council's Community Safety and Engagement Team were consulted on the application and statistics were provided for the immediate area adjacent to the application site. During the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, 37 incidents of anti-social behaviour and 51 crimes have been recorded within the area. 3% of anti-social behaviour incidents in the Headland and Harbour Ward occurred within the research boundary. 4.5% of crime in the Headland and Harbour ward was recorded within the research area. It was stated that the incidents of anti-social behaviour and crime offences are often linked to the night time economy.

1.41 In view of the above, it is considered that the proposal is acceptable in terms of issues relating to crime and fear of crime.

## RESIDUAL MATTERS

1.42 Cleveland Fire Brigade were consulted on the application. A number of issues were raised regarding the proposal and the building regulations. The Council's Building Control Team are currently dealing with an application for the property and these comments have been forwarded on. Informal advice was also provided by Cleveland Fire Brigade. Again this advice will be forwarded to the applicant's agent for consideration.

1.43 The Council's Housing team commented that the proposed use would exempt the building from the HMO definition as the residential accommodation would be ancillary to the main use of the building (rehabilitation). It was stated that the Care Quality Commission (CQC) would be the body responsible for regulating the service provision and it would be the responsibility of the service provider to ensure that they apply for registration before the business starts. Concerns were raised that the facility may not be registered with the CQC. This is not a material planning consideration however these concerns have been passed on to the applicant's agent for consideration.

1.44 The applicant's agent clarified that waste is stored in the rear ally of the host property in two waste skip bins along with the adjacent properties waste bins. There is sufficient space in the rear alley for waste storage. The Council's Waste Management, Public Protection and Traffic & Transport Team were consulted on this issue. It was stated that commercial properties on Whitby Street and Scarborough Street do not have rear yards consequently bins are stored in the alley as there is no alternative. It was commented that although it would be preferable for bins to be stored within the curtilage of the property this situation is common in parts of the town and no objections or concerns were raised in this instance.

## CONCLUSION

1.45 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.46 There is no evidence of equality or diversity implications.

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

1.47 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development hereby permitted shall be carried out in accordance with the plans (Location Plan, Drawing No 03 REV A Proposed Basement & Ground Floor Plans, Drawing No 04 Proposed First & Second Floor Plans) and details which had been received by the Local Planning Authority at the time the application was made valid on 20/05/2016.  
For the avoidance of doubt.
2. The premises shall be used as a rehabilitation centre for drug and alcohol dependents and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
In the interest of neighbour amenity.
- 3 Details of the mechanical extraction units provided on the rear elevation of the property shall be submitted to and approved in writing by the Local Planning Authority within 3 months of this permission. The units installed shall be in accordance with the details so approved.  
In the interests of the character and appearance of the listed building and visual amenity.

**BACKGROUND PAPERS**

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

**CONTACT OFFICER**

1.50 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: (01429) 523400  
E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

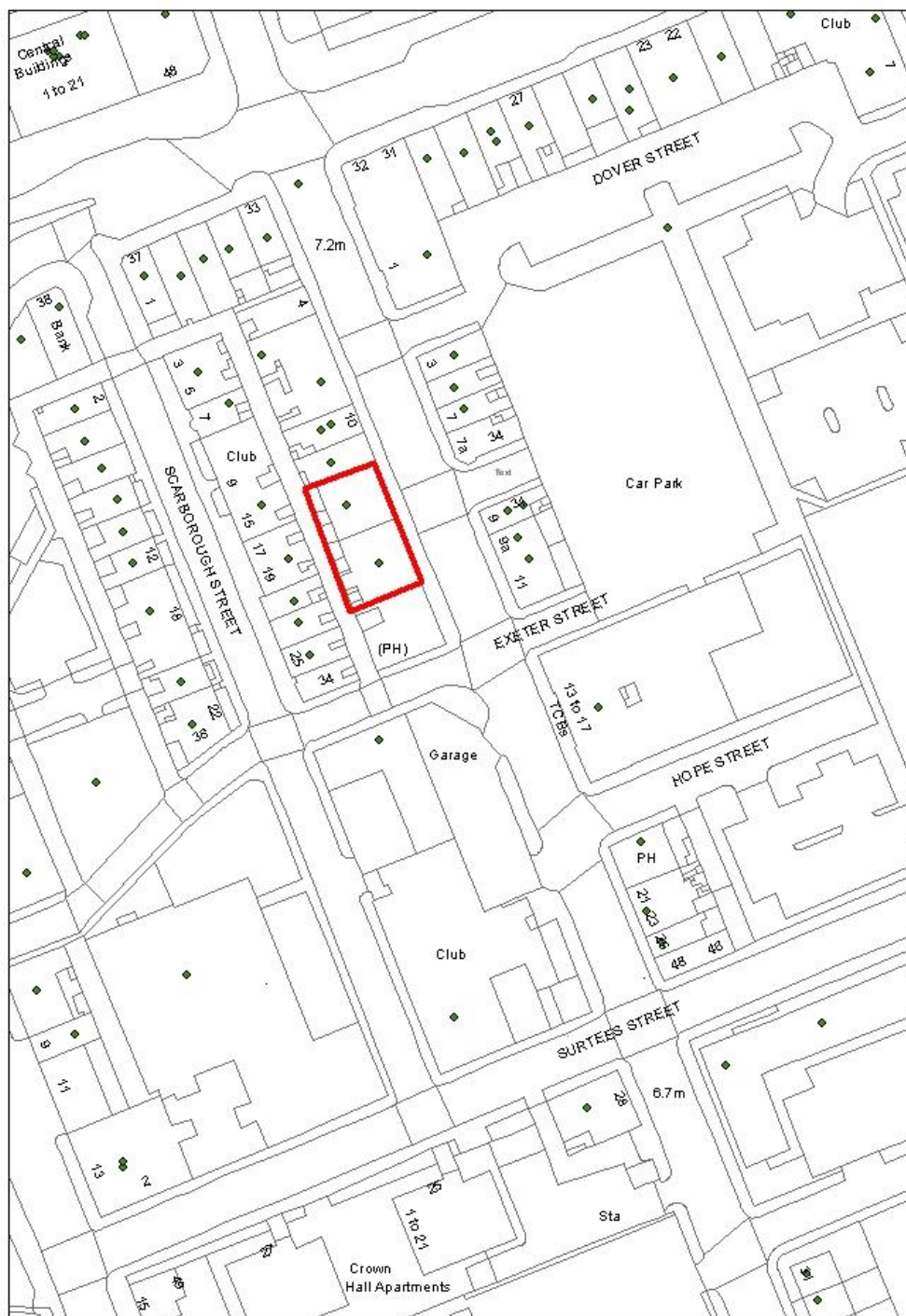
**AUTHOR**

1.51 Fiona McCall  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273

E-mail: [Fiona.McCall@Hartlepool.gov.uk](mailto:Fiona.McCall@Hartlepool.gov.uk)

## 14-16 WHITBY STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2015/0383 and /0384**  
**Scale: 1:1000**  
**Date : 16/06/2016**



**No:** 2  
**Number:** H/2015/0384  
**Applicant:** Mr Colin Sawtell 14 – 16 Whitby Street HARTLEPOOL TS24 7AD  
**Agent:** SJR Architectural & Interior Designers Mr David Johnson Suite 104 The Innovation Centre HARTLEPOOL TS25 5TG  
**Date valid:** 20/05/2016  
**Development:** Listed Building Consent for internal alterations in association with planning application H/2015/0383  
**Location:** 14 - 16 Whitby Street HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 Planning permission for alterations and extension to form a function room, restaurant, bars and nightclub was granted in May 1998 (H/FUL/0093/98) with a related listed building consent granted in April 1998 (H/FUL/0094/98). In February 2003 permission was granted to vary the permission to provide basement, cellars and stores, ground first and second floor nightclub and for alterations to opening hours (H/FUL/0655/02) with a related retrospective listed building consent approved in March 2006 (H/LBC/0011/03).

2.3 In 2009 permission for alterations and change of use to place of worship including youth activities area, bookshop, cafe, manager's apartment and emergency overnight stay facilities for members of the public and visiting speakers was granted (H/2009/0475). A related listed building consent application was approved in 2011. A non material amendment application (H/2011/0225) was also approved in 2011 which made amendments to the internal layout.

## PROPOSAL

2.4 Listed building consent is required for internal alterations in association with planning application H/2015/0383. This seeks permission for the change of use of a former place of worship to a rehabilitation centre for drug and alcohol dependents. The application is retrospective. The ground floor will accommodate a reception area, kitchen, dining area, shower room, toilets and consulting rooms. The first floor will accommodate a communal area, foyer, office, counselling room, toilets and five bedrooms. The second floor will accommodate ten bedrooms, bathrooms, a shower room, toilets and communal areas. Cellars and a storage room will be

accommodated in the basement. Five bedrooms are proposed on the first floor with associated communal areas and an additional 3 bedrooms are proposed on the second floor.

2.5 The application has been referred to planning committee due to the number of objections received and the sensitive nature of the application.

## **SITE CONTEXT**

2.6 The application site is 14 – 16 Whitby Street which is a grade II listed building and is located within the town centre and Church Street conservation area. Within the immediate area there is a mix of commercial uses.

## **PUBLICITY**

2.7 The application has been advertised by way of neighbour letters (40) and a site notice. To date, one letter of objection has been received.

2.8 The concerns raised are:

- It is pointless investing taxpayers money into the area and then allowing this type of use here.

2.9 Copy Letters **E**

2.10 The period for publicity has expired.

## **CONSULTATIONS**

2.11 The following consultation replies have been received:

**HBC Heritage** – The application is for retrospective works to 14 - 16 Whitby Street. The property is a Grade II Listed Building located in Church Street Conservation Area. Directly opposite is 9 Whitby Street, a locally listed building which will not be affected by the proposals.

The retrospective applications (planning permission and listed building consent) cover the change of use of the former church meeting space to create 8 additional bedrooms in association with current use of the building as a rehabilitation centre for drug and alcohol dependents and other internal alterations.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).



Local Plan Policy HE8 states, alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.

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

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

The conservation area is considered to be at risk under the criteria used by Historic England to assess heritage at risk.

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

Further to this at a local level, Local Plan policy HE1 is relevant, this states, proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.

The proposals are predominantly internal alterations to the property. Previous works to the building have removed many internal features. It is considered that the proposed internal works will not impact on the significance of the heritage asset.

To the rear elevation of the building alterations are proposed in the form of a set of fire doors which are closed and a number of air extraction fans installed at ground floor and first floor level. No elevations have been provided however from an assessment made during a site visit it is considered that the proposals will not impact on the significance of the heritage asset.

No objections to the proposals.

## **PLANNING POLICY**

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

#### Local Policy

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

COM1 Development of the Town Centre  
COM6 Commercial Improvement Areas  
GEP1 Environmental Principles  
GEP2 Access for All  
HE1 Protection & Enhancement of the Conservation Area  
HE8 Works to Listed Buildings (including part demolition)  
HSG12 Homes & Hostels.

#### National Policy

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

Paragraph 17 – Core Planning Principles  
Paragraph 126 – Positive strategy for the historic environment.  
Paragraph 128 – Heritage assets  
Paragraph 129 – Significance of heritage assets  
Paragraph 131 – Viable uses consistent with conservation  
Paragraph 132 – Weight given to asset’s conservation.  
Paragraph 137 – Opportunities for new development.  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

### **PLANNING CONSIDERATIONS**

2.15 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 of the proposal on the listed building and the conservation area.

#### CHARACTER OF THE CONSERVATION AREA AND LISTED BUILDING

2.16 The host property is a grade II listed building and is situated within the Church Street conservation area. Directly opposite is 9 Whitby Street, a locally listed building which will not be affected by the proposals.

2.17 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).

2.18 Local Plan Policy HE8 states, alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.

2.19 The Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

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

2.21 Further to this at a local level, Local Plan policy HE1 is relevant, this states, proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.

2.22 The Council's Heritage and Countryside Manager was consulted on the application; no objections or concerns were raised. It was stated that the proposals are predominantly internal alterations to the property. Previous works to the building have removed many internal features. It is considered that the proposed internal works will not impact on the significance of the heritage asset.

2.23 The Heritage and Countryside Manager did state that to the rear elevation of the building alterations are proposed in the form of a fire door sealed off internally. A number of air extraction fans are also installed at ground floor and first floor level. No elevations have been provided. The Heritage and Countryside Manager did however state that from an assessment made during a site visit it is considered that the proposals will not impact on the significance of the heritage asset. Notwithstanding this a requirement that details of the extraction fans are submitted have been conditioned.

2.24 In summary the application is considered to be in accordance with saved policies HE1 and HE8 of the Hartlepool Local Plan 2006 and the NPPF.

## CONCLUSION

2.25 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.26 There is no evidence of equality or diversity implications.

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

2.27 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE – subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the plans (Location Plan, Drawing No 03 REV A Proposed Basement & Ground Floor Plans, Drawing No 04 Proposed First & Second Floor Plans) and details received by the Local Planning Authority at the time the application was made valid on 20/05/2016.  
For the avoidance of doubt.
2. Details of the mechanical extraction units provided on the rear elevation of the property shall be submitted to and approved in writing by the Local Planning Authority within 3 months of this permission. The units installed shall be in accordance with the details so approved.

In the interests of the character and appearance of the listed building and visual amenity.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

2.30 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523400  
E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

## **AUTHOR**

2.31 Fiona McCall  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273  
E-mail: [Fiona.McCall@Hartlepool.gov.uk](mailto:Fiona.McCall@Hartlepool.gov.uk)

## 14-16 WHITBY STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2015/0383 and /0384**

**Scale: 1:1000**

**Date : 16/06/2016**

**No:** 3  
**Number:** H/2016/0227  
**Applicant:** Mrs Krishna Jeyasari Sagayamalar Burbank Street  
HARTLEPOOL TS24 7JW  
**Agent:** Ian Cushlow 31 Harvester Close HARTLEPOOL TS25  
1GD  
**Date valid:** 15/06/2016  
**Development:** Change of use of ground floor to hot food takeaway (A5)  
with seating area and owners living accommodation over  
first and second floors (resubmitted application)  
**Location:** 76 Church Street HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.02 A planning application has been re-submitted under the provisions of the Town and Country Planning Act 1991 (as amended) for a change of use of the ground floor and upper floors of the above property. A previous planning application for a similar proposal was submitted under H/2016/0089 and was refused by Members at planning committee in May 2016 for reasons relating to highway safety, public health, impacts on visual amenity arising from external refuse storage and the impact on the amenity of future occupiers arising from on site refuse storage. It is understood the applicant is in the process of appealing against this decision.

3.03 The proposal has been referred to Planning Committee due to the objections/comments from internal consultees and the previous application being refused at planning committee.

## PROPOSAL

3.04 Planning permission is sought for a change of use of the ground floor from an office to a hot food takeaway and from offices to a residential flat on the first and second floors. The hot food takeaway would operate between the hours of 10am and 1am on Mon – Sat and between 1pm and 11pm on Sundays and Bank Holidays. There would be two full-time employees and six part-time employees at the premises.

3.05 The proposal involves internal alterations to the ground floor with removal/addition of partition walls. The main change from the previous application would now be to include seating for up to 24 patrons. The remainder of the space would form cooking and storage areas (including internal bin store), male WC and female/disabled WC. The existing public access door at the front from Church Street

would be retained. A fanlight window with bars would be added at the rear as well as metal security door for staff access. An extraction system would also be added with a flue at the rear of the building rising up from the yard area. The flue would exceed the height of the existing building and would have an external diameter of approx. 250mm.

3.06 The residential flat would be accessible by passing through the serving area to a hallway and up the internal staircase. The first floor would be reconfigured to create a lounge, two bedrooms, kitchen and bathroom. The second floor would form a further three bedrooms with a shower room and storage area. The existing roof terrace would be retained on this level.

## SITE CONTEXT

3.07 The application site is no.76 Church Street, Hartlepool, a three storey mid-terraced building located within the Church Street Conservation Area. The ground floor has previously been used for a number of purposes, most recently the *Barnardo's B76* drop-in youth centre. This use ceased to operate during 2011 and the property has been vacant ever since.

3.08 The ground floor use has a timber painted shop front exterior still in place. An entrance door from Church Street into the ground floor exists to the east with a former entrance door to the west currently not functional. The first and second floors have a brick facade with square bay window at first floor level. This has been painted in a contrasting colour with the sliding window frames, fascia and guttering matching this colour. Church Street itself runs east-west along the front (south) of the building. At the rear (north) is a ground floor access door to the internal yard. An area of car parking exists beyond this serving this property and adjacent properties. Refuse collection is also made on this side of the building. Adjoining the property to the east is no.75, a wine bar named "*Busby's*". Adjoining the property to the west is no.77, a mini-supermarket and off-license named "*Suba*".

## PUBLICITY

3.09 The application has been advertised by way of a Site Notice, Press Advert, three Councillor Notification letters and five Neighbour Notification letters. No objections or other responses have been received. Following the submission of amended details of the extraction system, further consultation was carried out as above. Again no objections or other responses were received. A further amendment was made to the flue details although no external publicity/consultation was deemed necessary.

Copy letters **C**

## CONSULTATIONS

3.10 The following consultation replies have been received:

**HBC Economic Regeneration:** We would like to formally log a response to the application for 76 Church Street to have a change of use into a hot food takeaway



with living accommodation above. From the strategic regeneration point of view the Council would be opposed to this application.

The Hartlepool Regeneration Masterplan was adopted by the Council in November 2015 and it identifies Church Street as part of the Innovation & Skills Quarter. The Council is wanting to make the area a district more aligned for daytime use, including attracting businesses to be open during the day with a great emphasis on attracting the creative industries sector to occupy buildings.

Cleveland College of Art & Design is investing £11m in a new campus and educational facility at the lower end of Church Street linking to their current buildings on Church Square. Daytime uses and services to serve the students will be key in the area becoming more attractive for them to study within.

The Council is investing £5.5m of local growth funds and £1.2m of heritage lottery funding into Church Street, Church Square and surrounding infrastructure. The aim is to create a managed workspace facility just off Church Street at the former general post office on Whitby Street which will be for start up businesses from the creative industries including a high proportion of graduates from CCAD. They will require daytime services in the Church Street area and for the physical environment to be improved in order for them to be attracted into using the facility as a business base. The funding is also paying for major public realm improvements on Church Street so the character of the area changes with the potential to hold street markets on a regular basis for example. The HLF funding is aimed at bringing the listed and historic buildings back into use via grants and community work, as well as improving Church squares public realm to encourage daytime use of the space.

Whilst the living accommodation of the application appears to be fine from our point of view the hot food takeaway part of the application definitely does not align itself to the strategic direction that the Council has chosen for the Innovation & Skills Quarter as outlined in the adopted Regeneration Masterplan.

**HBC Public Health:** Hartlepool Borough Council's Public Health (Health Improvement) team would like to make the following comments on the above application, ref H/2016/0227:

Paragraph 171 of the National Planning Policy framework states that, 'Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.'

Planning Practice Guidance also states that, 'Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.'

Although there are a wide range of factors contributing to the levels of obesity in Hartlepool, the 2007 UK government Foresight report, 'Tackling obesity: future

choices' demonstrates evidence that the consumption of take-away and fast-foods are key determinants of excess weight gain.

Data from the National Obesity Observatory (NOO) highlights that Hartlepool had 118 hot food take-away outlets in 2011, which is significantly higher than the national average of 87 per 100,000 population.

A proliferation of hot food takeaways and other outlets selling fast-food can harm the vitality and viability of local centres and undermine attempts to promote the consumption of healthy food, particularly in areas close to schools and other areas where children congregate.

The unit in question, situated at 76 Church Street falls within the Headland and Harbour Ward. It is therefore important to consider the potential health impact across this ward.

Childhood obesity is of particular concern to Public Health and HBC. The most recent statistics from the National Childhood Measurement Programme (2011/12 to 2013/14), show that 14.3% of reception children (age 4-5) from schools in Headland and Harbour are classified as obese. This is the highest rate in Hartlepool, where on average 11.2% of reception age children are classified as obese. This compares to an England average of 9.5% obese children at reception age.

Once children reach Year 6 (age 10-11), 26.0% of children in Headland and Harbour are classified as obese, which is also above the Hartlepool and England averages of 24.4% and 19.1% respectively.

In Headland and Harbour, the rate of emergency admissions to hospital (159.0) is also higher than the Hartlepool (134.1) and England (100) averages (PHE Local Health Profile). Average life expectancy in the ward is approximately 74 years (males) and 80 years (females). This is significantly lower than the Hartlepool and England averages. (PHE Localhealth.org.uk)

Headland and Harbour is ranked the 105th most deprived ward in England (Bottom 2%) and has lower numbers of healthy eating adults consuming 5 portions of fruit & vegetables per day (16.7% compared to 19.3% in Hartlepool and 28.7% in England). (PHE Localhealth.org.uk)

Obesity is also linked to an increased risk of cardiovascular disease and stroke. Rates in Headland and Harbour (136.9, 127.6) are significantly higher than Hartlepool (109.4, 104.6) and England (100). (PHE)

There is therefore a concern that additional hot food take-away outlets could contribute to unhealthy diets and a rise in levels of childhood and adult obesity in the Headland and Harbour ward, particularly where there is already a high proliferation in the Church Street area. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease.

It is also worth noting that the unit is in the vicinity of or located near common access routes to nearby schools as well as the planned College of Art & Design, which may

increase availability and access to fast food options for children and students walking to and from schools and college.

Should planning permission be granted, it is recommended that all hot food take-away outlets consider the following recommendations:

1. A proportion of the menu (25%) is committed to healthier alternatives and light bites, using low fat alternatives and healthier cooking techniques.
2. Healthy eating options are clearly highlighted on menus and notice boards.
3. Healthy options are not significantly higher cost (+20%) than high-fat alternatives.
4. Plain bottled water is provided as an alternative to sugary and soft drinks.
5. Salt is not routinely provided on tables/counters.
6. Acceptance of any future invitations from Environmental Health for support to adopt healthier cooking practices.
7. Further recommendations are provided through the Council's 'Golden Apple' healthier catering criteria, available on request.

**HBC Heritage and Countryside (Conservation):** The proposal is located with Church Street Conservation Area.

In close proximity No's, 72 and 80 Church Street are grade II listed buildings. It is considered that the application site is sufficient distance away that it will not impact on the setting of these properties. Nos. 8 & 11 Church Street are locally listed buildings, these are located on the opposite side of the road and therefore it is considered that their setting will also not be impacted by this proposal

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

Further to this at a local level, Local Plan policy HE1 is relevant, this states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

Policy HE2 seeks to encourage environmental improvements within conservation areas.

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

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

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

In principle there are no objections to this proposal.

It is requested that the final details of the extraction system are conditioned in order to agree the final design, finish and location as these elements are not clear from the information provided.

**HBC Public Protection:** If the seating is still part of the application, then the plan shows 24 seats. This would only require a single disabled access toilet for the whole premises, so it would seem sensible to me to remove the staff WC at least, as the prep room is very small. Better to have more room to work in than a surfeit of toilets?

The toilet/toilets would require ventilation of course.

Additional comments received:

If the seating is still part of the application, then the plan shows 24 seats. This would only require a single disabled access toilet for the whole premises, so it would seem sensible to me to remove the staff WC at least, as the prep room is very small. Better to have more room to work in than a surfeit of toilets?"

For me, too many toilets and not enough work space.

**HBC Traffic and Transport:** My comments have not changed on this. Parking in Church Street is controlled with a mixture of short term parking bays and areas of restricted parking. It is also close to public car parks. I therefore have no highway or traffic concerns with this application.

## **PLANNING POLICY**

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

### Local Policy

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

Com1: Development of the Town Centre  
Com9: Main Town Centre Uses  
Com12: Food and Drink  
GEP1: General Environment Principles  
GEP2: Access for All  
GEP3: Crime Prevention by Planning and Design  
HE1: Protection and Enhancement of Conservation Areas  
HE2: Environmental Improvements in Conservation Areas  
Rec13: Late Night Uses

### National Policy

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

PARA 001 – Apply Policy  
PARA 002 – Primacy of the Development Plan  
PARA 011 – Planning Law and the Development Plan  
PARA 012 – Statutory Status of the Development Plan  
PARA 013 – NPPF is a material planning consideration  
PARA 014 – Presumption in favour of sustainable development  
PARA 017 – Core Planning Principles  
PARA 023 – Ensuring the vitality of Town Centres

PARA 056 – Ensuring Good Design  
 PARA 128 – Significance of Heritage Asset  
 PARA 129 – Avoid conflict between the conservation of an asset and development  
 PARA 131 – Viable use consistent with conservation  
 PARA 132 – Weight given to conservation of designated heritage asset  
 PARA 134 – Harm weighed up against public benefits  
 PARA 137 – Contribution of new development to local character and distinctiveness  
 PARA 171 – Health and Well-being  
 PARA 196 – Primacy of the Development Plan  
 PARA 197 – Presumption in favour of sustainable development.

Planning Policy has no concerns regarding this application. Within the Rec 3 area approximately 3% of the total floorspace is operated as A5 uses. The addition of one more unit will not adversely affect the character and function of the area.

## PLANNING CONSIDERATIONS

3.14 The material planning considerations in regard to the above proposal are the principle of development in relation to the Hartlepool Local Plan 2006 policies and the NPPF, the impacts on health and well-being, visual amenity (in particular the Church Street Conservation Area), neighbour amenity, waste management and highway safety.

### Principle of Development

3.15 Paragraph 17 of the NPPF outlines 12 principles of planning, including seeking to ensure high quality design and a good standard of amenity for all existing and future occupants, and to take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

3.16 Of relevance is Saved Policy Com1 which states that proposals for A3, A4 and A5 uses will be subject to the provisions of policies Rec13 and Com12. Saved Policy Com9 is also of relevance and states that uses including leisure, entertainment and other main town centre uses should be located in the town centre. The site is located in the town centre and the proposed hot food takeaway would be considered as a main town centre use falling within the A5 use class category, thereby not introducing any new or uncommon use class to the locality.

3.17 Also of relevance is paragraph 23 of the NPPF which states that Local Planning Authorities should “recognise town centres as the heart of their community” and to “*promote competitive town centres that provide customers choice*”. This property has been vacant for some time at both ground floor and upper floors. The development involves the re-use of a vacant building within a late night opening area, which itself is generally vibrant and characterised primarily by active ground floor uses such as bars, restaurants and takeaways, with residential accommodation on the floors above. The proposal would therefore result in an active ground floor use, when in use and would offer an increased choice to consumers in relation to food outlets.

3.18 In considering the application of Saved Policy Com1, Saved Policy Rec13 states that proposals for uses open between the hours of midnight and 7am will only be permitted in the Church Street area providing there is no significant impact on the amenities of nearby properties in terms of noise and disturbance, or any detrimental impact on the overall character, function and appearance of the area. Given that proposed opening times would be similar to nearby premises within the same use class, it is not considered that the proposal would result in any significant increase in noise and disturbance. Consultation with HBC Planning Policy raised no objections to the development and stated that although 3% of all floor space in this Rec13 designated area is in use as A5 (hot food takeaway) the addition of a further premises of the same use would not result in any detrimental impact. In addition, consultation with HBC Heritage and Countryside (Conservation) raised no objections to the proposal subject to a condition regarding the flue and ventilation system. It is therefore considered that there would be no detrimental impact on the character, function and appearance of the area subject to conditions relating to final design of the exterior, proposed flue and opening hours restriction.

3.19 Furthermore, Saved Policy Com12 states that proposals for food and drink developments within Classes A3, A4 and A5 will be only be permitted subject to considerations of amenity, noise, disturbance, smell, litter, highway safety and the character and appearance of the area. The proposal is considered to accord with this policy.

3.20 The application site is situated within the Church Street regeneration area. The regeneration strategy for the area (the Hartlepool Vision) aims to change the perception of the area, encourage the growth of new businesses, increase footfall and support the development of both Cleveland College of Art and Design and Hartlepool College of Further Education, with the creation of a safe and secure environment that will attract and retain students within the area. The Council is focussing investment in this area to create an innovation and skills quarter with a focus on creative industries, as outlined in the Hartlepool Vision document. It should be noted however that whilst the vision document has been endorsed by the Council, it does not form part of the development plan (Hartlepool Local Plan 2006) and therefore carries little weight. Notwithstanding this, the impact on the regeneration strategy has been considered in relation to the proposed change of use at 76 Church Street.

3.21 It is noted that an objection from HBC Economic Regeneration stated the proposed ground floor takeaway use would not accord with the adopted Regeneration Masterplan for Hartlepool, although there would be no objection to the proposed residential flat above.

3.22 The concerns that the proposed ground floor hot food takeaway does not accord with the aims of the Hartlepool Vision regeneration strategy are acknowledged. However, as noted by comments from HBC Planning Policy, currently approx. 3% of all floorspace in the Rec13 area is operational as an A5 use. This is overall a small proportion of available commercial space/units and therefore could not be considered as significantly detrimental to the aims of the regeneration strategy to attract innovative and creative businesses to the area. In policy term in respect of the policies of the current adopted local plan the proposal is considered

acceptable. Although the proposal does not fall within the types of uses which the regeneration strategy looks to encourage in this area, it is not considered this would warrant the refusal of the application. With particular reference to the economic contribution, the proposal by bringing a vacant building in to use would be beneficial. The proposal as a whole is therefore considered to be acceptable in relation to any impact on the regeneration strategy for the area.

3.23 In relation to Saved Policies Com1, Com9, Com12, GEP1 and Rec13 of the Hartlepool Local Plan 2006, and paragraph 23 of the NPPF, the principle of development is considered to be acceptable.

### Health and wellbeing

3.24 The proposed use of the ground floor of the building would result in an additional hot food takeaway in an area which already has a number of similar functioning premises. Consultation with HBC Public Health resulted in comments being received regarding the detrimental impact on the health and wellbeing of the Headland and Harbour Ward in terms of contributing to childhood and adult obesity levels and risk of stroke and cardiovascular disease. Reference was also made to the proximity of the proposed takeaway to routes to/from schools.

3.25 In relation to planning and health, paragraph 171 of the NPPF states:

*“Local Planning Authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.”*

3.26 It is recognised that planning is closely linked with health and has an important role to play in encouraging healthy eating habits and active lifestyles. This is particularly important for younger people who can develop habits that determine long term behaviours. Comments from HBC Public Health provided statistics on obesity levels of different age groups, particularly young children.

3.27 It is noted that Cleveland College of Art and Design and Hartlepool College are nearby and within walking distance of the proposed takeaway. Given the 10am weekday opening time, there is potential that the premises would be able to serve students in attendance at the college during weekday lunch time periods.

3.28 The existence of this eating establishment could therefore contribute (in part) to the consumption of unhealthy foods by some of the young adults/children in attendance at educational establishments. There are however numerous other takeaways on Church Street and within walking distance. Many of these are noted to provide healthier alternative options. It is therefore considered that given the number of alternative eating establishments and the existing takeaway facilities in the Church Street area, the addition of one more takeaway would not result in a significant reduction in the health and well-being to children and young adults.



3.29 It is recognised that the late night opening hours of the premises could result in a more convenient option for adults using the other late night opening premises such as pubs, bars and nightclubs. There would therefore be a greater choice in terms of similar food types in the late night Church Street area. This is compared to healthier alternatives which would not be available from food outlets closed during these late night hours. However, given the number of existing takeaways in the locality it is not considered that the addition of one more could result in a significant or disproportionate reduction in the health and well being for adults in this area of Hartlepool.

3.30 Ultimately, whilst there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating habits, the end user has a choice of the type of food to consume. HBC Planning Policy stated that approx. 3% of all floor space in the Church Street late night area is operational as hot food takeaway premises. This is considered to be an overall low proportion of commercial usage in this area and in the long term, it is considered that the addition of one more takeaway would be unlikely to lead to any significant decline in health and well-being.

3.31 Overall, the impact on health and well-being as a result of this takeaway operating is not considered to be significant. There are various social, economic and environmental factors which contribute to these issues and the addition of a further takeaway in this location would not result in a disproportionate effect on the health and well-being of the population. The proposal is considered to be acceptable in relation to the impact on health and well-being, in accordance with paragraph 171 of the NPPF.

#### Church Street Conservation Area – visual amenity

3.32 The property is an unlisted building not subject to an Article 4 Direction within the Church Street Conservation Area which is a designated heritage asset. In accordance with paragraph 135 of the NPPF, proposals which affect a designated heritage asset, great weight should be given to the asset's conservation. Any harm should only be considered acceptable when outweighed by substantial public benefit. Paragraph 137 of the NPPF also states that in considering applications within Conservation Areas, Local Planning Authorities should look for opportunities to enhance or better reveal their significance.

3.33 It is recognised that the proposed use of the ground floor as a hot food takeaway could result in an increase in general disturbance of the Conservation Area by way of noise and odours. The Church Street Conservation Area is however noted to be part of the late night area of Hartlepool Town Centre (covered under Policy Designation Rec13) with a variety of bars, restaurants and hot food takeaways occupying nearby properties.

3.34 Of relevance to this application are Saved Policies HE1 and HE2. Saved Policy HE1 states that proposals for development will only be approved in conservation areas where it can be demonstrated that they will preserve or enhance the character and appearance of that area, and it can be demonstrated that it will not adversely

affect the amenities of occupiers of any adjoining or adjacent properties. Saved Policy HE2 seeks to promote environmental improvements in conservation areas.

3.35 Consultation with HBC Heritage and Countryside (Conservation) raised no initial objection to the change of use, however further information was required on the proposed extraction system. Following submission of further details, it was considered that a condition should be imposed to agree the final details.

3.36 The scheme would result in a currently vacant ground floor office being brought back into use, with economic activity from the trade generated contributing to the vibrancy and vitality of the Conservation Area. In addition, the conversion of the upper floors would again result in a currently vacant use being brought back into use as residential accommodation. It is therefore considered that these benefits outweigh any harm which would be caused by alterations to the internal layout of the building or the intended uses therein.

3.37 Other than the flue and rear steel door and barred vent, no external alterations are proposed in this application. It is considered that the proposal would not result in any significant or detrimental impact on the Church Street Conservation Area as a designated heritage asset. The proposal is considered to accord with Saved Policies GEP1, HE1 and HE2 of the Hartlepool Local Plan 2006, and with paragraphs 128, 129, 131, 132, 134 and 137 of the NPPF.

#### Neighbour amenity

3.38 Consultation with neighbouring adjacent properties resulted in no objections to the proposal. Given the proposed use of the building, it is however necessary to consider the potential impact on any adjoining and adjacent properties.

3.39 The proposed ground floor takeaway would generate some associated noise due to members of the public coming and going and particularly due to the late night operating hours of 1am Monday – Saturday and 11pm on Sundays and Bank Holidays. However as noted earlier, this property is within an existing late night area which already has a number of bars, pubs, restaurants and other hot food takeaways. The level of noise generated by this premises would not be expected to be significantly greater than that of similar nearby properties, or to have a detrimental impact on the amenity of nearby properties.

3.40 Consultation with HBC Public Protection resulted in no objection although comments were made in relation to the internal layout with particular reference to the requirement for ventilation for the toilets. Given that the premises would be carrying out cooking, a condition to ensure that adequate extraction/ventilation is proposed to avoid any undue impact on adjacent properties.

3.41 As the first floor of the building would form part of a residential flat directly above the takeaway with visiting members of the public, it is considered that a condition to ensure adequate protection from noise transmission is provided prior to the takeaway commencing operation. Subject to acceptable schemes to satisfy these conditions, it is considered that the impact on neighbour amenity is acceptable, in accordance with Saved Policy GEP1.

### Waste management

3.42 The proposed development would result in refuse collection being required for both the ground floor takeaway and the residential flat above. As indicated on the proposed ground floor plan, an area has been allocated within the takeaway premises for the storage of bins. These would then be taken through the rear yard, out of the access door and placed on the rear street on collection day.

3.43 Consultation was previously undertaken with HBC Waste Management and no objections were made. No additional comments have been received. The waste collection process for most properties on this side of Church Street is for commercial waste bins to be placed on the street outside the rear yard. Refuse collection vehicles are able to access the rear via Lynn Street. This is either for collection by the Council or by a private commercial waste collection company.

3.44 Whilst the takeaway facility may produce more waste than the previous use as an office (although vacant) it is considered that the proposed bin storage and collection arrangement would be sufficient, and would not have a detrimental impact on the surrounding area. The residential flat is not expected to produce anything above the average household of this size and type. When combined with the commercial waste from the takeaway, the total waste is not considered to be in excess of reasonable volumes for the size/use of the building.

3.45 The waste bins are noted to be placed adjacent to the highway which is a two lane access road allowing access to residents' parking. No objections were received from HBC Traffic and Transport. It is therefore considered that given the width of the access road, the addition of the bins from the proposed takeaway would not create any significant obstruction on the highway.

3.46 Given that there would be provision of a bin store area within the property and the fact that an existing arrangement exists at the rear for collection, it is not considered that the proposal would result in any unacceptable or detrimental impact as a result of waste. The proposal is considered to be in accordance with Saved Policy GEP1 in respect of this matter.

### Crime and disorder

3.47 Saved Policy GEP3 states that in determining planning applications, the Council will have regard for the need to incorporate features and/or measures to reduce crime and the fear of crime. Given the intended use of the ground floor in particular the late night opening hours, it is necessary to consider this issue.

3.48 Consultation was previously undertaken with Cleveland Police with comments stating no objection to the proposal, however at the time it was recommended that appropriate CCTV equipment should be installed to capture footage of the serving and entrance areas. This request has already been passed to the applicant.

3.49 In relation to the residential use, the rear access would form the main point of entry for the occupants of the first and second floors. There is an existing secured

door to the rear which would not be altered as part of the proposal. This is considered to be an acceptable level of security at the rear. In relation to the ground floor hot food takeaway, the Church Street area is already designated for late night opening premises, and given the presence of CCTV cameras at different points along Church Street and the relatively well lit street and frontage, it is considered that the proposed development is acceptable in relation to the impact on crime and the fear of crime, in accordance with Saved Policy GEP3.

### Highway safety

3.50 Consultation was undertaken with HBC Traffic and Transport with no objections received and no additional comments from the previous application. It is noted that due to the nature of the proposed ground floor business, there would be a requirement for additional short stay parking to collect takeaway meals which is available in the area.

3.51 Additional supporting information was provided with the application which indicated that there are a number of areas along Church Street which allow up to a 30 minute short stay for free. These were also indicated as being within short walking distance of the application site.

3.52 It is noted that there would also be a demand for parking as a result of the occupants of the residential flat who would operate the takeaway. As stated in the submitted *Design Heritage & Access Statements*, the owner would apply for a permit to park at the rear of the property. The impact on parking and overall highway safety of this aspect is considered to be minimal.

3.53 Overall, the impact on highway safety is considered to be acceptable, in accordance with Saved Policy GEP1.

### Conclusion

3.54 In relation to the material planning considerations examined above, namely the principle of development and the impacts on health and well-being, visual amenity, neighbour amenity, waste management, crime, and highway safety, the proposal is considered to be acceptable. Notwithstanding the concerns raised in relation to the impact on the regeneration strategy for the area it is not considered any impact would be significant or that these concerns would warrant the refusal of the application. It is not considered that the proposal would result in any significant or disproportionate impact on the health and well-being of the surrounding community. It is also not considered that the overall impact on the designated heritage asset would be significant, with public benefits of the scheme in relation to economic activity, residential accommodation, town centre vitality arising from the re-use of a vacant building outweighing any impact. There are also not considered to be any unacceptable impact in relation to crime, waste management, neighbour amenity or highway safety.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.55 There is no evidence of equality or diversity implications.

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

3.56 These are discussed in the main body of the report.

### REASON FOR DECISION

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

### RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
Clarification of permission
2. The development hereby permitted shall be carried out in accordance with the details and the plans (Site Location Plan, Proposed Ground Floor Plan/Proposed Part Rear Elevation, Proposed First Floor Plan, Proposed Second Floor Plan and Indicative Flue System Detail - Extract/Ventilation System) received by the Local Planning Authority on 31/05/16.  
Avoidance of doubt
3. The premises shall only be open to the public between the hours of 10am - 1am Monday - Saturday and between 1pm - 11pm Sundays and Bank Holidays.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the surrounding properties.
4. Notwithstanding the submitted details, prior to the hot food takeaway being brought into use, final plans and details for ventilation, filtration and fume extraction equipment to reduce cooking smells shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall be retained and used in accordance with the manufacturer's instructions at all times whenever food is being cooked on the premises.  
In the interests of the character and appearance of the conservation area and the amenities of the occupants of neighbouring properties.
5. Prior to the commencement of the uses hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the ground floor hot food takeaway and the first floor of the residential flat above. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.  
In the interests of the amenity of the occupants of the residential flat.
6. This permission does not authorise any external alterations to the front of the building.  
For the avoidance of doubt in the interests of visual amenity and to protect and enhance the character and appearance of the Church Street Conservation Area.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

3.59 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

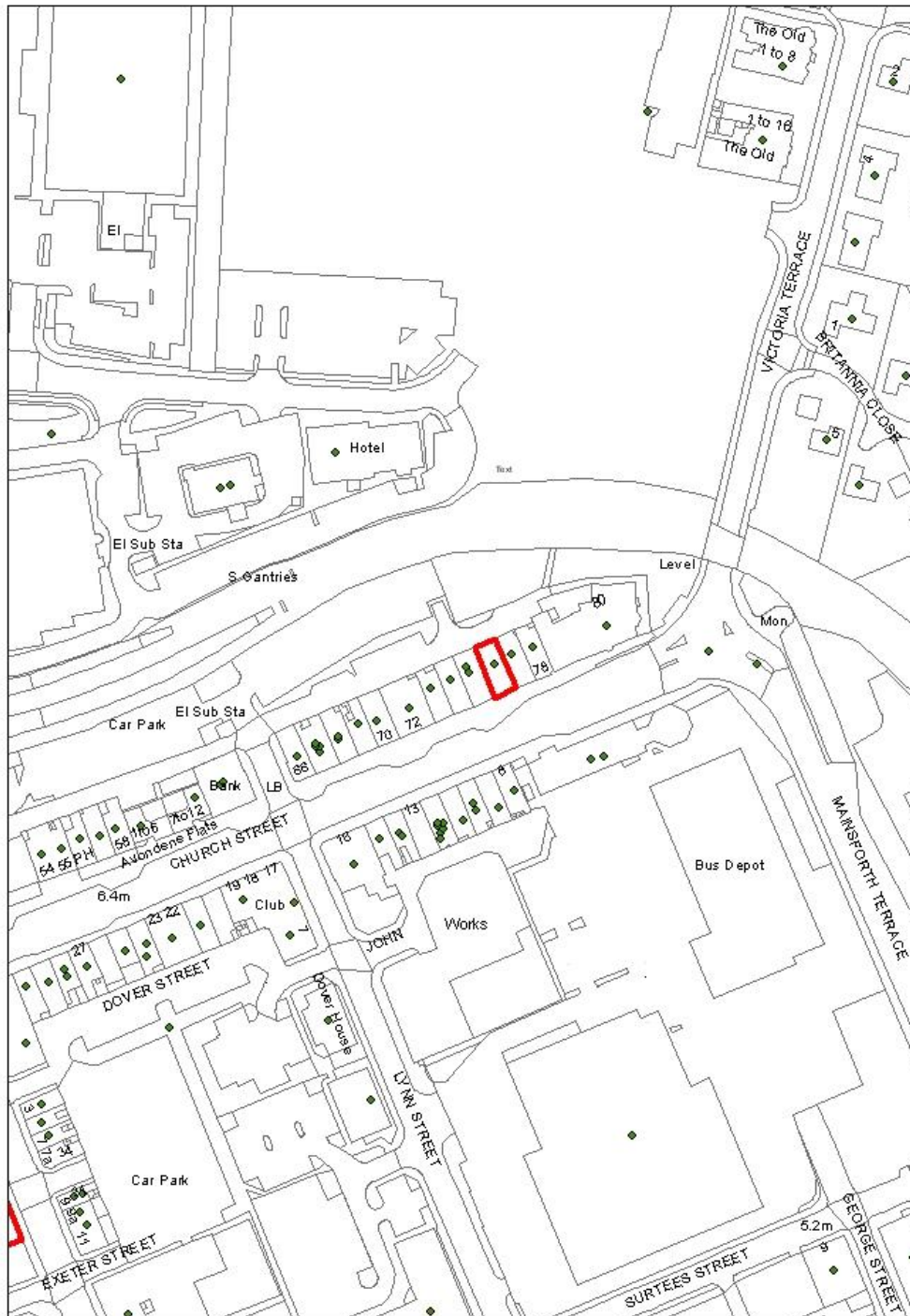
Tel: (01429) 523400  
E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

## AUTHOR

3.60 Leigh Taylor  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523537  
E-mail: [leigh.taylor@hartlepool.gov.uk](mailto:leigh.taylor@hartlepool.gov.uk)

## 76 CHURCH STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2016/0227**  
**Scale: 1:1000**  
**Date : 14/07/2016**





**No:** 4  
**Number:** H/2016/0158  
**Applicant:** MR I TARPEY RIVERSTON CLOSE HARTLEPOOL  
TS26 0PY  
**Agent:** MR I TARPEY 5 RIVERSTON CLOSE HARTLEPOOL  
TS26 0PY  
**Date valid:** 29/04/2016  
**Development:** Erection of ornamental lighting column (retrospective  
application)  
**Location:** 5 RIVERSTON CLOSE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.02 A planning application has been submitted under the provisions of the Town and Country Planning Act 1991 (as amended) for retrospective consent for the erection of an ornamental lighting column in the rear garden of 5 Riverton Close. The application has been called in at the request of a Member and therefore must be considered at Planning Committee.

## PROPOSAL

4.03 Planning permission is sought retrospectively for the erection of a lighting column in the rear garden of a residential property. Planning permission is required as under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, any structure can only be considered permitted development up to a height of 4m. The overall height of the lamp post is approx. 5.5m with the lower section having a diameter of approx. 0.14m and the upper section having a diameter of approx. 0.076m. The column is black in colour with the lamp section being clear glass. The light is described as a fully renovated Victorian ornate lamp post which has been fully converted to modern standards. A modern LED bulb has been fitted which as indicated on the information supplied is 12W, equivalent to a 120W standard bulb in terms of illumination level.

## SITE CONTEXT

4.04 The application site is no.5 Riverston Close, a detached two storey dwelling located to the west of Hartlepool. The property faces in a roughly south eastern direction towards the highway and has a driveway and additional vehicle parking to the side. To the rear is the garden which is stepped due to the change in land levels, surrounded by an approx. 2m high timber close boarded fence, with tall trees along the north/west boundaries. A public right of way also runs just outside the northern

boundary. Neighbouring properties at no's 4 & 6 Riverston Close are of similar scale to the host dwelling with no.4 facing northwards and no.6 facing south east.

## **PUBLICITY**

4.05 The application has been advertised by way of two Neighbour Notification letters. The period for publicity has expired. To date, there has been one objection received and one response stating no objection. The issues raised by the objector are as follows:

- Not a typical lamp post due to the height at approx. 5.5m
- Unduly large and out of keeping with the area
- Concerned about intrusive light encroaching onto our property, particularly the side windows which face the light
- A significant amount of light will be cast in the direction of our property
- To date, the light has not been illuminated and has not been demonstrated
- Concerned that a light capable of reaching a fence up to 30m away will create an unacceptable disturbance to our normal living arrangements
- Perhaps the decision can be postponed until such a time as the light is fully functional to demonstrate that we would not suffer and lighting pollution to our property.

Copy Letters **B**

## **CONSULTATIONS**

4.06 The following consultation replies have been received:

**HBC Public Protection:** Not object

**Cleveland Police:** Yes there have been several incidents reported in relation to Fires and anti-social behaviour to the rear of the property. In relation to lighting this can provide a useful deterrent in relation to criminal and anti-social activity this would be of most use when the area to be illuminated is overlooked by other properties. In relation to security lighting it is always recommended though that the lighting is such that it does not cause annoyance to nearby residents.

## **PLANNING POLICY**

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

### Local Policy

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

GEP1: General Environmental Principles  
 GEP3 : Crime Prevention by Planning and Design  
 Hsg10: Residential Extensions

### National Policy

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

Paragraph 002 - Primacy of Development Plan

Paragraph 011 - Planning law and development plan

Paragraph 012 - Statutory status of development plan

Paragraph 013 - NPPF is material consideration

Paragraph 014 - Presumption in favour of sustainable development

Paragraph 017 - Core Planning Principles

Paragraph 056 - Ensuring Good Design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

### **PLANNING CONSIDERATIONS**

4.10 The main issues for consideration in regard to the above proposal are the impacts on visual amenity, neighbour amenity and crime.

### Visual amenity

4.11 In relation to the visual impact, the lighting column is partially visible from Riverston Close due to its height of approx. 5.5m. The lower section of the column is largely obscured by existing hedges and other planting. Although the height is notable, overall the column is considered to be relatively unobtrusive and having only a minimal impact on the street scene given the distance from the boundary and the intensity of illumination. Whilst this lamp post is not typical of those seen in the area, with some being green in colour and others being silver/grey, overall given the scale and design it is also not considered to have a detrimental impact on the character and appearance of the host dwelling or the surrounding residential area. The proposal is considered to be acceptable in relation to the visual impact, in accordance with Saved Policies GEP1 and Hsg10.

### Neighbour amenity

4.12 One objection was received from a neighbour who raised the following concerns:

- Not a typical lamp post due to the height at approx. 5.5m
- Unduly large and out of keeping with the area
- Concerned about intrusive light encroaching onto our property, particularly the side windows which face the light
- A significant amount of light will be cast in the direction of our property
- To date, the light has not been illuminated and has not been demonstrated
- Concerned that a light capable of reaching a fence up to 30m away will create an unacceptable disturbance to our normal living arrangements
- Perhaps the decision can be postponed until such a time as the light is fully functional to demonstrate that we would not suffer and lighting pollution to our property.

4.13 Consultation with HBC Public Protection raised no objections to the proposal. Considering the impact on this neighbouring property, it is noted that the lighting column has been erected approx. 8m at the closest point to the boundary with this neighbour. It is also noted that there is a change in level upwards from the garden of this neighbour towards the lamp post meaning the whole column is in a somewhat elevated position, rising above the approx. 2m high timber fence at the highest point. However the separation distance is notable, and the fact that the north west corner of the neighbouring dwelling is close to the boundary, already restricts outlook from certain windows on this side elevation. Given the change in levels and the separation distance, it is not considered that the lighting column would illuminate this neighbour's garden to an extent that it would cause significant disturbance, or would physically have any overbearing impact as a result of the height of the column.

4.14 It is noted that this neighbour has a number of ground floor windows facing the lighting column, these being patio doors serving a living/garden room, a utility room window and a smaller lounge window. A first floor obscurely glazed en-suite window also faces the lamp post. Overall, given the relationship, intensity of illumination, separation distance and partial screening from the boundary treatments, the impact on this neighbour is not considered to be so significant as to warrant a refusal of the application.

4.15 In considering the impact on the other neighbour at no.6 Riverston Close, this property is to the north east of the host dwelling and is largely obscured from the lamp post by the host dwelling. Given the level of obscurity and the separation distance between the property and the lamp post, it is not considered that this neighbour would be unduly affected in terms of disturbance from the light or loss of privacy.

4.16 Overall, the impact on neighbour amenity is considered to be acceptable in accordance with Saved Policies GEP1 and Hsg10.

### Crime

4.17 The issue of arson occurring in close proximity to the boundary fence of the host property is stated by the applicant as a reason for the need to illuminate this area to act as a deterrent for similar events. A public right of way runs adjacent to the boundary of this property and it is recognised that the section which is adjacent to the host property does not benefit from public street lighting, an issue exacerbated by the existing tall trees which run along the edge of this footpath.

4.18 Consultation was undertaken with Cleveland Police who confirmed previous reported instances of crime and anti-social behaviour at the property. Comments also highlighted that the use of lighting can act as a deterrent and is particularly beneficial when the illuminated area is also overlooked.

4.19 Whilst the light would illuminate part of the rear garden and allow the occupants to more easily overlook the boundary the full scope of any benefits for reducing criminal activity cannot be predicted. However, it is considered that the erection of this lighting column could have some benefits in terms of deterring crime by illuminating a dark area.

### Conclusion

4.20 In relation to the material planning considerations examined above, the proposal is considered to be acceptable in accordance with Saved Policies GEP1, GEP3 and Hsg10 of the Hartlepool Local Plan 2006 and with paragraphs 2, 11, 12, 13, 14, 17, 56, 196 and 197 of the NPPF. It is not considered that the proposal has a significant impact on visual amenity or would have any undue impact on neighbour amenity in terms of disturbance, overbearing impact, loss of privacy or loss of outlook.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.21 There is no evidence of equality or diversity implications.

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

4.22 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These issues have been discussed in the material planning considerations above.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE subject to the following condition:**

1. The development hereby permitted shall be carried out in accordance with the details and the specification (Miniature Photocell - Dusk To Dawn Sensor ) received by the Local Planning Authority on 14/04/16, and the plan (Location of Lamp Post) received by the Local Planning Authority on 29/04/16.  
For the avoidance of doubt.

**BACKGROUND PAPERS**

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

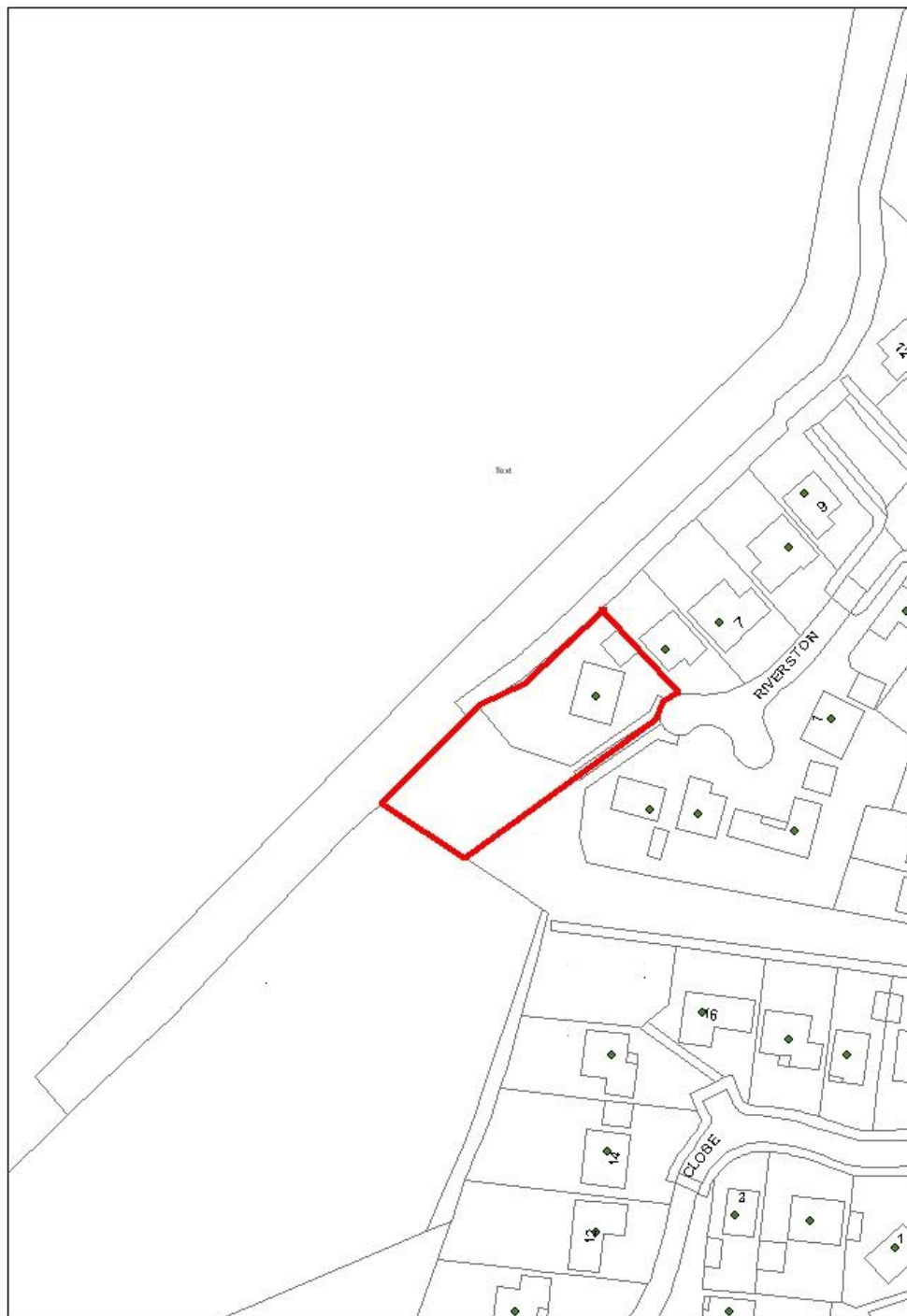
**CONTACT OFFICER**

- 4.25 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY
- Tel: (01429) 523400  
E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

**AUTHOR**

- 4.26 Leigh Taylor  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY
- Tel: 01429 523537  
E-mail: [leigh.taylor@hartlepool.gov.uk](mailto:leigh.taylor@hartlepool.gov.uk)

## 5 RIVERSTON CLOSE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2016/0158**  
**Scale: 1:1000**  
**Date : 14/07/2016**





**No:** 5  
**Number:** H/2016/0083  
**Applicant:** Radcliffe Crescent Thornaby STOCKTON ON TEES  
 TS17 6BS  
**Agent:** Persimmon Homes Teesside Radcliffe Crescent  
 Thornaby STOCKTON ON TEES TS17 6BS  
**Date valid:** 29/03/2016  
**Development:** Substitution of housetypes approved by H/2011/0489 and  
 varied by H/2013/0343 for the erection of additional 19  
 dwellings increasing the total number of dwellings on site  
 from 244 to 263  
**Location:** Mayfair Centre Tees Road HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 The following applications are considered to be of relevance to the current application;

**H/2011/0489** Approval was granted for a mixed use development for the erection of 244 dwellings and the redevelopment of the Mayfair Centre to incorporate D2, A1, A3 and A4 uses including erection of two air domes, alterations to shop and Mayfair Centre building including new balcony, alterations to car park, formation of various mounds, formation of golf course, children's play areas, new lighting, alterations to vehicular entrance and landscaping including amenity open space.

**H/2013/0068** A non-material amendment was approved to planning application H/2011/0489 for alteration to front elevation and floor plan of Winster house type and addition of external kitchen door to Clandon house type.

**H/2013/0343** An application to allow the substitution of house types on plot numbers 69, 70, 79, 80, 160, 161, 162, 163, 199, 200, 201, 216, 217, 220, 221, 231, 232 was approved.

**H/2015/0010** An application to increase the number of dwellings on the site was withdrawn following officer concerns.

5.3 This current application originally sought permission for an additional 20 units however following officer concerns regarding the impact of the proposed development on the appearance and character of the area amended plans have been submitted reducing the proposed additional units to 19.

## PROPOSAL

5.4 Approval is sought for the substitution of house types as previously approved and to increase the number of dwellings. The application relates to 65 plots and will increase the density of the dwellings to provide an additional 19 units across the site. The amount of dwellings on the site will therefore increase from 244 (as previously approved) to 263 dwellings.

5.5 The proposal maintains the same block structure and broad layout however the applicant has states that customers preference in the area is for smaller dwellings therefore the proposals will address the need identified by the applicant. Therefore a number of 4 bedroom dwellings would be replaced by 2 and 3 bedroom properties.

5.6 The road layout will not be altered from what has previously been approved.

## SITE CONTEXT

5.7 The application site forms part of a wider development which was granted planning permission by virtue of planning permission H/2011/0489. The site is currently under construction. The application site relates to the land towards the west of the site bounded by Lingdale Drive to the west and Pavillion Close to the north. The landscaped public space, as approved by the previous permission, is located directly to the south of the application site and previously approved dwellings which are currently under construction are located to the east of the application site.

## PUBLICITY

5.8 The application and subsequent amendments have been advertised by way of neighbour letters (73). To date, there have been five letters of objection received. These are largely on the following grounds;

- The density of the proposal is inappropriate
- There are significant problems for access from Tees Road as existing therefore additional dwellings will exacerbate this problem
- There is existing difficulty passing parked cars within the development
- Insufficient car parking
- Existing gardens do not drain, more houses could result in a flooding
- Impact upon view (especially as a result of the inclusion of 3 storey dwellings)
- Loss of privacy (especially as a result of the inclusion of 3 storey dwellings)
- Noise disturbance from additional residential properties
- Pressure on facilities within Seaton Carew
- This amendment to the plans is in breach of what Persimmon marketed development as.

5.9 The consultation period has expired.

5.10 Copy Letters **A**

## CONSULTATIONS

5.11 The following consultation replies have been received:

**HBC Countryside Access:** There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or being affected by the proposed development of this site.

A recently diverted public footpath runs through this development, to the east and north east. It is not affected by this proposal.

**HBC Economic Development:** No objections.

**HBC Engineers:** No objections.

**HBC Traffic & Transport:** No highway or traffic concerns.

**Cleveland Fire Brigade:** Cleveland fire Brigade offers no representations regarding the development as proposed.

**Environment Agency:** I can confirm that these changes do not alter our previous comments of 23 November 2011.

Previous comments: Raised no objections subject to conditions relating to surface water drainage and land contamination.

**Emergency Planning Unit:** With regards to the proposals for an increase in houses the only points we would raise are that the proposed application is within the consultation Distance/ Public Information Zone of the Huntsman Pigments Control of Major Accident Hazard (COMAH) Regulation Top Tier Site. Information regarding the possible effects of incidents at this site and the actions to take in the event of an incident is included in the regulation 18 letter which is sent to every resident in its zone.

The site is outside the Nuclear Power Stations Detailed Emergency Planning Zone but is within the extendibility zone which details what to do should there be a beyond design basis incident on the plant.

Apart from the above points we have no further concerns.

**HSE:** Do Not Advise Against

**Northumbrian water:** Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make. Our network can accept the additional 20no. dwellings.

**ONR:** ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

## PLANNING POLICY

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

### Local Policy

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

GEP1: General Environmental Principles  
 GEP12: Trees, Hedgerows and Development  
 GEP3: Crime Prevention by Planning and Design  
 GEP9: Developers' Contributions  
 Hsg5: Management of Housing Land Supply  
 Hsg9: New Residential Layout - Design and Other Requirements

### National Policy

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

PARA 002 : Primacy of Development Plan Contribute to the achievement of sustainable development

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 047 : Significantly boost the supply of housing

PARA 049 : Housing applications and sustainable development

PARA 050 : Delivery of wide choice of high quality homes  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design Quality of development that expected for the area  
 PARA 060: Planning decisions  
 PARA 064 :Refusal for development of poor design Social interaction and creating healthy, inclusive communities Radical reductions in greenhouse gas emissions  
 PARA 095 : Low Carbon  
 PARA 096 : New development  
 PARA 150 : Sustainable development reflects local communities  
 Paragraph 196 – Primacy of the Development Plan  
 Paragraph 197 – Presumption in favour of sustainable development  
 PARA 203 : Can unacceptable development be made acceptable  
 PARA 204 : Planning obligations to meet tests  
 PARA 205 : Revision of obligations  
 PARA 206 : Planning conditions

Planning Policy Comments: Object as there are current problems with the level of traffic in the estate and the fact that an increased in dwelling numbers is likely to exacerbate the problem thus impacting upon the function of the area. Planning Policy are of the opinion that the scheme does not create high quality built environment that would support health, social and cultural well being. Planning Policy are of the opinion that many residents may be put off from walking given the potential increased risk to safety which in turn can have a negative impact upon physical and mental health. The additional dwellings are deemed to be neutral when considering the environmental role of the scheme.

With regard to NPPF paragraph 47 and NPPF paragraph 7, Planning Policy is of the opinion that the proposal would have limited positive impacts upon the housing land supply and the economy. The additional homes will exacerbate existing traffic and safety problems, will negatively impact upon the function of the housing area and will not create high quality built environment that would support health, social and cultural well being.

Planning Policy consider that the adverse impacts of the proposal, particularly those relating to the safety of the borough's residents and visitors, would significantly and demonstrably outweigh the benefits and therefore the proposal does not constitute sustainable development and should be refused.

## **PLANNING CONSIDERATIONS**

5.15 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, character of the area, planning obligations, amenity of neighbouring properties, highway safety and health and safety.

## PRINCIPLE OF DEVELOPMENT

5.16 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the National Planning Policy Framework (NPPF) particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed, currently, to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

5.17 In viewing statute, planning policy and the information submitted one must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

5.18 The principle of residential development on this site has been accepted by the previous approval on the site (reference number H/2011/0489). In terms of sustainability, the site is located within the defined limits with access within the immediate vicinity to services and facilities which would be reasonably expected to serve a residential development. Furthermore there is an existing footpath link to existing residential dwellings to the north of the site which will provide residents access to public transport. As such given the links to existing services and facilities such as shops and public transport the site is considered to be a sustainable location. Therefore the overall principle of development in this location is considered acceptable.

## DEVELOPER OBLIGATIONS

5.19 Paragraph 50 of the NPPF states that local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This requires, where a need for affordable housing is identified, to ensure that it is delivered on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock).

5.20 The current Strategic Housing Market Assessment (2015) has identified a pressing need for affordable housing in the Borough. A Planning Obligations Supplementary Planning Document was adopted by Full Council on 12<sup>th</sup> November 2015. This sets a target for affordable housing of 18%. This equates to a total of 3 affordable dwellings being provided on this site which the applicant has agreed to. As such this will be secured through a section 106 agreement.

5.21 Saved Policies GEP9 and Rec2 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-

site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

5.22 Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £32,389 contribution for primary education
- £30,146 contribution for secondary education
- £250 per dwelling for green infrastructure (£4750)
- £250 per dwelling for off site play provision (£4750)
- £233.29 per dwelling for playing pitches (4432.51)
- £4.97 per dwelling for Bowling Green(s) (£94.43)
- £57.02 per dwelling for Tennis Court(s) (£108.38)

5.23 The applicant has agreed to these contributions. In view of the above considerations, it is considered that the proposal would satisfy the provisions of the NPPF (para. 204) and the three tests of the Community Infrastructure Levy (CIL) Regulations 2010.

## CHARACTER OF THE SURROUNDING AREA

5.24 The proposal seeks to increase the density of the overall development through the replacement of some detached and semi-detached dwellings with terraced properties.

5.25 When considering statute, Planning Policy officers are of the opinion that the proposal does not constitute high quality design, as it is difficult to see how the additional cars or necessary amenity green space can be accommodated. It is noted that grassed areas are provided to the front of properties and that rear gardens can be grassed, however these areas could be paved over without planning permission and therefore their existence is not safeguarded for future generations. Planning policy raise significant concerns as there has been no attempt made to include areas of communal open space.

5.26 Planning Policy officers consider that the adverse impacts of the proposal, particularly those relating to the safety of the borough's residents and visitors along with the physical and mental health of residents and visitors, would significantly and demonstrably outweigh the benefits and therefore the planning proposal does not constitute sustainable development and should be refused.

5.27 These officer concerns are noted however they must be balanced against the need to provide homes. NPPF paragraph 47 sets out the Government's intention to significantly boost the supply of housing. Paragraph 49 sets out that the relevant policies for the supply of housing are out of date if the planning authority cannot demonstrate a five year supply of deliverable housing sites.

5.28 NPPF paragraph 14 states the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

5.29 As previously discussed Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan which impact on the supply of land are deemed, currently, to be out of date. Therefore this proposal is assessed against the other relevant Local Plan Policies along with NPPF paragraph 14. Paragraph 7 of the NPPF requires all three elements of sustainable development to be taken into account when determining planning applications. The three elements of sustainable development are economic, social and environmental.

5.30 It is acknowledged that job creation will occur with the addition of building 19 homes. Furthermore the additional homes could attract new families, who could in turn spend money within the borough thus boosting the local economy.

5.31 Planning policy officer concerns regarding the design and layout are noted however these must be balanced against the need to provide homes and also that the previously approved residential development consists of a similar layout and density. Furthermore, as part of the original approval at the site, a significant area of land directly to the south was included to provide landscaped open space to serve the residents. Whilst this does not improve the situation in terms of areas of incidental open space it is considered that it has previously been accepted that this allocation of land would be sufficient to serve the residents of the development. Furthermore the Councils Traffic and Transport section have raised no objections, additionally the existing adjacent properties also have a similar car parking arrangements to the front. As such it is not considered that impact upon the health and well being of the residents and visitors would be significantly worse than what has previously been approved. Therefore it is not considered that concerns relating to impact upon the function of the housing area and quality of design to support health, social and cultural well being would warrant refusal of the application.

#### AMENITY OF NEIGHBOURING PROPERTIES

5.32 Concerns raised by objectors relating to amenity of residential properties are noted. Protection of residential amenity is a core planning principle as outlined in paragraph 17 of the NPPF and at a local level within policy Gep1 and HSg9. Guidance Note Number 4 to the Hartlepool Local Plan requires 20 metres between principle elevations and 10 metres between principle elevations and side gables. Although the proposal seeks to include an additional 19 units the layout of the development will remain roughly as approved. As such the separation distances between the properties will remain as previously approved. Furthermore the proposed separation distances accord with the requirements of Supplementary Guidance Note 4 with a minimum of 20 metres between habitable room windows and 10 metres between habitable room windows and side gables.

5.33 The proposal seeks to alter the development and replace some of the detached dwellings with semi detached and terraced properties. Of which plot numbers 65,66,67,76,77,78,87,88,247,248 and 249 will consist of three storey dwellings.



However whilst there will be rooms within the roof space, the design of these dwellings only include rooflight windows and as such would only benefit from an oblique view. Furthermore the proposed three storey dwellings are proposed in locations where the rear of the respective plots face towards the side elevation/boundary of the property to the rear or towards a detached garage. The required separation distances, in accordance with Guidance Note 4, are met in all cases. As such it is not considered that the proposed development would result in a detrimental impact upon the amenity of residential properties in terms of overlooking, overbearing impact or overshadowing.

## HIGHWAY SAFETY

5.34 A number of the objections received refer to concerns relating to the existing access and car parking arrangements. Concerns in relation to highway issues have also been raised by Planning Policy officers. The Council's highways officers were consulted on the development proposals and have raised no objections.

5.35 The proposed development will not include any alterations to the existing vehicle access point to Tees Road which is considered to be acceptable. Furthermore although the proposal will result in additional residential properties, sufficient in-curtilage car parking is proposed to serve each dwelling. As such it is not considered that the proposal will result in a detrimental impact upon highway safety. Therefore the proposal accords with policies Gep1 and HSg9 in this regard.

## HEALTH AND SAFETY

5.37 The application site is within the consultation Distance/ Public Information Zone of the Huntsman Pigments Control of Major Accident Hazard (COMAH) Regulation Top Tier Site. Information regarding the possible effects of incidents at this site and the actions to take in the event of an incident is included in the regulation 18 letter which is sent to every resident in its zone.

5.38 The site is outside the Nuclear Power Stations Detailed Emergency Planning Zone but is within the extendibility zone which details what to do should there be a beyond design basis incident on the plant.

5.39 The HSE were consulted regarding the proposals and have confirmed that they would not advise against the development. Similarly the Emergency Planning Officer and the Office for Nuclear Regulation raised no objections to the proposals.

5.40 In health and safety terms the proposal is considered to be acceptable.

## RENEWABLES

5.41 In accordance with Paragraph 96 of the NPPF, the Council's preferred approach as set out within the Policy Framework (Nov 2015) document is to derive 10% of the energy needs from renewable and/or decentralised resources. The Framework states that a lower percentage may be considered acceptable and/or the development should seek to make up any shortfall through additional energy efficient measures in building construction and layout. The overall aim of the policy is to

result in a reduction in CO2 emissions.” HBC expect buildings to be both energy efficient and to provide on site renewables. The developer has agreed to conditions to secure a scheme to be implemented to sufficiently address this requirement. As such conditions are recommended in this regard.

## RESIDUAL MATTERS

5.42 Objectors have raised concerns that Permission should not seek to alter the development once existing residents have already purchased properties based on the approved plans. This is a civil matter between the objector and the applicant and is not a material planning consideration when assessing this application.

## CONCLUSION

5.43 Overall when viewing the proposal on balance, whilst there are officer concerns regarding the design and layout of the proposed development taking into account what has previously been approved in the immediate vicinity of the application site it is not considered that the proposal would result in a significant detrimental impact upon the character and appearance of the surrounding area. The proposed development is also considered to be acceptable in relation to amenity of neighbouring residents, highway safety, health and safety and all other residual matters.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.44 There is no evidence of equality or diversity implications.

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

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

5.46 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION - APPROVE** subject to completion of a S106 agreement to secure three affordable dwellinghouses on the site, £32,389 contribution for primary education, £30,146 contribution for secondary education, £4750 for green infrastructure, £4750 for off site play provision, £4432.51 for playing pitches, £94.43 for Bowling Greens, £108.38 for Tennis Court(s) and the following conditions;

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

2. The development hereby permitted shall be carried out in accordance with the Location plan SC-001 and the following house type plans  
 Chedworth CD-WD01 Rev P,  
 Alnwick AN-WD01 Rev E,  
 Hatfield HT-WD01 Rev S,  
 Hanbury HB-WD01 Rev P,  
 Morden MR-WD01 Rev K,  
 Moseley MS-WD01 Rev M,  
 Roseberry RS-WD01 Rev S,  
 Rufford RF-WD01 Rev S,  
 Single/Double Garage SDG-05 Rev C  
 Received by the Local Planning Authority 02/03/2016,  
 Proposed Housing Layout SC-001 Rev STP and SC-010 Rev STP  
 received by the Local Planning Authority 10/05/2016 and  
 Souter house type plan number SU-WD01 Rev S received by the Local  
 Planning Authority on 26 May 2016.  
 For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
 In the interests of visual amenity.
4. No construction works shall take place outside the hours of 07:00hrs to 18:00hrs Monday to Friday and 07:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
 In the interests of the amenities of the occupants of neighbouring properties.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
 To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property. To ensure any risk of contamination can be addressed.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority  
 To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
 In the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
9. The surfacing of all private parking areas, drives and access roads (i.e roads not to be adopted) shall be in hard bound materials in accordance with a specification first submitted to and approved in writing with the Local Planning Authority.  
In order to ensure treatments proposed are acceptable in the interests of amenity and highway safety.
10. The development hereby approved shall be carried out having regard to the following:  
1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.  
2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the

approval in writing of the Local Planning Authority. 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR.6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

11. Lighting proposals in areas of the housing site not to be the subject of adoption by the Local Planning Authority shall be implemented in accordance with details agreed through discharge of planning condition attached to H/2011/0489 on 6 August 2012 shown on Drawing number LDPD-01. The agreed lighting shall be implemented at the time of development and retained for the lifetime of the development.  
In order to ensure that adequate provision is made in the interests of amenity and security.
12. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other

period as may subsequently be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

13. Prior to the occupation of dwellings hereby approved means of boundary enclosure shall be implemented in accordance with details shown on plan number SC-001 Rev STP received by the Local Planning Authority 11 May 2016. The implemented boundary enclosures shall thereafter be retained for the life of the development.  
In the interests of visual amenity.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.  
To prevent pollution of the water environment.
15. The housing shall have a minimum finished floor level of 4.605m AOD.  
In order to ensure the development is protected against any possible long terms flooding issues.
16. No development shall take place until the Local Planning Authority has approved a report identifying how the predicted CO2 emissions of the development will be reduced by at least 10% above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the energy saving measures, detailed in the report, shall be installed.  
To support sustainable development
17. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the report, shall be installed.  
To support sustainable development.

## BACKGROUND PAPERS

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

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

## CONTACT OFFICER

- 5.49 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool

TS24 8AY

Tel: (01429) 523400

E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

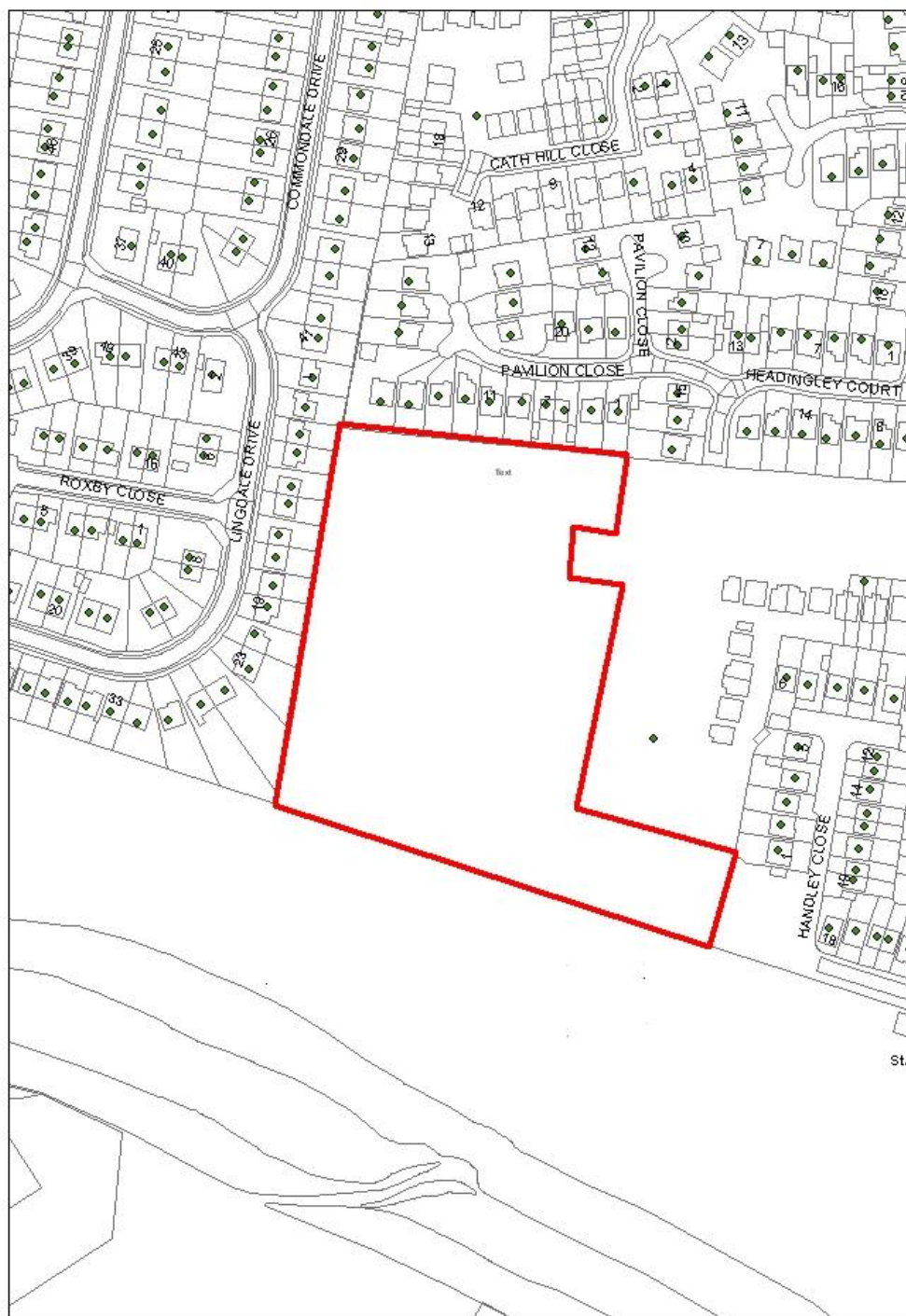
**AUTHOR**

5.50 Helen Heward  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523433

E-mail: [Helen.Heward@Hartlepool.gov.uk](mailto:Helen.Heward@Hartlepool.gov.uk)

## MAYFAIR CENTRE, TEES ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

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**H/2016/0083**  
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## **POLICY NOTE**

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

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

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

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

**GEP1** (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with

surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

**GEP2** (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

**GEP3** (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

**HE2** (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

**HE8** (Works to Listed Buildings (Including Partial Demolition))  
States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where

the main part of the building is preserved or enhanced and no significant features of interest are lost.

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

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

**Hsg10** (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

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

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

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

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

**7.** There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**9.** Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

**11.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**12.** This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

**13.** The National Planning Policy Framework is a material consideration in determining applications.

**14:** At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

**17:** within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within

which decisions on planning applications can be made with a high degree of predictability and efficiency;

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**23.** Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of

centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re- introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

**47.** To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%

(moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

**49:** Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

**50:** To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

**56:** The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**57:** It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

**60.** Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development

forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

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

**95.** To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

**96:** In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

**126.** LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment.

**128.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

**131:** In determining planning applications, local planning authorities should take account of:



- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

**132:** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

**134.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**137.** LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**150.** Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

**171.** Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

**196:** The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

**197:** In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

**203.** Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

**204.** Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

**205.** Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**206.** Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## PLANNING COMMITTEE

27<sup>th</sup> July 2016



**Report of:** Director of Regeneration & Neighbourhoods

**Subject:** APPEAL AT 10 FORESTER CLOSE, HARTLEPOOL  
– APPEAL REF: APP/H0724/D/16/3150541 –  
ERECTION OF A FIRST FLOOR EXTENSION TO  
EXISTING BUNGALOW, TWO STOREY  
EXTENSION TO THE SIDE AND FRONT,  
EXTERNAL ALTERATIONS AND EXTENSION OF  
DRIVEWAY

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal has been dismissed. A copy of the decision is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the appeal decision.

### 3. CONTACT OFFICER

- 3.1 Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523300

E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

### 4. AUTHOR

4.1      Fiona McCall  
         Planning Officer  
         Level 1  
         Civic Centre  
         Hartlepool  
         TS24 8AY

Tel: (01429) 523273

E-mail: [Fiona.McCall@hartlepool.gov.uk](mailto:Fiona.McCall@hartlepool.gov.uk)



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## Appeal Decision

Site visit made on 27 June 2016

**by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC**

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

**Decision date: 6 July 2016**

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**Appeal Ref: APP/H0724/D/16/3150541**

**10 Forester Close, Hartlepool TS25 1JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Fowler against the decision of Hartlepool Borough Council.
  - The application Ref: H/2016/0107, dated 19 March 2016, was refused by notice dated 6 May 2016.
  - The development proposed is described as 'First Floor Extension to existing Bungalow to form Dwelling with Bedrooms/ Bathroom/ En-suite together with New 2 storey extension to side to provide new Garages/Home Office/ Cloaks/ Utility/ Family Room/ Master Bedroom/ En-suite'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed extensions on the character and appearance of the street scene.

### Reasons

3. Forester Close is a street of self-build properties. As such, the dwellings are individual in design, style, massing and materials, resulting in a varied character. However, in the main, the dwellings are large detached properties but with some space between them or with lower sections which gives a sense of space to the street scene.
  4. The plots appear to have been of a similar size, although the plot opposite the appeal site appears to be larger and I note it is suggested, by an interested party, that this was a double plot. The dwelling on the opposite plot, unlike others in the street scene, is set at an angle rather than being parallel to the road. Thus, this property and its detached garage, which is located at the end of the cul-de-sac, create the focus for the end of the road.
  5. No 10 Forester Close, whilst not symmetrical, has a balanced appearance. It has a lower ridge height than the neighbouring houses and it has first floor accommodation in the roof space. The proposed first floor extension would create a full height first floor. It would, therefore, reflect other properties in the street scene.
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Appeal Decision APP/H0724/D/16/3150541

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6. The appeal scheme envisages increasing the height of the building and extending it. That extension would be forward of the existing building and staggered to the side to fill the space available. The front/side extension would also be of two storeys.
7. The awkward floor plan would result in an ungainly roof form and massing that would have a visually jarring appearance. Moreover, the bulk of this forward extension would be significant with a long ridge line and two storey extension in very close proximity to the existing garage at the end of the cul-de-sac. The height and massing of the proposed extensions would unacceptably dominate the neighbours' existing double garage. That garage has a relatively modest appearance because it has a gable facing the road with two single width garage doors.
8. Furthermore, the proposed fenestration would exacerbate the awkward appearance while the proposed large double garage door facing the end of the cul-de-sac would emphasise the bulk and mass of the forward projection. Although individual in character each dwelling in the street scene has a cohesive form. In contrast that would not be the case for this proposal.
9. In all, the proposed works of extension would result in a dwelling that would lack visual harmony. It would also unacceptably dominate the neighbouring building, and result in a cramped appearance, to the detriment of the street scene.
10. Thus, I concur with the Council that this particular scheme would have a harmful visual impact. As such, the proposed development would fail to accord with saved policies GEP1 and HSG 10 of the Hartlepool Local Plan (2006) which, taken together, seek that extensions are of a size, design and external appearance that harmonises with the existing dwelling, are unobtrusive and do not adversely affect the character of the street. I also find conflict with the National Planning Policy Framework which advises that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
11. The appellant considers that there would be security benefits in blocking off the view from the street with development. However, there is no substantiated evidence before me to conclude that any material harm arises from the site being visually open and so I attach negligible weight to this matter. Nor am I satisfied that the proposed development would be the only way to enhance security.
12. I appreciate that this scheme did not result in any objections and gained support from the local Councillor. However, that does not outweigh the material planning harm identified.

### Conclusions

13. For the reasons set out above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

*Zoë Hill*  
Inspector

# PLANNING COMMITTEE

27 July 2016



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. An investigation has commenced in response to a complaint regarding the installation of UPVC windows at a listed residential property in Albion Terrace.
2. An investigation has commenced in response to Officer monitoring regarding non-compliance with a condition relating to the removal of a caravan from a farm on Dalton Back Lane.
3. An investigation has commenced in response to Officer monitoring regarding an untidy and unused site compound at Wynyrd Woods.
4. An investigation has commenced in response to a complaint regarding the keeping of horses at an area of land to the rear of a clubhouse on Stockton Road.
5. An investigation has commenced in response to a complaint regarding the erection of a high boundary fence at the rear of a residential property in Torquay Avenue.
6. An investigation has commenced in response to a complaint regarding the erection of a timber chalet on land off Coal Lane, Elwick.
7. An investigation has commenced in response to a complaint regarding the erection of an extension to the front of a residential property in Bournemouth Drive.
8. An investigation has commenced as a result of a recent refusal of planning permission for the erection of a detached animal shelter at the rear of a residential property in Hutton Avenue.

9. An investigation has commenced in response to a complaint regarding the siting of a hot food takeaway trailer on land at Tees Bay Retail Park, Brenda Road.
10. An investigation has commenced in response to a complaint regarding the erection of an outbuilding for business purposes at the rear of a residential property in Howard Street.
11. An investigation has commenced in response to a complaint regarding the erection of a single storey extension not built in accordance with the approved plans at the rear of a residential property in Moorston Close.
12. An investigation has commenced in response to a complaint regarding the running of a car repair business from a residential property in Lancaster Road.
13. An investigation has been completed in response to a noise complaint received by the Council's Public Protection Team which suggested non-compliance with conditions relating to hours of operation at a shooting ground in Brierton Lane. The investigation found that the source of the noise was not related to activity at the shooting ground and therefore that no breach had occurred.
14. An investigation has been completed in response to a noise complaint received by the Council's Public Protection Team involving non-compliance with an hours of work condition at a former Council depot site on Lynn Street. Following a site visit by the Council's Public Protection Team it was established that there had been a breach of the relevant condition. An assurance was given that the breach had occurred due to exceptional circumstances and that no further breaches will occur. The Public Protection Team will continue to monitor the site for any further breaches.
15. An investigation has been completed in response to a complaint regarding the erection of a pigeon loft at the rear of a residential property in Bilsdale Road. It was found that the pigeon loft had been erected on a Council allotment to the rear of the property and that this had been done in compliance with the Council's allotments rulebook. No further action necessary.
16. An investigation has been completed in response to a complaint regarding the use of a residential property in Gladstone Street as a hotel. The investigation concluded that the house is being used as a normal residential dwelling and therefore that no change of use has occurred.
17. An investigation has been completed in response to a complaint regarding the erection of a timber decking area and enclosure at the rear of a licensed premises at Navigation Point. A valid application seeking to authorise the erection of the decking and enclosure has subsequently been received.
18. An investigation has been completed in response to a complaint regarding the overgrown and untidy condition of a rear garden in Broomhill Gardens.



As a result of helpful co-operation by the homeowner, the condition and appearance of garden has been improved and would no longer be considered to be having a detrimental effect upon the amenity of its surroundings.

19. An investigation has been completed in response to a complaint regarding the untidy condition of the site of a former public house on Easington Road. Work on the approved redevelopment of the site has subsequently commenced. No further action necessary.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

- 3.1 Denise Ogden  
Director of Regeneration and Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523300  
E-mail [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

## **AUTHOR**

- 3.2 Tony Dixon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [tony.dixon@hartlepool.gov.uk](mailto:tony.dixon@hartlepool.gov.uk)