

# PLANNING COMMITTEE AGENDA



**Wednesday 24 August 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 27 July 2016

### 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/2016/0283 | Elwick Windmill, Benknowle Lane, Elwick (page 29)         |
| 4. | H/2015/0283 | Land at Nelson Farm, Nelson Lane (page 39)                |
| 5. | H/2016/0264 | Fens County Primary School, Mowbray Road (page 65)        |
| 6. | H/2016/0261 | 32 The Front (page 75)                                    |
| 7. | H/2016/0231 | How Do You Do, Navigation Point, Middleton Road (page 83) |
| 8. | H/2016/0219 | Land at Green Street (page 93)                            |
| 9. | H/2016/0157 | 38 Grange Road (page 105)                                 |



**5. ITEMS FOR INFORMATION**

- 5.1 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*
- 8.2 Enforcement Action (paras 5 and 6) - *Director of Regeneration and Neighbourhoods*
- 8.3 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 21 September, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **27<sup>th</sup> July 2016**

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

**Present:**

Councillor: Stephen Akers-Belcher (In the Chair)

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

In accordance with Council Procedure Rule 4.2 Councillor Cranney was in attendance as substitute for Councillor Barclay and Councillor Beck was in attendance as substitute for Councillor Cook

Officers: Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Garry Hutchison, Building Control Manager  
Peter Frost, Highways, Traffic and Transport Team Leader  
Adrian Hurst, Principal Environmental Health Officer  
Helen Heward, Senior Planning Officer  
Leigh Taylor, Planning Officer  
Jo Stubbs, Democratic Services Officer

## **20. Apologies for Absence**

Apologies were submitted by Councillors Barclay, Black, Cook and Loynes.

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

Councillor Ray Martin-Wells declared a personal non-prejudicial interest in planning application H/2016/0158 (5 Riverston Close).

## **22. Confirmation of the minutes of the meeting held on 6<sup>th</sup> July 2016**

Minutes confirmed

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

**Number:** H/2015/0383

**Applicant:** Mr Colin Sawtell Elim Living Waters Whitby Street  
HARTLEPOOL

**Agent:** SJR Architectural & Interior Designers Mr David  
Johnson Suite 104 The Innovation Centre  
HARTLEPOOL

**Date received:** 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

**Decision:** **Deferred to allow fire safety issues to be  
addressed**

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**Number:** H/2015/0384

**Applicant:** Mr Colin Sawtell Elim Living Waters Whitby Street  
HARTLEPOOL

**Agent:** SJR Architectural & Interior Designers Mr David  
Johnson Suite 104 The Innovation Centre  
HARTLEPOOL

**Date received:** 20/05/2016

**Development:** Listed Building Consent for internal alterations in  
association with planning application H/2015/0383

**Location:** 14 - 16 Whitby Street HARTLEPOOL

**Decision:** **Deferred to allow fire safety issues to be  
addressed**

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**Number:** H/2016/0227

**Applicant:** Mrs Krishna Jeyasari Sagayamalar Burbank Street

## HARTLEPOOL

**Agent:** Ian Cushlow 31 Harvester Close HARTLEPOOL

**Date received:** 31/05/2016

**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

The Planning Team Leader advised that this application had previously been refused by the Committee due to member concerns regarding safe fire exit routes and external storage amongst other things. As a result of this the applicant had added an internal bin storage area thereby freeing up a safe fire exit route and resubmitted their application. As previously public health had submitted an objection on the grounds of obesity concerns while Economic Regeneration had highlighted that this area had been designated as an innovation and skills quarter as part of current Council policy. However planning officers felt that one takeaway would not have a major impact in terms of public health or economic regeneration. Members asked whether a condition could be imposed whereby any shutters on the shop front would remain open during the day. The Planning Team Leader advised that no external alterations were proposed as part of the application. The Planning Services Manager indicated that the appearance of takeaways during the day was being looked at as part of the Local Plan

Terry Bates, the owner of the property was present and addressed the Committee. He confirmed that the committee's previous comments regarding a safe fire exit route had been taken on board and acted upon, noting there had been no subsequent objections from waste management or highways. He also referred to the large number of parking spaces close to the property and disputed public health's concerns about the nature of the food which would be served, commenting that it was not for the Council to decide people's eating habits.

Members approved the application by a majority. **Councillors Kevin Cranney and Marjorie James requested that their abstention from the vote be recorded.**

**Decision:** Planning Permission Approved

**CONDITIONS AND REASONS**

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

2. The development hereby 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.  
For the 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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2016/0158
<b>Applicant:</b>	MR I TARPEY RIVERSTON CLOSE HARTLEPOOL
<b>Agent:</b>	MR I TARPEY 5 RIVERSTON CLOSE HARTLEPOOL
<b>Date received:</b>	29/04/2016

**Development:** Erection of ornamental lighting column (retrospective application)

**Location:** 5 RIVERSTON CLOSE HARTLEPOOL

A member queried whether any lighting columns of a similar height had ever been placed in an urban domestic setting in Hartlepool previously. The Planning officers were not aware of any. They denied that it was of a similar height to motorway lighting columns stating that it was slightly smaller than street lighting.

Mr Rutter spoke in objection to the application, commenting that he was concerned at the potential impact the light could have on his property. He had asked the applicant to switch on the light in order that the impact could be made clearer however the applicant had indicated that he was unable to do this due to an electrical problem and Mr Rutter therefore felt he had no other option other than to object. The applicant had since illuminated the light in order to allow officers to take photos as evidence but Mr Rutter felt that these did not demonstrate the impact adequately as they had been taken at night using a flash. The applicant had since refused to illuminate the light which Mr Rutter felt was an indication that it would intrude onto his property.

Members acknowledged the applicant's wish to illuminate his property for reasons of security but felt that this should not impact on neighbouring properties. They felt that a solution might be for the side facing Mr Rutter's property to be covered in order to prevent light escaping there. If the applicant refused to take this action members felt they would have no option other than to refuse the application. Members voted to approve this condition unanimously.

**Decision:** **Committee resolved to either – Approve the application subject to the condition and an additional condition requiring the treatment of the glass in the light in the side of the lantern facing 4 Riverston Close with a solid or reflective material to minimise light spill onto the neighbour – or - If the applicant refuses to accept such a condition refuse the application on the grounds of the unacceptable impact on the amenity of the neighbour arising from intrusive light pollution (The applicant subsequently agreed to the condition. The application is therefore Approved)**

### **CONDITIONS AND REASONS**

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.

2. Prior to the lighting column being brought into use, a scheme to blank out the side light of the glass lantern of the lighting column facing no 4 Riverston Close shall be submitted to the Local Planning Authority for approval. The scheme shall include the addition of either a solid or reflective material to limit light spillage occurring to the neighbouring property. The approved scheme shall be implemented with 4 weeks of the date of this permission and shall thereafter be retained at all times during the existence of the lighting column.

In the interests of the amenity of the neighbouring property.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2016/0083
<b>Applicant:</b>	Persimmon Homes Teesside Radcliffe Crescent Thornaby STOCKTON ON TEES
<b>Agent:</b>	Persimmon Homes Teesside Radcliffe Crescent Thornaby STOCKTON ON TEES
<b>Date received:</b>	29/03/2016
<b>Development:</b>	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
<b>Location:</b>	Mayfair Centre Tees Road HARTLEPOOL

Members queried the proposed affordable homes provision. The Planning Services Manager advised that Persimmon would be providing 1 socially-rented property and 2 shared ownership. Members commented that shared tenure had never really worked in Hartlepool and asked how long the properties would remain empty before they reverted to socially-rented. The Planning Services Manager indicated that the detail would be contained in the finalised 106 agreement.

Ben Stephenson spoke on behalf of the applicant. He referred to this as a remix application which would allow Persimmon to provide a larger range of housing with increased green space and a more attractive layout. The use of renewable energy would result in a positive environmental impact, local amenities would be improved and there would be no detrimental impact.

Members expressed concerns that the proposed extra 19 houses would necessarily impact environmentally and in transport terms. They referred to



the proposed affordable homes provision, commenting that they would prefer to see all 3 houses socially-rented. Mr Stephenson indicated that Persimmon would be happy to make all 3 properties socially-rented.

Members approved the application unanimously.

**Decision:** **Planning Permission Approved subject to completion of a S106 agreement to secure three affordable dwellinghouses on the site (all to be social/affordable rent), £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)**

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

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.
  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 the discharge of the 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 term 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.

The Committee considered representations in relation to this matter.

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

Members were advised that an appeal in relation to the above property had been dismissed.

### **Decision**

That the appeal decision be noted.

## **25. Update on current complaints** (*Director of Regeneration and Neighbourhoods*)

Members' attention was drawn to 19 ongoing issues currently being investigated.

### **Decision**

That the report be noted.

## **26. 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 27 – (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.

## **27. 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.

Members were asked to authorise the issuing of an enforcement notice. The details are outlined in the exempt minutes.

### **Decision**

The details are outlined in the exempt minutes.

The meeting concluded at 10:50.

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.

This application was listed for the previous planning committee on the 27<sup>th</sup> July and a site visit was undertaken by members prior to the meeting. During the site visit issues arose regarding emergency exit and fire safety in the building. The application was deferred to enable officers to resolve these issues.

Cleveland Fire Brigade were informed of the situation and an officer visited the site. A subsequent joint visit with the Fire Brigade and the Council's Building Control Team also took place as issues regarding fire safety are covered under building regulations legislation. The majority of the issues have been addressed and the comments received are outlined within the publicity section of this report and discussed within the residual matters.

## 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 number of objections received and 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 It should be noted that 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.

1.11 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. An additional 4 objections were received from neighbouring properties on Scarborough Street following a reconsultation on an amended description. 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.
- The proposal will result in an increasing danger to our young female staff. Staff feel vulnerable due to the use and the residents which use the facility.
- The use will make Hartlepool an unpleasant place to work.
- There are already issues with rubbish (bottles, needles etc) and use of the back alley way. Security gates are needed to protect premises. The Council had promised the alley would be protected by security gates and to prevent unauthorised access.
- The proposal will put off customers visiting businesses in the surrounding area
- The proposal should be sited out of the town centre area.

It should be noted that two letters of objections have been submitted for the associated listed building consent application for the internal alterations (H/2015/0384). The concerns raised are similar to the objections above and these issues will be dealt with in this report.

#### 1.12 Copy Letters D

1.13 The period for publicity has expired.

### CONSULTATIONS

1.14 The following consultation replies have been received.

**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** – 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. 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** – There are no highway or traffic concerns. 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 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 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 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.

**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.



**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)

As outlined at the beginning of this report issues were raised with regards to emergency exits and fire safety during a site visit by members. An emergency fire door was locked at the property during the visit. Cleveland Fire Brigade and the Council's Building Control section were informed of the situation and site visits were undertaken by both organisations. Comments received are outlined below.

**Cleveland Fire Brigade** - Thank you for your email regarding the premises at 14-16 Whitby Street, Hartlepool. We are aware of issues at the property. An officer has visited the premises this morning and did indeed find an inappropriate method for securing the front door which has now been replaced with a thumb-turn type of device. He has made arrangements to visit the property with Garry Hutchinson (HBC Building Control) and the architect who is carrying out the works to ensure that the premises satisfies fire regulations now and for any future use.

**HBC Building Regulations (email to applicants agent)** - After having a look at the plans back at the office for this one I noticed the shortcomings and I remembered the issues we had discussed previously and why the mention of the corridor.

Please see the attached annotated plan showing the issue regarding not being able to have bedrooms as inner rooms.

If we can have escape windows to the first floor bedrooms 1 and 2 being less than 4.5m high that would suffice but we will need the extended corridor as shown on the second floor I have also added some specific needs for heat and smoke detectors but not all of them. I have also noted the need for some additional ventilation to those rooms without windows.

With regards to the response from the Council's Building Control Team a realignment of a corridor was required on the second floor adjacent to bedrooms 9 and 10 to ensure the scheme accorded with the building regulations. The applicant's agent submitted an amended layout plan which incorporated this change. Due to the minor nature of the alteration it was not considered necessary to undertake a full reconsultation. However as the building is listed the Council's Heritage and Countryside Manager was consulted. No objections were raised to the layout change.

Outstanding issues include the escape windows to bedrooms 1 and 2, and the need for ventilation, heat and smoke detectors in specific rooms. These issues are being pursued by the Council's Building Control Team as they are dealing with a separate building regulation application for the property. An update on these issues will be provided at the Committee meeting.

## **PLANNING POLICY**

1.15 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

1.16 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

1.17 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

1.18 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

1.19 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.

1.20 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.

1.21 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



1.22 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.

1.23 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.

1.24 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.

1.25 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.

1.26 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.

1.27 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.

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

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

1.29 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.

1.30 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).

1.31 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.

1.32 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).

1.33 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.

1.34 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.

1.35 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

1.36 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.

1.37 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

1.38 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

1.39 Concerns have been raised by surrounding businesses regarding the proposed use, the residents within the facility and the vulnerability of staff. 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.

1.40 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.

1.41 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.

1.42 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

1.43 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.

1.44 As outlined at the beginning of this report issues were raised with regards to emergency exits and fire safety during a site visit by members. An emergency fire door was locked at the property during the visit. Cleveland Fire Brigade and the Council's Building Control section were informed of the situation and site visits were undertaken by both organisations.

1.45 Cleveland Fire Brigade informed the Council that an officer visited the premises on the 28<sup>th</sup> July and did find an inappropriate method for securing the front door which has now been replaced with a thumb-turn type of device. A following joint visit was undertaken by the Council's Building Control team and Cleveland Fire Brigade to inspect the rest of the building. The Council's Building Control Team did find other issues regarding a corridor alignment on the 2<sup>nd</sup> floor, escape windows required to bedrooms 1 and 2, and the need for ventilation, heat and smoke detectors to specific rooms. The corridor alignment on the 2<sup>nd</sup> floor has been altered to ensure the property conforms with the Building Regulations. An amended plan has been submitted.

1.46 Outstanding issues include the escape windows to bedrooms 1 and 2, and the need for ventilation, heat and smoke detectors in specific rooms. These issues are being pursued by the Council's Building Control Team as they are dealing with a separate building regulation application for the property. An update on these issues will however be provided at the Committee meeting.

1.47 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.

1.48 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.

1.49 Concerns were raised by adjacent properties in Scarborough Street regarding rubbish and use of the rear alley way. It was requested that the Council installs alley gates to resolve these issues and prevent any unauthorised access. The problems relating to littering is essentially a management issue. If the adjacent business wishes alley gates to be installed this would need to be pursued separately with the Council's Traffic & Transport team.

## CONCLUSION

1.50 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

1.51 There is no evidence of equality or diversity implications.

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

1.52 There are no Section 17 implications.

## REASON FOR DECISION

1.53 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) and details which had been received by the Local Planning Authority at the time the application was made valid on 20/05/2016 and the amended plan (Drawing No 04 REV A Proposed First & Second Floor Plans) received on 08/08/2016.  
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**

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

## **CONTACT OFFICER**

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## 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.

The application was deferred at the last planning committee meeting on 27<sup>th</sup> July as issues arose during the site visit by members with regards to the associated planning application for the change of use to a drug and alcohol rehabilitation centre (ref H/2015/0383). The issues related to emergency exits and fire safety. These issues have been addressed in the associated committee report for the change of use.

## 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. Two letters of objection have 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.
- Safety issues with back alley way; there is littering here including bottles and needles and residents feel vulnerable due to the type of people in the area.

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.

An amended layout plan for the 2<sup>nd</sup> floor was received which addressed issues of fire safety. The alteration was minor in nature and consisted of a realignment of a corridor adjacent to bedrooms 9 and 10. The Council's Heritage and Countryside Manager was consulted on the amended plan. No objections were raised.

## **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 Government's planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, 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.

## RESIDUAL MATTERS

With regards to the concerns raised by neighbouring properties these are issues which have been addressed in the associated change of use application (ref: H/2015/0383). The issues are not a consideration for listed building consent.

## 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) and details received by the Local Planning Authority at the time the application was made valid on 20/05/2016 and the amended plan (Drawing No 04 REV A Proposed First & Second Floor Plans) received by the Local Planning Authority on 08/08/2016.  
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

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## 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/2016/0283  
**Applicant:** MRS A HASSALL BENKNOWLE LANE ELWICK  
HARTLEPOOL TS27 3HF  
**Agent:** SUMMERHOUSE ARCHITECTS MR DAVID MACK MILL  
FARM MIDDLESBROUGH ROAD GUISBOROUGH  
**Date valid:** 07/07/2016  
**Development:** Erection of detached storage building  
**Location:** ELWICK WINDMILL BENKNOWLE LANE ELWICK  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 Planning permission and listed building consent for the residential use of the Windmill were approved in 1992 (H/FUL/300/92 & H/LBC/301/92 refer). In 2000 planning permission and listed building consent were obtained for the extension of the Mill. (H/FUL/0067/00 & H/LBC/0068/00). The 2000 approvals were subject to a section 106 agreement and various conditions requiring the recording, reinstatement, restoration and storage of various elements of the Mill and its original machinery.

3.3 The Windmill was previously in a derelict state and the consents above have brought the building back into use.

3.4 Alterations and the erection of a chimney stack were also approved in 2006 (H/2005/5960 and H/2005/5965).

## PROPOSAL

3.5 Planning permission is sought for the erection of a storage/garage/workshop building in the vicinity of the Mill. It should be noted that it does sit outside the domestic curtilage of the host property. The structure is proposed to be positioned to the north east of the Mill adjacent to Benknowle Lane. The dimensions of the building are 16m x 6.6m (approximately). The roof proposed is dual pitched with an eaves height of 2.5m and a ridge height of 5.35m (approximately). The building is of an agricultural design the materials proposed are rustic facing brickwork, pantiles and timber doors.

3.6 The applicant purchased the property in 2015 with the intention to carry out works to the tower to bring it back to a usable condition as part of their home. The tower is structurally stable, however it is in a poor condition due to water ingress. The works to the tower do not form part of this application however this background

is the reason for the proposed building. The works required are anticipated to take a number of years and the proposed building would be used as a secure equipment store and workshop for the duration of the works. The applicant intends to investment in the equipment required (most notably scaffolding) to allow them to have control over the timing of the works,

3.7 The application has been referred to the Committee as Elwick Parish Council have raised concerns to the proposal. Please see the response below.

## **SITE CONTEXT**

3.8 The application site is located on Benknowle Lane, to the west of the A19. The site is to the north east of Elwick Windmill which is a grade II listed building. The windmill has been previously extended and it is relatively isolated in a rural setting. The site where the building is proposed is a grassed area which is used for the grazing of animals.

3.9 To the south east across a grassed area are out buildings associated with the Old Mill. To the east across a paddock is Mill House a residential property. To the north is Benknowle Lane beyond which are agricultural fields. To the west and south are agricultural fields. To the west, beyond the agricultural fields there is Benknowle Farm House and associated structures.

## **PUBLICITY**

3.10 The application has been advertised by way of neighbour letters (9), site notice and press advert. To date, no objections have been received.

3.11 The period for publicity expires on 11<sup>th</sup> August 2016.

## **CONSULTATIONS**

3.12 The following consultation replies have been received:

**HBC Public Protection** – No objections.

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

**HBC Engineers** – No comments.

**HBC Conservation** - The proposal is the construction of an outbuilding for the storage of materials in connection with restoring and maintaining Elwick Wind Mill which is a grade II listed building.

As the site is within the boundary of a listed building attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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).

The wind mill was previously in a derelict state and consents were granted in 2001 to restore the mill and construct an extension to the side of the tower to provide living accommodation. The living accommodation was completed and occupied and some works took place to restore the mill, the most substantial being the installation of a cap and fantail to the tower. Aside from this the brickwork to the mill remains in a poor state of repair with evidence that this is resulting in water ingress into the mill. In addition the machinery from the mill has for some time being strewn about the wider site.

The construction of the building would allow materials to be stored in order to maintain the building. In addition it would be an opportunity to store the machinery indoors until a long term solution can be found which will enable it to return to the mill for storage.

Whilst the building is substantial it is set against the rural back drop of Hartlepool where it is not unusual to find farm buildings such as this. It is located parallel to the boundary of the site which should enable views towards the mill when approaching the lane to be retained. In addition it is set a suitable distance away from the building that it would not compromise the immediate setting of the structure.

It is considered that the proposal will support the continued sustainable use of the building which is consistent with its conservation. No objections.

**HBC Countryside Access Officer** - Public Footpath No.9, Elwick Parish runs alongside the property, down the lane known as Benknowle Lane. Should this development be approved the footpath must not, at any time, be obstructed by any construction material, equipment, machinery or vehicles. This would constitute an illegal obstruction of a highway.

If due to unusual circumstances there is no alternative but to park vehicles on the public footpath then prior permission must be sought from myself, acting on behalf of Hartlepool Borough Council.

**HBC Arboricultural Officer** – No comments received.

**HBC Landscape Architect** – No comments received.

**Tees Archaeology** – There are no objections to this development on archaeological grounds and we would be happy to see this development progress, there is no requirement for archaeological work.

**Elwick Parish Council** - Elwick Parish Council has concerns about application H/2016/0283 - Elwick Mill, Benknowle Lane. Councillors are particularly unhappy with the size and height of the proposed development in proportion to the listed Mill building and the existing house. Councillors also feel that the building is overly large for its purported use and would ask that this be reconsidered.

## PLANNING POLICY

3.13 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

3.14 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  
HE8 – Works to Listed Building (Including Partial Demolition)  
Rur1 – Urban Fence  
Rur7 – Development in Countryside

### National Policy

3.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the 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 56 – Ensuring Good Design  
Paragraph 126 – A 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 Assets Conservation  
Paragraph 134 – Harm to Heritage Asset  
Paragraph 137 – Opportunities for new development  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

3.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual amenity and the impact on the listed building, neighbour amenity and highways.

### THE PRINCIPLE OF THE DEVELOPMENT

3.17 The application site is located beyond the urban fence within a rural setting. As the proposed building is to be used in conjunction with an existing dwelling the principle of the development is considered to be acceptable subject to an assessment of all material planning considerations including the impact on the grade II listed building.

### VISUAL AMENITY AND IMPACT ON THE LISTED BUILDING

3.18 Concerns have been raised by Elwick Parish Council regarding the proposed size and height of the building in proportion to the listed Mill. It is acknowledged that the structure is large in terms of its massing and the reasoning for this has been outlined by the applicant's agent within the Heritage Statement (to store equipment to repair the tower and the machinery).

3.19 As the site is within the boundary of a listed building attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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).

3.20 Whilst the building proposed is substantial in size it is located within a rural setting where it is expected to find farm buildings of this type. The proposal also has an agricultural style with large openings and materials which are more traditional in nature. The position of the building adjacent to Benknowle Lane is considered to be acceptable as it will not result in an isolated structure within the middle of a field/holding. The proposal will be visible from Benknowle Lane, however it will be screened to some extent by hedging (approximately 1.5 – 2m high). Views from the A19 will be limited due to trees/vegetation and land levels.

3.21 The Council's Heritage and Countryside Manager was consulted on the proposal. It was reiterated that it is not unusual to find farm type buildings such as this in the area. It was also commented that as it is located parallel to the boundary of the site this should enable views towards the mill when approaching the lane to be retained. In addition it is set a suitable distance away from the mill that it would not compromise the immediate setting of the listed building. It was concluded that the proposal will support the continued sustainable use of the building which is consistent with its conservation consequently there were no objections to the proposal.

3.22 In summary it is considered that the visual impact of the proposal on the surrounding area and listed Mill is acceptable and in accordance with saved policy GEP1 of the Hartlepool Local Plan 2006.

#### NEIGHBOUR AMENITY

3.23 As outlined above the site is relatively isolated and in a rural setting. More than adequate separation is maintained between the proposal and surrounding properties. The nearest neighbouring property is Mill House which is approximately 75m from the proposed building to the west. A greater distance will be maintained between the proposed structure and the buildings to the south east which are associated with the Old Mill. To the west and north of the site there are agricultural fields.

3.24 Due to the separation distances which are maintained, it is considered that the proposal would not create any significant overshadowing or any overbearing impact on neighbouring properties. The proposal would not create any significant loss of privacy or other amenity to neighbouring properties. The proposal is considered to be in accordance with saved policy GEP1 of the Hartlepool Local Plan.

#### HIGHWAYS

3.25 The Council's Traffic & Transport section were consulted on the application. No objections or concerns were raised. The proposal is therefore considered to be acceptable in terms of highway safety.

#### CONCLUSION

3.26 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

3.27 There is no evidence of equality or diversity implications.

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

3.28 There are no Section 17 implications.

#### REASON FOR DECISION

3.29 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 plans (drg no S279 PL 001 Location Plan, drg no S279 PL 003 Proposed Site Plan, drg no S279 PL 004 Block Plan, drg no S279 PL 005 Proposed Plan & Elevations) and details which had been received by the Local Planning Authority at the time the application was valid on 07/07/2016.
- 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.
- Visual amenity
4. The building hereby approved shall only be used for purposes incidental to the use of the dwellinghouse (Elwick Windmill) and no trade or business shall be carried out therein. It shall not be used as a separate dwelling.  
In the interest of neighbour amenity and highway safety.

### **Informative 1**

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

### **Informative 2**

Public Footpath No.9, Elwick Parish runs along Benknowle Lane. This footpath must not, at any time, be obstructed by any construction material, equipment, machinery or vehicles. If due to unusual circumstances there is no alternative but to park vehicles on the public footpath then prior permission must be sought from the Council's Countryside Access Officer (Chris Scaife) who can be contacted on 01429 523524 or email at [chris.scaife@hartlepool.gov.uk](mailto:chris.scaife@hartlepool.gov.uk)

## **BACKGROUND PAPERS**

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

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## ELWICK WINDMILL, BENKNOWLE LANE



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/2016/0283**  
**Scale: 1:1000**  
**Date : 05/08/2016**



<b>No:</b>	4
<b>Number:</b>	H/2015/0283
<b>Applicant:</b>	Mr COLIN FORD COALBANK FARM HETTON LE HOLE HOUGHTON LE SPRING DH5 0DX
<b>Agent:</b>	R & K Wood Planning LLP Mr Robin Wood 1 Meadowfield Court Meadowfield Ind. Est. Ponteland Newcastle upon Tyne NE20 9SD
<b>Date valid:</b>	15/07/2015
<b>Development:</b>	Outline application with some matters reserved for residential development comprising 50, two storey houses including highway access, layout and provision of land for use as open space
<b>Location:</b>	LAND AT NELSON FARM NELSON LANE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## PROPOSAL

4.2 Outline approval is sought for the erection of 50 two storey dwellings with matters relating to appearance and landscaping to be subject to a reserved matters application. As such access, layout and scale are considered under the current outline application.

4.3 The layout plan submitted shows 50 dwellings to be accessed from the existing turning head of Applewood Close which is a cul de sac with access taken from Jaywood Close.

4.4 Details of housetype design has not been submitted however the layout shows a mix of detached and semi detached dwellings, each having amenity space to the front and rear with incurtilage car parking. The applicant is proposing to provide affordable housing within the site. The final details of housetype will be considered as part of a subsequent reserved matter application.

4.5 The layout shows an area of public open space to be located towards the west of the site which will be naturally surveyed owing to the orientation of properties which have been designed to overlook the area. Additionally due to the proximity to

designated sites, in order to address initial concerns from the Councils ecologist and Natural England, an amended layout plan was submitted to include a large area of open greenspace adjacent to the west of the proposed residential development known as a Suitable Alternative Green Space (SANGs) to reduce the recreational pressure on designated areas and provide space for residents to exercise dogs etc.

## **SITE CONTEXT**

4.6 The application site is an area of agricultural land measuring approximately 1.5 hectares. The site is enclosed by post and rail fencing with mature hedgerow adjacent to some of the boundaries. There is also a hedgerow which runs through the centre of the site which would be removed as part of the application.

4.7 The site is outside the defined development limits adjacent to an existing housing development to the east which consists of a mix of detached and semi detached dwellinghouses. There is agricultural land to the south and west, approximately . To the west there is a single lane access track beyond which is Seaview residential caravan park which is enclosed by mature hedgerow.

4.8 The application site is approximately 1.2km from a European designated site the Teesmouth and Cleveland Coast Special Protection Area (SPA). The site is also listed as the Teesmouth and Cleveland Coast Ramsar site<sup>1</sup> and is notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

## **PUBLICITY**

4.9 The application has been advertised by way of neighbour letters (35), site notices and press notice. Amended plans have also been advertised by neighbour notification, site notice and press notice. To date, there have been 28 objections and one letter of support. 9 objectors re-submitted their objections in response to the reconsultation.

4.10 The concerns raised broadly consist of

- Increased traffic on existing roads (particularly Jaywood and Applewood Close)
- Poor access due to existing junctions being too narrow
- Insufficient car parking resulting in additional on street car parking to the detriment of vehicle and pedestrian safety
- Insufficient public transport to serve future residents
- Impact upon residential amenity in terms of loss of light, overlooking, loss of view and appearing overbearing
- Insufficient openspace
- Overdevelopment of the site resulting in development which is too dense
- Out of character with the surrounding area
- Housing too dense
- Loss of open countryside
- Concerns that the site is of archaeological interest
- Openspace design could easily facilitate further housing development
- Additional pollution
- Impact upon existing footpath routes

Increased risk of flooding in an area which has previously flooded  
 Additional noise disturbance to the detriment of quality of life for existing residents  
 Impact upon wildlife due to loss of hedgerow  
 Insufficient school places in the area which are already over subscribed  
 Disruption during construction  
 Depreciation of existing house values  
 No need for additional homes  
 Wind turbines are proposed immediately to the west of the site which would impact upon proposed dwellings

#### 4.11 Copy Letters C

4.12 The period for publicity has expired.

### CONSULTATIONS

4.13 The following consultation replies have been received:

**HBC Countryside Access:** I am pleased that a public right of way ‘corridor’ will be created to allow the public to access the existing public bridleway to the north of the site, from within the housing. As a result the owner of the land affected will need to enter into a creation agreement with the Council for the creation of a public footpath, between the new adopted highways within the new site and the public bridleway.

Also the permanent provision of an area of land to the west of the housing (SANGS), for recreation/dog walking exercising is also welcomed. I understand that there will also be provision and installation of a soft landscaping planting scheme, within this SANGS area/site.

Whilst the agent and landowner have made known that they will not consider further rights of way creation, in relation to this housing development, I am sure that the s106 agreement of green infrastructure contributions will assist in improvements to recreational access and enjoyment of the area, as well as improvements to the green landscaping, some of which may be used to improve the existing hedges so as to increase the native tree/hedge population. This will benefit the conservation/environmental aspect of the area.

**HBC Engineers:** There is not enough drainage and SI information in order for me to adequately assess the proposals. I have read through the FRA submitted and agree with the conclusions that discharge to watercourse seems the most logical surface water solution however before we can take this proposal any further I would need to see detailed design drawings and calculations etc. In January 2016 I was provided with photographs from a resident showing some ponding issues on and around the site, it is important that all of these issues are addressed and any drainage design is capable of accepting and storing the flows required to meet the 5l/s discharge rate.

As per my previous request can I attach a SW and SI condition to this application.

**HBC Economic Development:** No objections

**HBC Arbocultural Officer:** It is stated in a supporting email that the area will be grassed and the western boundary planted with a native hedge mix with occasional hedgerow trees such as Hazel and Crab Apple. This is welcomed, however it is considered that additional tree planting could be accommodated within the green space, with perhaps a small number of irregularly spaced groups of half a dozen standard sized trees of a native woodland mix (i.e. Oak, Scots Pine, and Wild Cherry) in order to further enhance the visual and ecological value of the site.

**HBC Ecology:** (summarised) HBC has concluded that while there is evidence of recreational disturbance there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers to accept that they are increasing recreational disturbance and to offer mitigation for this.

The Nelson Farm development has offered the following mitigation:

- ☐ An area of 0.9 Ha SANGS.
- ☐ The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.
- ☐ Financial contribution towards interpretation panels

Given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of 'new' people involved and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, HBC concludes that the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site.

**HBC Landscape:** From a landscape perspective no details are given at this stage of the application, therefore there is limited scope for comment. Following loss of existing established hedgerow it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The northern boundary will also be a key site issue relating to visual impact. A full landscape plan for the site should be submitted as part of the detailed proposals. This should include proposals for boundary treatment, including the key western and northern boundaries.

It is noted that the layout provided as part of the outline application is indicative only, however, the proposed open space along a small section of the western boundary would not appear to be sited in a location that encourages community use, visual surveillance or legibility. Issues such as this should be fully considered at detail stage.

**HBC Public Protection:** I would have no objections to this application subject to conditions to restrict hours of construction and to secure a construction management plan.

**HBC Traffic & Transport:** The access to the proposed development is via Applewood Close and Jaywood Close, the width of the carriageway is 4.8 metres and 5.5 metres respectively.



The 4.8 metre width is the minimum width used on residential roads, these roads are usually cul-de-sacs and do not carry public transport.

Therefore it would be acceptable for this development to be accessed from these roads.

The scale of the development is below the threshold the council requires for a Transport Assessment which requires key junctions to be assessed for capacity. Therefore any increase in traffic and impact on surrounding junctions would not be considered severe.

#### Highway Layout

The roads and footways for the development to be constructed to an adoptable standard either through a Section 38 agreement or an Advanced Payment Code agreement.

The access road width should be 4.8 metres at Applewood Close

It is not entirely clear whether the applicant intends for the ends of each cul-de-sac to be a shared surface type layout, if this is the case the verges should be removed and the carriageway width increased to 6 metres which includes a 1.2 metre service strip.

The applicant has shown a parking lay by with the footway removed next to plot 23, a footway should be provided which will provide access for passengers. The parking bays should be a minimum 6 metres in length.

The drive for plot 13 should enter the highway at a perpendicular angle.

Following amended plans: The amendments to the highway layout have addressed the concerns raised in my previous comments.

**Hartlepool Water:** Having assessed the proposed development against the context outlined above I can confirm the following. We do not anticipate any diversion work. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. We have no objection to this development.

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

**Tees Archaeology:** The geophysical survey has not identified any anomalies that appear archaeological in origin. Based on the results of this survey I do not wish to recommend any further archaeological works. This report along with the previous desk-based assessment meets the information requirements of the NPPF. I can confirm that I have no further comments to make on the application.

**Environment Agency:** This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee, therefore we have no comment to

make on this application.

**Natural England:** No objection - Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that it concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. In this regard, we note that the development has offered the following mitigation:

- An area of 0.9ha Sustainable Alternative Natural Green Space (SANGS).
- The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.
- A financial contribution to improvements of interpretation panels at the access point to Crimdon beach, indicating the wildlife importance of the area.

We suggest that a one-off financial contribution of £1000 would be an appropriate sum.

#### **RSPB** (summarised) Objects to the proposed development

Due to Indirect effects through an increase in recreational disturbance upon the interest features of the Teesmouth and Cleveland Coast SPA/Ramsar site – namely breeding little tern and overwintering species/assemblage and the overwintering interest features of the Northumbria Coast SPA/Ramsar site.

#### Little tern

The little tern colony at Crimdon is sited approximately 1.2km from the proposed development. At the time of writing the Crimdon colony represents the entire breeding population of little tern within the SPA. The colony is subject to ongoing high levels of disturbance through beach users (particularly people with dogs), and requires protection through wardening during the breeding season.

#### Wintering waterbirds

The Teesmouth and Cleveland Coast and Northumbria Coast SPAs are both designated for important populations of wintering waterbirds. The two designated sites abut one another approximately 1.5km from the proposed development.

## Appropriate Assessment

The RSPB has had the opportunity to review the document entitled Hartlepool Borough Council (competent authority) HRA stage 2, Appropriate Assessment: Development Lane at Nelson Farm, Hartlepool (50 houses) – (hereafter AA).

Having examined the evidence presented within the AA, it is the RSPB's opinion that indirect impacts upon the Teesmouth and Cleveland Coast SPA resulting from the development (either alone or in combination) cannot be ruled out.

We accept that that this is a relatively small development, therefore, the numbers of new residents visiting the coast (resulting from this development alone) are likely to be small. However, the HRA/AA relies on generic studies from different parts of the UK. It cannot be assumed, therefore, that the findings of those studies in relation to recreational access and behaviour are directly comparable to coastal habitats.

The RSPB is profoundly concerned by the approach taken to the issue of interactions between birds and people. The underlying presumption appears to be that because birds and people are found together that there is no issue. We consider that this is fundamentally unsound as there are a number of issues which this fails to take account of. For instance, the assessment takes no account of the energetic cost to birds of these close interactions with people – no information is presented to suggest that the birds are feeding rather than watching the people in preparation to fly away. Over the course of a day such interactions can have a significant impact on the overall fitness of individual birds and (collectively) that part of the SPA population which uses these beaches. In addition, no evidence is supplied to suggest that the overall integrity of the SPA is not being undermined – for instance, by an analysis of the density (as well as overall numbers) of birds in the most disturbed parts of the SPA compared to the least disturbed parts. We are concerned at the suggestion that disturbance is not the cause of the decline of birds at North Sands. We note that no evidence has been supplied to support this assertion.

Without survey information giving accurate details of visitor numbers and areas used alongside the bird numbers and areas used for both 2005-6 and the present day it is not possible to assert that the disturbance situation now is no different to then. This is particularly important in the light of declining bird populations and speculation within this appropriate assessment of the likely causes.

The RSPB is concerned by the conclusion that a low bird population at Crimdon beach is not caused by the acknowledged high levels of recreational use at various times of the day. A key issue which needs to be considered is whether the disturbance levels throughout the day are sufficiently high that birds have learnt to avoid this particular stretch of beach altogether. This could be examined by comparing the food available at this beach with a low visitor pressure beach which has high bird numbers.

The RSPB disagrees with the suggestion that 80.1% of the people will be relocating from within Hartlepool. There are two issues which need to be addressed: firstly, what happens to the homes that these people vacate (i.e. will there be a net increase in the number of residents in Hartlepool and therefore potentially an increase in the number of recreational users of the SPA), and secondly, do the 80.1% currently use

the SPA for recreation, and if so will they use it more intensively if they live closer to it (both in terms of the amount of time spent there and the number of visits). In assessing whether a 2.1km walking route to the coast is likely to be off-putting to new residents, we would like to reiterate that a well designed visitor survey (as previously described) would assist HBC in assessing the likely behaviour of residents.

HBC has concluded that there is evidence of recreational disturbance but there is no clear evidence that this is the cause of shore bird declines. It is our opinion that, using the precautionary principal, the onus is upon the developer to show that recreational disturbance is not the cause. However, we agree that it is reasonable for developers to accept that they are increasing recreational disturbance and to offer mitigation for this.

With regards to the proposed mitigation measures, the provision of leaflets to new residents is welcomed, as is a contribution to improvements of interpretation panels. It is our opinion that the protection through wardening is essential to the success of the little tern breeding colony. Therefore, we suggest that a contribution to the cost of the site protection and wardening provision at Crimdon is a more appropriate measure.

With regards the proposal to create a 0.9 hectare area of SANG to the west of the proposed development, we would like to reiterate our previous advice. It is important to note that the use of SANGs is still experimental. While the proposal is welcome in terms of providing a facility for the new residents, to date, there is little evidence to confirm the supposition that they should work in diverting recreational pressure from important nature conservation areas, in particular in a coastal location.

In summary, it is our opinion that there is insufficient evidence to be able to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA; to be able to assess the likely behaviour of new residents with regards to their recreational activities on this particular stretch of coast or to be confident of the efficacy of the mitigation package proposed.

**Hart Parish Council:** (summarised) Objects as the development will result in an incursion in the Hart Parish Council boundary. The only access proposed is from a narrow estate road in Appleton Close. The car parking expectation has been underestimated therefore there will be more traffic movement and on street parking with implications for emergency vehicle access and refuse lorries. The original layout of the estate suggests there would be no further extension to it. The proposed development would be adjacent to existing footpaths and bridleways therefore development could serve to smother pedestrian links. There are other housing developments which have been approved therefore there is no need for the development. Flooding is also a concern.

## PLANNING POLICY

4.14 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

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

<b>Policy</b>	<b>Subject</b>
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Rec 2	Provision for Play in New Housing Areas
RUR1	Urban Fence (not currently in use for housing applications)
RUR7	Development in the Countryside
RUR14	The Tees Forest
RUR18	Rights of Way

National Policy

4.16 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:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
58	Quality development for the area.
60	Should not attempt to stifle innovation, originality or initiative
61	The connections between people and places
64	Improving the character and quality of an area
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
97	Increase the use and supply of renewable and low carbon energy
118	Conserve and enhance biodiversity
119	Presumption of Sustainable Development does not apply where appropriate assessment is required under Birds or Habitats directives
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

## PLANNING CONSIDERATIONS

4.17 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 upon the amenity of neighbouring residents, character of the area/visual amenity, highway safety, ecology, drainage, loss of farmland and other residual matters.

### Principle of Development

4.18 The overriding objective of planning is to contribute to the achievement of sustainable development. This objective is echoed in the NPPF particularly as the presumption in favour of sustainable development 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 can not 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.

4.19 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Concerns from objectors regarding the loss of green space and erosion of the countryside are noted however the site is adjacent to the limits to development and an existing housing estate. Furthermore there is a footpath link provided by the existing track, adjacent to the north of the site, which provides links to the adjacent residential estate and a wider network of rural footpath links. Additionally access to the proposed development is to be taken from an existing cul de sac at Applewood Close providing a direct link to the existing urban area and associated public transport and existing services. Given the sites location and proximity to services it is considered that the principle of development within this area would constitute sustainable development.

4.20 The development area lies outside of the Rur1 policy allocation, meaning that the development is essentially outside of development limits and in this regard is not in accordance with policy Rur1. However policy Rur1 is not fully consistent with the NPPF as it seeks to restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence.

### Developer Obligations

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

Taking into account the specific circumstances of the development and giving consideration to the viability assessment submitted it is considered reasonable to request contributions for the following;

- 10% affordable housing is considered to be acceptable on the following terms;
  - The 5 affordable units on site comprise 2 2-bedroom dwellings and 3 3-bedroom dwellings.
  - The units are all provided as affordable rent.
  - The local authority has a first refusal option on purchasing the affordable dwellings.
- £85,234 towards Primary education based on an assessment of 9.3 pupils being generated by the site, this is to be directed towards Hart and Clavering Primary Schools.
- £79,332 towards secondary education based on an assessment of 6.5 pupils being generated by the site, this is to be directed to High Tunstall.
- £12,500 (£250 per dwelling) towards play facilities this will be directed towards Clavering Park as this is the most accessible play provision from the development.
- £12,500 (£250 per dwelling) towards built sports. HBC Sports and Recreation Team have identified that the contribution should be focused towards the improvement and maintenance of the wet side of Mill House Leisure Centre.
- £12,500 (£250 per dwelling) towards green infrastructure, this will be directed towards green infrastructure improvements within the SANGS area and within the vicinity of the site. Provision for footpath links will also be secured through the S106 agreement.
- £11,664.50 (£233.29 per dwelling) towards playing pitches, it is yet to be confirmed what this will contribute towards.
- £2,851 (£57.02 per dwelling) towards tennis courts however it is yet to be determined which scheme this will contribute towards.
- £248.50 (£4.97 per dwelling) towards bowling greens to be directed to town wide provision.

In addition to the provision of a Suitable Alternative Green Space (SANGS) including provision for its landscaping and maintenance as part of the ecological mitigation a financial contribution of £7,000 + VAT is to be secured to allow the Local Authority



to provide information panels to minimise increased recreational activity and disturbance with regard to the European Designated Sites (Teessmouth and Cleveland Coast SPA and Ramsar) and a requirement for leaflets to be provided to new residents informing them of the importance of the Natura 2000 sites in the local area encouraging the use of the SANGs, all through the S106 .

The maintenance of open spaces within the site will also be secured through the S106.

#### Amenity of neighbouring residents

4.22 A number of residents have submitted objections to the proposed development on the grounds of impact upon the amenity of existing properties in terms of overlooking, appearing overbearing and loss of light. Local Planning policy Gep1 and Hsg9 require the amenity of neighbouring residents to be considered, this is also required in paragraph 17 of the NPPF.

4.23 The closest residential properties are adjacent to the east of the application site and front onto Applewood Close. Number 6 Applewood Close is currently located at the end of the existing cul de sac approximately 2 metres from the shared boundary with a side elevation facing towards the site however this elevation does not contain any habitable room windows. The proposed layout plan shows the side elevation of Plot 1 of the proposed development approximately 1 metre from the shared boundary. As such there will be approximately 3 metres between the properties. However these are side elevations and this relationship is currently prevalent across the existing housing layout. Therefore it is not considered that the position of Plot 1 would result in a detrimental impact upon the amenity of the existing adjacent neighbouring property.

4.24 Plots 48 to 50 are proposed with rear elevations which face towards the rear elevation of properties fronting on to Applewood Close. There is a separation distance of approximately 22 metres shown on the proposed layout plan. This complies with requirements of Guidance Note 4 of the Hartlepool Local Plan which requires 20 metres between elevations containing habitable room windows. There is also sufficient separation distances proposed between existing properties and other plots adjacent to the eastern boundary of the site. As such it is not considered that the proposal would result in a detrimental impact upon the amenity of existing neighbouring properties adjacent to the application site.

4.25 The submitted layout plan demonstrates sufficient separation distance between the proposed dwellings within the site in accordance with requirements of Guidance Note 4 of the Local Plan.

4.26 As such whilst details of the design of dwellings will be subject to the consideration of a reserved matters application it is considered that the proposed layout plan demonstrates that sufficient separation distance can be accommodated to comply with the requirements of Local Plan Guidance. As such it is not considered that the proposed development will result in any detrimental impacts upon the amenity of existing neighbouring properties in terms of overlooking, loss of light or appearing overbearing.

4.27 Whilst loss of view has been raised by objectors this is not a material planning consideration and as such cannot be considered when assessing this application.

4.28 Public Protection were consulted regarding the proposed development and have raised no objections subject to conditions restricting hours of construction and requiring a construction management plan. As such whilst concerns from objectors relating to disruption during construction are noted subject to appropriate conditions to limit hours of construction it is not considered that this would result in a significant detrimental impact upon the amenity of neighbouring residents.

#### Character of the area/visual amenity

4.29 The application site is currently agricultural in nature. The development proposals will result in 50 dwellings consisting of detached and semi detached dwelling houses. Concerns have been raised by objectors regarding the impact upon the character of the surrounding area however the proposed density is similar to the existing residential estate to the east of the application site. Furthermore the proposed development consists of plot sizes and dwellings which are considered to be of a scale and layout commensurate to the layout of the adjacent estate albeit that the final design of the dwellings will be subject to a reserved matters application. Given the separation distances and layout of the proposed development it is considered that the proposal will provide a continuation of the existing urban area.

4.30 The proposed housing development will largely be in line with the northern boundary of the existing adjacent properties following the line of the existing track to the north of the site which forms a logical boundary. The submitted layout plan indicates that this boundary of the site will be predominantly enclosed by rear and side boundaries of the new dwellings which is considered to be consistent with the layout of existing properties. Furthermore the track is enclosed by mature hedging, on the northern side, which will provide a significant amount of screening for the proposed development. Therefore it is not considered that the proposal would appear incongruous when viewed from the north.

4.31 The approval would be subject to a landscaping condition which will ensure additional planting is provided, particularly to the west, to create further screening and integrate the development into the surrounding rural area.

4.32 Therefore although the site is outside the defined limits to development, given that the proposed residential development will be adjacent to an existing housing estate of a similar layout and density, and that additional landscaping will be secured through a condition, it is considered that the proposals impact of the proposal upon the character of the area and visual amenity is acceptable.

#### Highway Safety

4.33 The access to the proposed development is via Applewood Close and Jaywood Close, objectors have raised concerns regarding the intensification of the use of the existing cul de sacs. The width of the carriageway is 4.8 metres and 5.5 metres respectively, the width of the carriageway has also been raised by a number of

objectors to the proposed development. However the Council's Highways officers were consulted on the proposals and have confirmed that a 4.8 metre width is the minimum width used on residential roads. It is accepted that these roads are usually cul-de-sacs and do not carry public transport. Therefore, given the layout of the proposed development, taking into account that the proposal itself will form a cul de sac, the proposed carriageway width is considered to be acceptable. As such it is considered to be acceptable for this development to be accessed from these roads as proposed.

4.34 The scale of the development is below the threshold that the council requires for a Transport Assessment which requires key junctions to be assessed for capacity. Therefore the Council's Traffic and Transport officers have confirmed that any increase in traffic and impact on surrounding junctions would not be considered severe.

4.35 The roads and footways for the development are to be constructed to an adoptable standard. This will be secured through a Section 38 agreement or an Advanced Payment Code agreement.

4.36 Objections have also raised concerns that the proposals do not provide sufficient car parking and will result in additional on street car parking to the detriment of highway safety. An amended layout plan was submitted to address specific concerns raised by the Council's highways engineers regarding the proposed highway layout. The amended layout plan demonstrates adequate drive length to serve each of the dwellings. Whilst details of the design of dwellings will be subject to a reserved matters application it is considered that the proposed layout demonstrates that each dwelling has sufficient space to accommodate the required number of in curtilage car parking spaces. As such it is not considered that the proposal will generate unsustainable amounts of on street car parking.

4.37 Therefore whilst objectors concerns are noted the Council's highways officers have confirmed that the width of Applewood Close and Jaywood Close are considered to be acceptable to serve the proposed residential cul de sacs. Furthermore the proposed layout demonstrates sufficient space to accommodate the required in curtilage car parking. Therefore, in this regard, the proposal is considered to be acceptable and as such it is not considered that it will result in any adverse impacts upon highway safety.

### Ecology

4.38 The application site is approximately 1.2km from a European designated site and is in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) which is a European site. The site is also listed as the Teesmouth and Cleveland Coast Ramsar site<sup>1</sup> and is notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

4.39 In order to fully assess the impact of the development upon designated sites, and related protected bird species, the agent submitted information in order to allow the Council's ecologist to carry out a Habitats Regulations Assessment. Following on from this an in combination assessment was carried out by Hartlepool Borough

Council taking into account other applications within the vicinity of the site. Following an Appropriate Assessment the Council's ecologist has concluded that while there is evidence of recreational disturbance there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers to accept that in developing sites in proximity of the protected areas they are increasing recreational disturbance and to offer mitigation for this.

4.40 As such an amended layout plan was submitted which includes an area, measuring approximately 0.9 hectares, adjacent to the site which will provide an area of Suitable Alternative Green Space (SANGS). It is considered that this provision will provide the residents an adequate alternative area to exercise dogs etc and so minimise the impact upon the designated areas in particular upon the little tern colony on which exercising of dogs was identified as a particular cause of disturbance. In addition the Section 106 agreement will ensure that the developer will provide a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking. Additionally the agent has agreed to a financial contribution towards the provision of 2 interpretation panels aimed to encourage the use of the SANGS and reduce the impact upon the designated areas.

4.41 Despite the appropriate assessment finding RSPB maintain their objection to the development as detailed in the consultee comments section of this report. In summary RSPB require further survey work, more specific to the application site in order to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA.

4.42 However whilst the RSPB objection is noted, the Council's ecologist, in consultation with Natural England has concluded that the survey work that has taken place is acceptable. Therefore given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of 'new' people involved in the proposed residential development and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, it is considered the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site. Natural England support this view and have no objections to the proposed development subject to appropriate mitigation which will be secured through the Section 106 agreement. Therefore taking into account the mitigation measures proposed it is not considered that the proposed development will result in a detrimental impact upon protected species or upon Teesmouth and Cleveland Coast Special Protection Area (SPA), Teesmouth and Cleveland Coast Ramsar site or the Durham Coast Site of Special Scientific Interest (SSSI).

### Drainage

4.43 A Flood Risk Assessment has been submitted to accompany the proposed development. The site is within Flood Zone 1 and is therefore considered to be at low risk of flooding from sea or watercourses. The report does identify that a small area of the site may be at risk from pluvial flooding as a result of overland flows in

times of heavy rainfall towards the existing watercourse. As such a small area of culvert is recommended to address this issue.

4.44 The Council's engineers agree with the conclusions of this report which states that discharge to watercourse seems the most logical surface water solution however detailed design drawings and calculations etc are required and this is subject to agreement with Northumbrian Water. Northumbrian Water were consulted on the proposals and have raised no objections however have recommended a condition relating to foul and surface water which are recommended accordingly.

4.45 Photographs from an objector showing some ponding issues on and around the site have been submitted. Therefore the Council's engineers have commented that it is important that all of these issues are addressed and any drainage design is capable of accepting and storing the flows required to meet the 5l/s discharge rate. The agent has been advised of these comments and has agreed to an appropriate surface water condition.

4.46 Therefore subject to an appropriate foul and surface water condition it is not considered that the proposed development would result in an increased flood risk.

#### Landscaping

4.47 In order to accommodate the proposed development the hedgerow which is currently located across the centre of the application site will need to be removed. The hedge predominantly consists of Hawthorne, Elder and Bramble. The submitted report does not identify any individual trees which are of any significance. The Council's Arbocultural officer has no objection to the removal of the hedge however following loss of existing established hedgerow it is considered that it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The applicant has agreed to provide replacement landscaping. As such an appropriate landscaping condition is recommended.

#### Archaeology

4.48 To accompany the application a desk based assessment and geophysical survey has been submitted on which Tees Archaeology were consulted. The submission has not identified any anomalies that appear archaeological in origin. Based on the results of this survey Tees Archaeology has confirmed that no further archaeological works would be required. As such in terms of archaeology it is considered that the application meets the information requirements by the NPPF. As such it is considered that the proposed development is acceptable in terms of archaeology.

#### Public Rights of Way

4.49 The creation of new access links between the development and the surrounding network of public rights of way to the north and west are proposed as part of the provision of the SANGS and a contribution towards green infrastructure will be secured through the Section 106 agreement. This will allow for the creation of a suitable access link from the within SANGS to benefit the public and residents of the

new development site. Therefore whilst concerns raised by Hart Parish Council regarding the public rights of way surrounding the site are noted, the Countryside Access Officer raises no objections to the development proposals and it is not considered that the proposed development will result in any adverse impact upon existing public rights of way.

## LOSS OF FARMLAND

4.50 The development will result in the loss of farmland. However the land it is not designated as best and most versatile agricultural land. The loss of this land must therefore be weighed against the benefits of the proposal.

## RESIDUAL MATTERS

4.51 Objectors have stated that the development will result in devaluation of property however this is not a material planning consideration and as such cannot be assessed when considering this application.

4.52 Concerns have been raised with regard to the consultation that has taken place however consultation has taken place in accordance with requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Neighbours were notified. Site notices were placed adjacent the proposed site entrance in Applewood Close and at the entrance to Jaywood Close. Furthermore the application was publicised in the Hartlepool Mail.

4.53 Objectors have raised concerns regarding the development of wind turbines immediately adjacent to the site. A 47 metre high wind turbine was approved on land to the north west of the main farm house under application H/2013/0414. However owing to the height of the approved turbine and the distance from the development it is not considered that this would result in a detrimental impact upon the amenity of future occupants.

## Conclusion

4.54 The site is on the edge of the town and is considered a sustainable site. It lies outwith the limits to development, however the Borough cannot currently demonstrate a 5 year supply of housing land and so housing policies are out of date. In light of this in accordance with paragraph 14 of the NPPF planning permission should be granted unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The benefits of the scheme would include additional housing to meet the housing needs of the Borough, a proportion of affordable housing and employment created during the construction period, potential new homes bonus and increased council tax. The adverse impacts would include the loss of farmland, potential impacts on designated ecological sites, additional traffic, impact on the amenity of neighbours and the landscape. These matters are discussed above where it is considered that the impacts are acceptable and/or can be satisfactorily mitigated against. It is not considered therefore that any adverse

impacts of the development would significantly and demonstrably outweigh the benefits.

4.55 The proposed outline application is considered acceptable, subject to the completion of a legal agreement to secure developer contributions as outlined below and subject to conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.56 There is no evidence of equality or diversity implications.

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

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

There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement to secure 5 affordable housing units on site, £85,234 towards Primary education, £79,332 towards secondary, £12,500 (£250 per dwelling) towards play facilities, £12,500 (£250 per dwelling) towards built sports, £12,500 (£250 per dwelling) towards green infrastructure, £11,664.50 (£233.29 per dwelling) towards playing pitches, £2,851 (£57.02 per dwelling) towards tennis courts, £248.50 (£4.97 per dwelling) towards bowling greens, £7000 towards the provision of 2 interpretation panels as part of the ecological mitigation, provision for the maintenance of open space within the site, the provision of 0.9 hectares of land to provide a Suitable Alternative Green Space (SANGS) (including provision for its landscaping and maintenance) and accommodation of footpath link(s) and the provision of a leaflet informing new residents of the importance of the Natura 2000 sites in the local area and encouraging the use of the SANGS and the following conditions;

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

- For the avoidance of doubt
3. The development hereby permitted shall be carried out in accordance with the drawing number number R2353:01 (Proposed Site Layout) Rev E received by the Local Planning Authority 9 June 2016 and TCP01 (Tree Constraints Plan) received by the Local Planning Authority on 9th July 2015.  
For the avoidance of doubt.
  4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and details of hardstandings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
In order to secure a satisfactory form of development.
  5. 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.
  6. 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.
  7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
  8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
  9. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority.



- 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 2006 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents
10. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
In the interests of highway safety and to protect the amenity of neighbouring residents
  12. Details of trees to be retained on the site in terms of location and species shall submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The specified trees must be protected by the erection of protective barriers, as detailed in the Arboricultural Method Statement submitted in support of this application, and these shall remain in place during the period of construction.  
In order to protect the surrounding trees and in the interests of visual amenity.
  13. Details of the location of the works/contractors compound, to be located outside of the root protection areas of surrounding trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.  
In order to maintain the amenity of the area and to protect the root system of surrounding trees.
  14. No development shall take place until details of bat and bird roosts have been submitted to and approved in writing by the local planning authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development  
In order to protect & maintain the ecology of the area
  15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), 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 preservation of protected trees and the amenities of the occupants of the adjacent residential property.
  16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.

17. 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
18. 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.
19. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:
      - a. human health,
      - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      - c. adjoining land,
      - d. groundwaters and surface waters,
      - e. ecological systems,
      - f. archeological sites and ancient monuments;
    - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
  2. Submission of Remediation Scheme  
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

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

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

20. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

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

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## NELSON FARM



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/2015/0283**  
**Scale: 1:3000**  
**Date : 05/08/2016**



**No:** 5  
**Number:** H/2016/0264  
**Applicant:** Fens County Primary School HARTLEPOOL TS25 2LY  
**Agent:** Hartlepool Borough Council Mr S Wilkie Civic Centre  
Victoria Road HARTLEPOOL TS24 8AY  
**Date valid:** 23/06/2016  
**Development:** Erection of a single storey porch, creation of external teaching and play space including paved and decked areas, access ramp, yurt shelter and relocation of storage shed, change of use of part of existing playground to create additional staff car parking area with access from Catcote Road  
**Location:** Fens County Primary School Mowbray 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 Fens Primary School has an extensive history of applications for various extensions and alterations to the original school. The most recent application was for replacement boundary fencing (H/2016/0049) which was approved.

## PROPOSAL

5.3 Planning permission is sought for the erection of a single storey porch, creation of external teaching and play space including paved and decked areas, access ramp, yurt shelter and the relocation of storage shed. The outside teaching space will be fully enclosed with fencing, access to this area will be from inside the school. The proposed works includes part change of use of an existing playground to create a secured car parking area with access from Catcote Road using an existing maintenance access, new mesh fencing will enclose the car park from the remaining playground.

5.4 The application is reported to Committee for consideration due to the number of objections received.

## SITE CONTEXT

5.5 Fens Primary School is located at the junction of Mowbray Road and Catcote Road. The school buildings are clustered to the north of the site adjacent to Mowbray Road. The southern end of the site is largely grassed playing field space. There are currently two large tarmac playgrounds, one on the west of the site which

provides play space for the lower school (infants) and the other on the eastern side of the site for the upper school (junior). There are two pedestrian accesses to the school taken from Mowbray Road, one for the lower school and nursery and the second for the upper school. Vehicle access to the existing car park is taken from Mowbray Road with a one way system for ingress and egress. The surrounding area is predominately residential with a local centre shopping centre, doctors surgery and public house in close proximity. Catcote Road and Mowbray Road are on a scheduled bus route.

## **PUBLICITY**

5.6 The application has been advertised by way of site notices (2) and neighbour letters (30). To date, there have been 4 letters of objection raising the following concerns:

Proposed access off Catcote Road is safety issue  
 Access across the footpath is dangerous for pedestrians  
 Existing issues at peak times caused by traffic  
 Development will attract yobs and vandals  
 Encourage a free for all  
 Already have difficulty accessing our drive, this will make it worse  
 Safety issues with traffic  
 Buses have difficulty using the route  
 People park in the bus layby  
 Existing maintenance gate is not suitable for regular use  
 Hedge forming the boundary is often overgrown  
 Parking restrictions should be considered  
 Enforcement officers need to police the situation

Copy Letters **B**

The period for publicity has expired.

## **CONSULTATIONS**

5.7 The following consultation replies have been received:

**HBC Engineering Consultancy:** No comments

**HBC Public Protection:** No objections to this application.

**HBC Traffic & Transport:** Parking restrictions should be provided on Catcote Road at the proposed car park access. This will help maintain sites lines coming out of the junction. I have no further highway or traffic concerns.

**Sport England:** It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.



Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' .

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

This being the case, Sport England **does not wish to raise an objection** to this application.

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

5.8 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.

Paragraph 007 : 3 dimensions of sustainable development

Paragraph 011 : Planning law and development plan

Paragraph 014 : Presumption in favour of sustainable development

Paragraph 017 : Role of planning system

Paragraph 069 : Social interaction and creating healthy, inclusive communities  
Paragraph 072 : Sufficient choice of school places  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

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

### **LOCAL PLAN (2006)**

5.10 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications. The following paragraphs are of relevance.

GEP1: General Environmental Principles  
GEP2: Access for All  
GEP3: Crime Prevention by Planning and Design  
GEP12: Trees, Hedgerows and Development  
Rec4: Protection of Outdoor Playing Space

### **PLANNING CONSIDERATIONS**

5.11 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the potential impact on neighbouring residential properties in terms of noise and disturbance and the potential impact on highway safety.

### **PRINCIPLE OF DEVELOPMENT**

5.12 Policy Rec4 of the Hartlepool Local Plan seeks to protect outdoor playing space. Whilst the proposed extension encroaches minimally onto designated playing field it is not considered that it would be significantly detrimental to the continued use or functionality of the playing field. The formation of a car park on part of an existing play ground will reduce the amount of playground available however it is considered that the outdoor play space that remains is of a size that would allow for the continued enjoyment of play space for pupils and the facilities proposed elsewhere will overall enhance the creative play experience for children.

5.13 Sport England has been consulted on the application and raises no objection to the proposal.

5.14 It is considered that the proposal will contribute positively to the range of teaching facilities at Fens Primary School to the benefit of staff and pupils.

5.15 It is considered that the proposal is in line with the policies and proposals contained within the Hartlepool Local Plan 2006 and National Policy outlined within the NPPF.

## IMPACT ON THE VISUAL AMENITY OF THE AREA

5.16 The proposed porch extension and outside teaching space is set well within the school boundary on the southern part of the school. The proposal will not be visible from Mowbray Road, but will be partially visible from Catcote Road and from some residential properties on Upton Walk, Burwell Walk and Northwold Close. However in the context of the existing school building it is unlikely to have a significant impact upon the area.

5.17 Concerns have been raised from a neighbouring resident with regard to the possible misuse of the proposed extension and outside teaching area. The area is to be enclosed by 1.2m high bow top fencing. The school has further substantial boundary treatments which are secured on an evening. The school does have a caretaker on site.

5.18 The provision of the car park is set within the school boundary and will be securely fenced to prevent pedestrian access. The parking area is set behind the school boundary which is screened for most part by high boundary hedging and existing boundary fence. It is not considered that the provision of the car park and fencing would have any significant impact upon the visual amenity of the area.

## IMPACT ON THE RESIDENTIAL AMENITY OF THE AREA

5.19 The proposed porch extension and associated works for the outside teaching space are some 60m from the closest residential property on Upton Walk and Burwell Walk and in excess of 100m from properties on Northwold Close. Given the distance of the area from neighbouring properties and the nature of the proposed use it is not considered that the proposal would create any significant disturbances to residential properties or otherwise significantly affect the amenity of existing residents. No objections to the proposal have been raised by HBC Public Protection.

5.20 The proposed car park is set within the school boundary and will be screened by existing hedges and fencing, the proposed new fencing which will enclose the car parking area is of similar design to the existing boundary fencing along western and southern boundaries of the school. It is considered unlikely that there would be a significant impact upon the amenity of the neighbouring residents arising from the use of car park again no objections have been raised by HBC Public Protection.

## HIGHWAY SAFETY

5.21 Access to the proposed car park will be taken from Catcote Road, this is an existing access which is currently used for maintenance vehicles. There have been concerns raised with regard to the impact the creation of additional parking would have on the existing highway which becomes very congested during school times. The vehicles would have to cross the footpath to access the car park and concerns have been raised. The north bound bus stop is also close to the access gates.

5.22 The Councils Traffic and Transportation section have been consulted on the proposal and raised no objection to the proposal. It is considered that the proposed car park will help remove some of the issues that have been raised. Many of the

cars parked on this stretch of Catcote Road belong to the teachers it is considered by removing these cars from the highway it should help the congestion. In order that visibility at the access is maintained Traffic and Transportation have requested a condition to provide a parking restriction in front of the car park entrance linked to the existing parking restriction which runs from the corner of Mowbray Road along part of Catcote Road and this is proposed.

5.23 It is considered that the proposal is acceptable in highway terms.

## RESIDUAL MATTERS

5.24 Many of the concerns raised by nearby residents relate to the existing parking issues of parents picking up children from the school and parking inconsiderately, this is not something that can be addressed through this planning application. This is an issue that can be dealt with through separate legislation by the parking enforcement team, the comments have been passed to the relevant department.

5.25 The issue raised with regard to the cutting of hedges around the school is a maintenance issue and again not something that can be addressed through this application.

## CONCLUSION

5.26 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

5.27 There is no evidence of equality or diversity implications.

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

5.28 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.

5.29 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 710-68 L003 (Location Plan), 710-68 100 (proposed porch plans & elevations), 710-68 L001 (reception externals proposed layout), 710-68 L002 (reception externals, playing field & playing pitch layout) and 710-68 L004 (car park proposed layout) received by the Local Planning Authority on the 15 June 2016 and Dwg No: 710-68 L005 (reception externals storage shed) received by the Local Planning Authority on 23 June 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. Prior to the car parking area hereby approved being brought into use, a scheme of parking restrictions on Catcote Road shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented prior to the car parking area being brought into use in accordance with the agreed scheme.  
In the interest of highway and pedestrian safety.

## BACKGROUND PAPERS

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

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**AUTHOR**

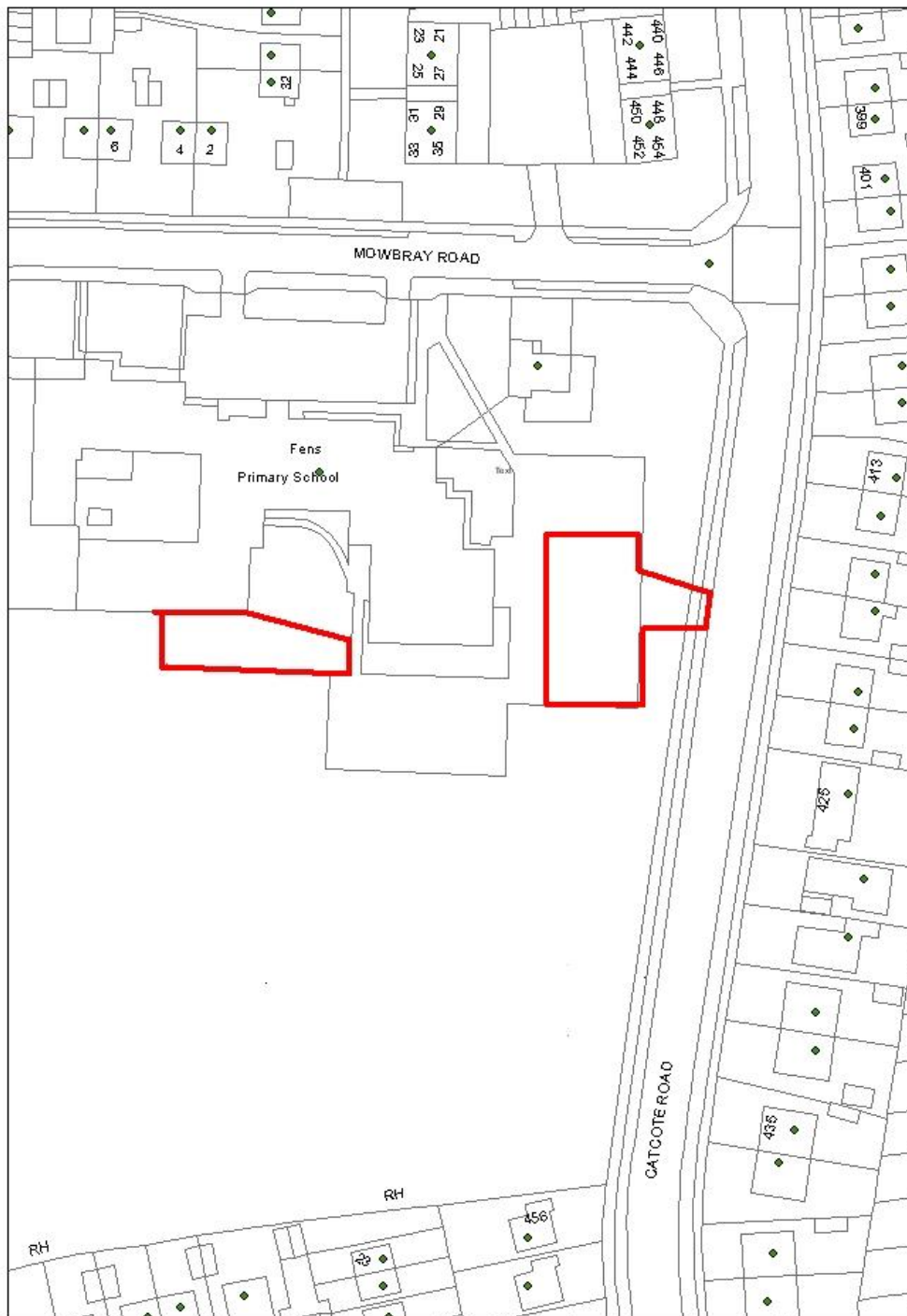
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## FENS PRIMARY SCHOOL, MOWBRAY ROAD



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/2016/0264**  
**Scale: 1:1000**  
**Date : 05/08/2016**





**No:** 6  
**Number:** H/2016/0261  
**Applicant:** MR L HODGMAN THE FRONT HARTLEPOOL TS25 1BS  
**Agent:** MR L HODGMAN 32 THE FRONT HARTLEPOOL TS25 1BS  
**Date valid:** 12/07/2016  
**Development:** Display of illuminated sign (retrospective application)  
**Location:** 32 THE FRONT HARTLEPOOL

---

## PURPOSE OF REPORT

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

## PROPOSAL

6.2 Advert consent is sought for the display of an illuminated sign. It should be noted that the application is retrospective. The dimensions of the proposed advertisement are 920mm x 400mm x 5800mm (approx). The height from the ground level to the base of the advertisement is approximately 3.1m. The sign consists of white lettering on a blue background and is illuminated by 3 trough lights.

6.3 The application has been referred to planning committee as it is retrospective and planning committee will be required to consider enforcement action if the application is refused.

## SITE CONTEXT

6.4 The application site is a terraced property at The Front, Seaton Carew, Hartlepool. The host property is in operation as a hot food takeaway (fish and chip shop) and is within the commercial centre of Seaton Carew. It should also be noted that it is within the Seaton Carew Conservation Area.

## PUBLICITY

6.5 The application has been advertised by way of neighbour letters (3), site notice and press advert. To date, no objections have been received.

6.6 The period for publicity expires on the 18<sup>th</sup> August 2016.

## CONSULTATIONS

6.7 The following consultation replies have been received:

**HBC Public Protection** – No objections.

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

**HBC Conservation** - The proposal is a retrospective application for the erection of a sign to a shop in Seaton Carew Conservation Area.

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 Shop Front and Commercial Frontages Design Guide Supplementary Planning Document is also relevant. This provides guidance on signs and adverts, the following of which are relevant in this instance,

- 'New signs on existing shop fronts should be in proportion and scale with the whole of the building as well as the shop front itself.
- Signs should be carefully located and attached on the property to ensure that they do not obscure architectural features on the shop front.'

In relation to illumination, it is stated, 'Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions.'

The Development and Design Principles of Seaton Carew Supplementary Planning Document state that, 'Any development of The Front should:

- Be high quality and implement 'constructive conservation principles' by positively and pro-actively utilising the heritage of the area to enhance local distinctiveness and attractiveness...
- Respond to the need to enhance the Conservation Area in such a way as to allow it to be removed from the Heritage at Risk Register...
- Respect and respond to heritage assets in the area...
- Respond where necessary to the advice in the Council's Shop Front Design Guidance SPD'

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential and the south is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually

rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. There are a number of contributory factors to the conclusion which has resulted in the area being 'At Risk' including,

- unsympathetic alterations to shop fronts
- increasing use of modern materials which has diluted the fine architectural details on some of the buildings, and
- the Longscar Building, which although outside the area, by virtue of the boundary running so closely around the building, results in an adverse impact on the character of the area.

Traditionally signs to shops in Seaton have been installed to fit within the fascia of the shop and have been individual lettering with halo illumination or hand painted signs. The sign which has been installed on the shop front is large in comparison to the fascia of the shop front, projecting as high as the bay of the first floor window. As a result it dominates the front of the building masking the features found on the shop front and the base of the bay. Furthermore the three lights which have the appearance of white tubes, attached horizontally to the sign clutter the front of the building.

The cumulative impact of the sign and its associated lighting is that the proposal causes less than substantial harm to Seaton Carew Conservation Area and is contrary to the policies outlined above. No evidence has been presented to suggest that the harm caused would be outweighed by the public benefits of the proposal.

## **PLANNING POLICY**

6.8 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

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

Com6 – Commercial Improvement Areas  
 GEP1 – General Environmental 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

## National Policy

6.10 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 56 – Ensuring Good Design

Paragraph 126 – A Positive Strategy for the Historic Environment

Paragraph 131 – Viable Uses Consistent with Conservation

Paragraph 132 – Weight Given to Assets Conservation

Paragraph 134 – Harm to Heritage Asset

Paragraph 137 – Opportunities for new development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

6.11 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity, the conservation area and highways.

## **VISUAL AMENITY AND THE IMPACT ON THE CONSERVATION AREA**

6.12 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).

6.13 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.'

6.14 The Shop Front and Commercial Frontages Design Guide Supplementary Planning Document is also relevant. This provides guidance on signs and adverts, the following of which are relevant in this instance,

- 'New signs on existing shop fronts should be in proportion and scale with the whole of the building as well as the shop front itself.
- Signs should be carefully located and attached on the property to ensure that they do not obscure architectural features on the shop front.'

In relation to illumination, it is stated, 'Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions.'

6.15 The Development and Design Principles of Seaton Carew Supplementary Planning Document states that, 'Any development of The Front should:

- Be high quality and implement 'constructive conservation principles' by positively and pro-actively utilising the heritage of the area to enhance local distinctiveness and attractiveness...
- Respond to the need to enhance the Conservation Area in such a way as to allow it to be removed from the Heritage at Risk Register...
- Respect and respond to heritage assets in the area...

Respond where necessary to the advice in the Council's Shop Front Design Guidance SPD'

6.16 The traditional shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

6.17 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. There are a number of contributory factors to the conclusion which has resulted in the area being 'At Risk' including,

- unsympathetic alterations to shop fronts
- increasing use of modern materials which has diluted the fine architectural details on some of the buildings, and
- the Longscar Building, which although outside the area, by virtue of the boundary running so closely around the building, results in an adverse impact on the character of the area.

6.18 The Council's Heritage and Countryside Manager was consulted on the proposal. It was commented that traditionally signs to shops in Seaton have been installed to fit within the fascia of the shop and have been individual lettering with halo illumination or hand painted signs. The sign which has been installed on the shop front is large in comparison to the fascia of the shop front, projecting as high as the bay of the first floor window. As a result it dominates the front of the building masking the features found on the shop front and the base of the bay. The Heritage and Countryside Manager also commented that the three lights which have the appearance of white tubes, attached horizontally to the sign clutter the front of the building.

6.19 It was concluded by the Heritage and Countryside Manager that the cumulative impact of the sign and its associated lighting is that the proposal causes less than substantial harm to Seaton Carew Conservation Area and is contrary to the policies outlined above. It was also emphasised that no evidence has been presented to suggest that the harm caused would be outweighed by the public benefits of the proposal.

## HIGHWAYS

6.20 The Council's Traffic & Transport section were consulted on the proposal. No objections or concerns were raised. The proposal is considered to be acceptable in terms of highway safety.

## CONCLUSION

6.21 The Local Planning Authority considers that the proposal would cause less than substantial harm to the Seaton Carew Conservation Area, a designated heritage asset, due to its size and design. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 132 and 134 of the NPPF. The application is therefore recommended for refusal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.22 There is no evidence of equality or diversity implications.

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

6.23 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – REFUSE** for the following reasons

1. The Local Planning Authority considers that the sign causes less than substantial harm to the Seaton Carew Conservation Area, a designated heritage asset, due to its size and design. It is considered the sign has a detrimental impact on the character of the Seaton Carew Conservation Area. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 132 and 134 of the NPPF.

**BACKGROUND PAPERS**

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

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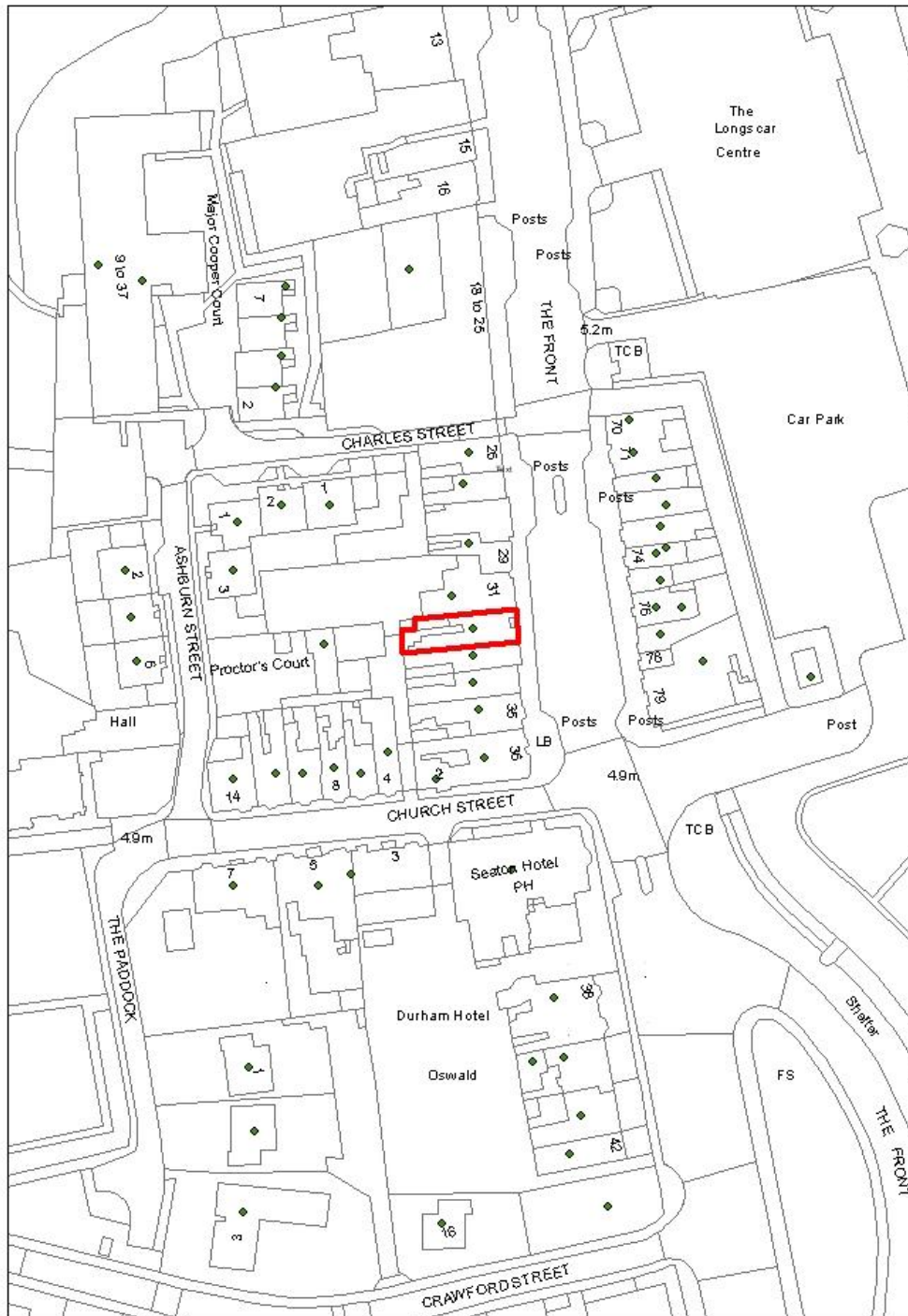
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## 32 THE FRONT, SEATON CAREW



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/2016/0261**  
**Scale: 1:1000**  
**Date : 05/08/2016**



**No:** 7  
**Number:** H/2016/0231  
**Applicant:** Mrs Lyndsay Kelly Middleton Road HARTLEPOOL TS24 0UG  
**Agent:** ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA  
**Date valid:** 06/07/2016  
**Development:** Change of use of rear car parking area to beer garden and installation of decking (part-retrospective)  
**Location:** How Do You Do Navigation Point Middleton Road HARTLEPOOL

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## PURPOSE OF REPORT

7.1 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.

## PROPOSAL

7.2 This application seeks part-retrospective planning permission for a change of use from a car park/servicing area to create a raised decking area that forms an enclosed beer garden. The main element of the structure has been erected, consisting of a timber enclosed structure on raised breeze blocks/plinths. The area is accessed from an original fire escape door. The created area measures approximately 7m x 7m in area. The structure features a window-shaped opening in the rear elevation. The submitted plans indicate that the uncompleted structure would be finished with bow-topped fencing to the top of the existing structure taking the overall height to 2.5m (approx.) above ground level.

7.3 The applicant's agent has confirmed that the beer garden would operate between the hours of 10:00 – 00:00 Monday to Saturday and 10:00 – 23:00 on Sundays.

7.4 The application has been referred to planning committee as it is retrospective. Committee would be required to consider enforcement action if the application is refused.

## SITE CONTEXT

7.5 The application site relates to a commercial unit located along Navigation Point (Marina), Middleton Road, Hartlepool. The unit is occupied by 'How Do You Do', a licensed bar/cafe. The property is adjoined by adjacent commercial units along Navigation Point. Residential properties are located above the commercial properties further north along Navigation Point. To the south is a detached, mixed use building known as Abdeil House. Beyond the seating area to the front of the unit is a car park. Beyond the rear of the site is a servicing yard/car parking area. Two shipping

containers and palisade fencing/gates flank the erected decking structure that the current application relates to. Modest timber enclosures/bin stores are present to the rear of a number of the other commercial properties further along Navigation Point to the north.

## **PUBLICITY**

7.6 The application was advertised by way of neighbour letters and 2 site notices. To date, 3 objections and 1 representation raising concerns has been received. These objections/concerns can be summarised as follows;

- Impact on amenity of surrounding residential properties including noise disturbance
- The development is out of keeping with the surrounding area
- There is already sufficient seating area to the front of the premises
- The area to the rear of the site is for goods loading, storage and waste transfer and the structure will exacerbate existing access problems and create health and safety issues
- The area of the rear of the site is closed at night, and therefore this could result in customers being trapped in the loading area
- The development has resulted in the loss of a means of escape creating a health and safety issue
- The development has been completed to a poor standard and will encourage vermin and litter, resulting in further fire hazards.
- Approval of the application would set an undesirable precedent for adjacent businesses to erect similar structures
- An unauthorised shipping container is present to the rear, which the objection alleges is owned by the applicant/How Do you Do.

## **7.7 Copy Letters G**

7.8 The period for publicity has expired.

## **CONSULTATIONS**

7.9 The following consultation responses have been received;

### **HBC Public Protection (Environmental Health Manager)**

This proposal would be located in close proximity to residential property located at Abdeil House to the Southern end of Navigation Point. The use of this area as a beer garden would have a considerable impact on the amenity of the residents due to noise and disturbance from customers frequenting the beer garden throughout the day and late into the evening and also from any associated music that may be played or piped into the area of the beer garden. There is also the potential for noise breakout from within the building via the doorway into the beer garden. I am therefore of the opinion that this application should be resisted.

### **HBC Traffic and Transportation**

I have no highway or traffic concerns with this application.

It would appear that the beer garden is well fenced off and does not affect the current servicing arrangements.

### **HBC Licensing**

The current Premises License only authorise the sale of alcohol for consumption inside the main building area and does not any permit alcohol to be removed from that licensed area.

The rear car park area is not included in the current alcohol licensed area and a formal application to vary the current Premises License would need to be submitted and considered to allow any alcohol to be removed from the building.

### **HBC Engineering Consultancy**

Although this development sits within flood zone 2, I am satisfied that it is suitable for its location and will not increase flood risk to neighbouring properties. No conditions are required.

### **HBC Heritage and Countryside Manager**

The proposal is the change of use of a rear car parking area to beer garden and installation of decking (part retrospective). It is in close proximity to Abdiel House, which has been recognised through the planning process as a locally listed building and therefore considered to be a non-designated heritage asset.

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

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

The proposal is to the rear of a modern single storey development separated from the non-designated heritage asset by an access road to the rear of Abdiel House and the application site. Alongside this is a Portakabin, access to the rear of the application site is via a gated palisade fence, to the side of this is the decking and a large container.

The presence of the container, Portakabin, and between these the decking and fencing provide the context for the wider setting of the locally listed building. Whilst they do not directly impact on the heritage asset the untidy appearance of this collection of temporary buildings are considered to have a negative impact on the amenity of this area.

### **HBC Parks and Countryside**

No comments received.

**HBC Waste Management**

No comments received.

**HBC Public Health**

No comments received.

**Cleveland Police**

No comments received.

**Environment Agency**

No comments received.

**PLANNING POLICY**

7.10 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

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

Com4: Edge of Town Centre Areas

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

To1: Tourism Development in the Marina

National Policy

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

PARA 007 : 3 dimensions of sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 056 : Design of built environment  
 PARA 061 : Architecture of individual buildings  
 PARA 128 : Heritage assets  
 PARA 135 : Non-designated heritage asset  
 PARA 196 : Planning system is plan led  
 PARA 197 : Presumption in favour of sustainable development  
 PARA 203 : Can unacceptable development be made acceptable  
 PARA 206 : Planning conditions

## PLANNING CONSIDERATIONS

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

### PRINCIPLE OF DEVELOPMENT

7.14 The application site lies within an established commercial area within the defined limits to development. Saved Policy Com4 (10. Marina) indicates that the proposed development is appropriate to the marina area (notwithstanding that such uses have previously only been located to the front of properties in this locality) and therefore the proposed development would be acceptable in principle in this instance subject to the scheme satisfying other material planning considerations including residential amenity.

### AMENITY OF NEIGHBOURING LAND USERS

7.15 As set out above, a number of objections have been received setting out a number of concerns including the impact on the amenity of residential properties including noise disturbance.

7.16 As set out above, there are a number of residential properties within close proximity of the application site including the flats above the commercial units along Navigation Point and the flats within Abdeil House.

With respect to noise, Para123 of the NPPF states that “*planning policies and decisions should aim*

- *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

7.17 The Council's Environmental Health Manager has considered the proposed scheme and has objected to the development owing to the close proximity to the residential properties located within Abdeil House, located at the southern end of Navigation Point. The Environmental Health Manager has commented that the use of this area as a beer garden "*would have a considerable impact on the amenity of the residents due to noise and disturbance from customers frequenting the beer garden throughout the day and late into the evening and also from any associated music that may be played or piped into the area of the beer garden*".

7.18 Whilst it is acknowledged that there are external seating areas to the front of the commercial properties along Navigation Point and that the area to the rear of the units is a commercial car parking and servicing area, it is considered that the introduction of additional noise activity and disturbance in this area would result in a detrimental impact on the amenity of neighbouring residential properties in terms of noise and general disturbance, contrary to the provisions of saved Policy GEP1 (criterion iii) and one of the core planning principles of the NPPF (paragraph 17) which states that new development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.19 The development by virtue of the enclosed nature of the decking area is not considered to result in an adverse loss of privacy for neighbouring land users.

#### VISUAL AMENITY OF SURROUNDING AREA AND SETTING OF HERITAGE ASSET

7.20 The erected decking structure is situated to the rear of the premises (and adjacent commercial premises) within a servicing and car parking area which has retained a generally uniform appearance and layout. As a consequence, the erected structure is considered to result in a prominent and incongruous feature in this context.

7.21 The erected decking structure itself is considered to be of a poor design as a result of the timber finishing materials (which are at odds with the dominant materials of the main buildings) and the exposed supporting breeze block work base. Notwithstanding these concerns, it is understood that the structure was not complete at the time of the case officer's site visit and additional design features are to be added.

7.22 The development is in close proximity to Abdiel House, which has been recognised through the planning process as a locally listed building and therefore considered to be a non-designated heritage asset. In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF). Furthermore, saved Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible.

7.23 The proposal is to the rear of a modern single storey development separated from the non-designated heritage asset by an access road to the rear of Abdiel House and the application site. Alongside the decking structure to the south is a Portakabin, access gates and palisade fencing with a large container to the other side (north).

7.24 The presence of the container and Portakabin and adjacent palisade fencing provide the context for the wider setting of the locally listed building. The Council's Heritage and Countryside Manager has commented that *"whilst they do not directly impact on the heritage asset the untidy appearance of this collection of temporary buildings are considered to have a negative impact on the amenity of this area"*.

7.25 Whilst the above concerns are fully acknowledged, consideration is given to the siting of the structure within the rear servicing and car parking area which is not considered to be readily visible from wider areas or public footpaths. In view of the above, it is considered that on balance the development does not result in an unacceptable loss of visual amenity for the surrounding area or result in an unacceptable harm to the setting of the heritage asset such as to warrant a reason for the refusal of the application.

## HIGHWAY AND PEDESTRIAN SAFETY

7.26 A number of objections raise concerns regarding the impact on highway and pedestrian safety as a result of the siting of the development within the servicing and car parking area and in the potential interaction between this commercial area and members of the public/customers.

7.27 The Council's Traffic and Transportation section have considered the scheme and conclude that they have no highway or traffic concerns with this application, commenting that the beer garden is well fenced off and does not affect the current servicing arrangements. The development is therefore considered to be acceptable in this respect.

## DRAINAGE AND FLOODING

7.28 The application site falls within Flood Zone 3 and the application is therefore accompanied by the requisite Flood Risk Assessment. The Council's Engineering Consultancy section has considered the information and has raised no objections or

requested any further information in this respect. The scheme is therefore considered to be acceptable in respect of drainage and flooding matters.

## RESIDUAL MATTERS

7.29 With respect to objections stating that the proposal would set an undesirable precedent for other structures to be erected in the area, each application should be assessed on its own individual merits.

7.30 With respect to the siting of alleged unauthorised containers that are situated adjacent to the decking area, the matter has been referred to the Planning Enforcement section to investigate further (and separate to this application).

7.31 With regard to the effect on the original/existing means of escape from the rear of the building, this matter is currently being considered by the Council's Building Control team as this matter can be controlled/considered under separate legislation to planning.

7.32 With regards to an increase in vermin, no objections or comments have been received from the Council's Public Protection, Public Health or Waste Management sections in this respect and there is no evidence to link this development to such an issue.

## EQUALITY AND DIVERSITY CONSIDERATIONS

7.33 There is no evidence of equality or diversity implications.

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

7.34 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.

7.35 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, the development by virtue of its siting and proximity to residential properties, is considered to result in a detrimental impact on the amenity of existing and future occupiers of neighbouring residential properties in terms of noise and general disturbance, contrary to the provisions of saved Policy GEP1 (criterion iii) and one of the



core planning principles of the NPPF (paragraph 17) which states that new development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

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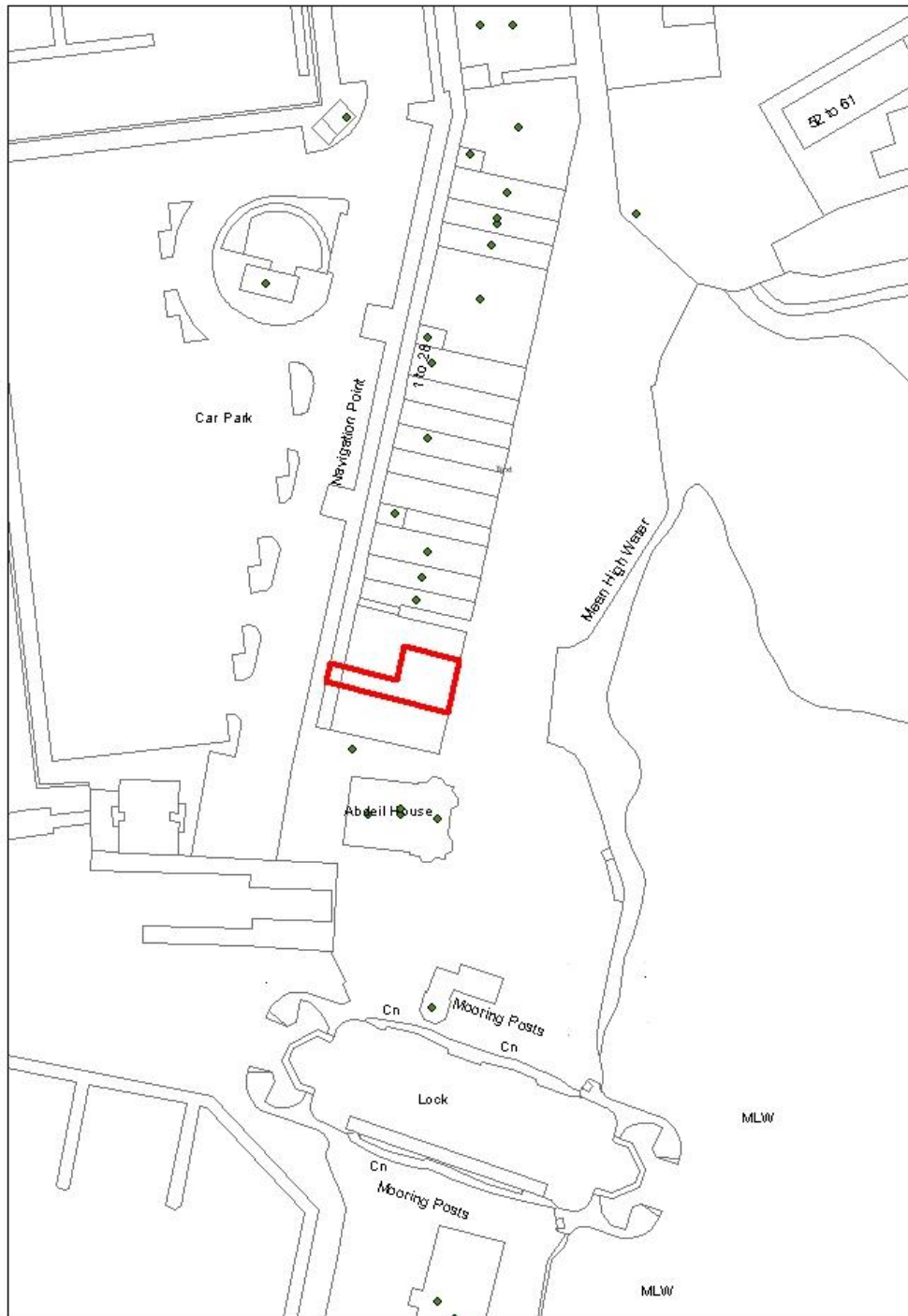
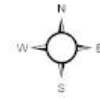
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## **AUTHOR**

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## NAVIGATION POINT



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/2016/0231**  
**Scale: 1:1000**  
**Date : 09/08/2016**

**No:** 8  
**Number:** H/2016/0219  
**Applicant:** MR D HORNSEY TOWER HOUSE TOWER STREET  
HARTLEPOOL TS24 7HL  
**Agent:** Anderson Ellis Architecture Limited Mr Bernard Nixon 60  
Duke Street DARLINGTON DL3 7AN  
**Date valid:** 02/06/2016  
**Development:** Erection of five industrial units with offices above including  
parking area and landscaping  
**Location:** Land at Green Street HARTLEPOOL

---

## PURPOSE OF REPORT

8.1 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

8.2 The site previously had a three storey brick built building which provided premises for a number of commercial uses including garage, vegetable wholesaler, snooker hall and motor workshop. The building was completely destroyed by fire in 2014. A planning application for commercial development of 11 units (H2014/0424) was submitted in August 2014 it was subsequently reported to Planning Committee, Committee were minded to approve the application subject to a legal agreement for a Green Infrastructure contribution, this has not been completed. The site is currently cleared and vacant.

## PROPOSAL

8.3 Full planning permission is sought for the erection of a new commercial building to provide 5 workshop units on the ground floor (Use Class B1) and 3 office units on the first floor. The building will be some 35m x 15.5m and some 9m to the highest point of the ridge, the design incorporates a stair case on the south elevation which includes a lift. The external materials will be a mix of brick work and blockwork panels at lower level and insulated profiled sheeting at higher level. The roof will have insulated profiled sheeting with colour coated gutters and rainwater pipes. The workshops include roller shutters with pedestrian access door. The first floor elevations include aluminium windows to the office accommodation and the staircase enclosure. The proposal includes 21 parking spaces and landscaping scheme. The proposal has been amended since first submitted to allow for the car parking layout to be amended.

8.4 The application is reported to Committee for consideration due to the number of objections received.

## SITE CONTEXT

8.5 The application site is currently a vacant plot with the previous building completely destroyed by fire. The site is located within the Longhill Industrial Area which is within a designated Industrial Improvement Area. To the south of the site is McDonalds restaurant with Tesco super market beyond, Stranton Conservation Area is to the west which includes All Saints Church a listed building, to the north of the site are industrial units which are occupied by a number of commercial businesses. The site sits within a prominent position within the industrial area and is adjacent to the A689.

8.6 The site is within walking distance of the town centre and local amenities including pay and display car-parks.

## PUBLICITY

8.7 The application has been advertised by way of press notice, site notice and neighbour letters (28). Amended plans have been received with a full re-consultation being carried out. To date, there have been 1 letter of support and 3 letters of objection raising the following concerns:

Not appropriate design for the area  
Close to All Saints Church and Stranton Conservation Area  
Obscure view  
Parking issues  
Overspill from development could affect our customer parking and delivery bay

8.8 Copy Letters **A**

8.9 The period for publicity has expired.

## CONSULTATIONS

8.10 The following consultation replies have been received:

**HBC Traffic & Transport:** The site is adjacent to an on street car parking area with a capacity of approximately 20 spaces. A limited amount of Business Parking and restricted parking is available in Burbank Street. Town centre car parks are located approximately 10 minutes walk away

The proposed development provides 24 off street parking spaces, the 3 spaces accessed from corner radii should be removed for road safety reasons. 21 spaces would be an acceptable level of parking.

The footway around the site will need appropriate drive crossings installed to provide access to the proposed parking bays. This will need to be carried out by a NRSWA approved contractor. A plan should be supplied showing the drive crossing details prior to construction.

No objection on the amended plan submitted

**HBC Public Protection:** No objection

**HBC Landscaping:** As the layout has changed from a previous application consideration should be given to incorporate landscaping this would be in accordance with Policies. No objection.

**HBC Conservation:** The proposed commercial development lies over the road from Stranton Conservation Area.

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.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) 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).

Local Plan policy HE3 is relevant, this states, 'The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.'

The site is sufficient distance from Stranton Conservation Area that it should not impact on the setting of the conservation area and therefore the significance will not be harmed by this proposal.

**HBC Engineering Consultancy:** In line with the recommendations of the submitted PRA a phase 2 intrusive investigation will be required. I am happy for this to be conditioned under our standard contamination and site investigation terms.

In terms of surface water and flood risk, given the nature of the development it is considered acceptable despite the sites position in flood zone 3. On this basis I would required two conditions, one to ensure that the FRA submitted forms part of the approved planning documents and the recommendations within the report are implemented and the second condition will be required to ensure the surface water drainage design is suitable for the site as the details provided to date are not sufficient.

**Environment Agency:** The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application and the supporting proposed plan are implemented and secured by way of planning conditions.

**Northumbrian Water:** The planning application does not provide sufficient detail with regards to the management of foul and surface water therefore relevant conditions should be imposed to enable NWL to asses our capacity to treat the flows from the development.

**Hartlepool Water:** In making our response Hartlepool Water carried out a desk top study to assess the impact of the proposed development on our assets and has

assessed the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development. No objection to the development.

**Tees Archaeology:** There are no known archaeological sites within the development area. I therefore have no objection to the proposal and have no further comments to make.

## **PLANNING POLICY**

### **NATIONAL PLANNING POLICY FRAMEWORK**

8.11 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.

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

Paragraph 001: Apply policy

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

### **LOCAL PLAN (2006)**

8.13 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

8.14 Within the current Hartlepool Local Plan this site lies within the limits to development, to the south of the town centre. The following policies are relevant to this application.

GEP1: General Environment Principles

GEP2: Access for All

GEP7: Frontages to Main Approaches

GEP9: Developer Contributions  
 GEP18: Development on Contaminated Land  
 Ind5: Industrial Areas  
 Ind8: Industrial Improvement Areas  
 Tra16: Car Parking Standards

## **PLANNING CONSIDERATIONS**

8.15 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, impact on amenity of neighbouring properties, impact of the visual amenity of the area, impact on the conservation area/listed building, highways, and drainage.

### **PRINCIPLE OF DEVELOPMENT**

8.16 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.

8.17 The site is situated in an area allocated for industrial development by virtue of policy IND5 of the Hartlepool Local Plan. The site is also located within an industrial improvement area as identified by policy IND8 of the Hartlepool Local Plan. Policy IND5 of the Hartlepool Local Plan supports development for business uses in this area but seeks a particularly high quality of design and landscaping for development fronting the main approach roads and estate roads.

8.18 It is considered that the proposed development would be acceptable in principle in this location. As the site will now incorporate landscaping developer contributions for green infrastructure are not required.

8.19 It is considered that the proposal is in line with the policies and proposals contained within the Hartlepool Local Plan 2006 and National Policy outlined within the NPPF.

### **IMPACT ON THE AMENITY OF NEIGHBOURS**

8.20 The site is located on the edge of the Longhill/Sandgate industrial area though there are residential properties some 130m to the north east of the site, beyond existing industrial units.

8.21 HBC Public Protection has been consulted and raised no objection to the proposal. It is not considered that the proposal will significantly affect the amenity of any neighbours.

### **IMPACT ON THE VISUAL AMENITY OF THE AREA**

8.22 The site is located within an established industrial area with existing commercial/industrial buildings adjacent. The site sits lower than the adjacent road

and is separated by a wall and railing detail. It is considered that the design and appearance of the building is acceptable in this context.

8.23 Officers consider that the design of the building is acceptable and is reflective of the surrounding area. It is not considered that the proposal would have a detrimental impact upon the visual amenity of the area.

#### IMPACT ON THE CONSERVATION AREA/LISTED BUILDING

8.24 The site is opposite the Listed All Saints Church which is located within the Stranton Conservation Area. The site is separated from this area by the dual carriageway of the A689 which is the main arterial route into Hartlepool Town Centre.

8.25 Concerns have been raised with regard to the impact the proposal will have both on the Conservation Area and the Listed Church. HBC Heritage & Countryside Manager has been consulted and raised no objection to the proposal. It is considered that given the significant separation distance from the Conservation Area and Listed Building the proposal will not have a detrimental impact on the setting of the Conservation Area or Listed Building.

#### HIGHWAYS

8.26 The site is adjacent to an on street car parking area with a capacity of approximately 20 spaces, this car park serves several other businesses in the immediate area. A limited amount of Business Parking and restricted parking is available in Burbank Street. Town Centre car parks are located within walking distance.

8.27 Concerns have been raised with regard to the provision of parking being provided for the scale of the development.

8.28 The proposal includes the provision of 21 parking spaces within the site which includes a disabled bay.

8.29 The Councils Traffic and Transport section have been consulted on the proposal. The parking provision is considered acceptable and no objections are raised. In highway terms the proposal is considered acceptable.

#### DRAINAGE

8.30 The latest flood map from the Environment Agency website illustrates that the area is located within flood zone 3.

8.31 The Environment Agency assessed the proposal and raises no objection subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment accompanying the application.

8.32 Northumbrian Water raised no objection to the proposal subject to conditions for the disposal of surface water and foul sewage discharge.



8.33 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land condition be imposed.

8.34 In drainage terms the proposal is considered acceptable.

## CONCLUSION

8.35 It is considered that the proposal is acceptable and in accordance with relevant saved policies contained within the Hartlepool Local Plan 2006 and paragraphs of the NPPF.

8.36 The proposal is within the existing footprint of the previous building which was destroyed by fire, the design is in keeping with the immediate area. The proposal includes landscaping which will enhance the visual amenity of this site.

## EQUALITY AND DIVERSITY CONSIDERATIONS

8.37 There is no evidence of equality or diversity implications.

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

8.38 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.

8.39 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.
3. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 15571-03 (location plan) received by the Local Planning Authority on the 25 May 2016, 15571-01A (plans, elevations and section) received by the Local Planning Authority on the 1 June 2016 and 15571-02A

(amended site plan) received by the Local Planning Authority 26 July 2016.  
For the avoidance of doubt.

4. 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.
  
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
  
6. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:
      - a. human health,
      - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      - c. adjoining land,
      - d. groundwaters and surface waters,
      - e. ecological systems,
      - f. archeological sites and ancient monuments;
    - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
  2. Submission of Remediation Scheme  
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

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

### 3. Implementation of Approved Remediation Scheme

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

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

### 4. Reporting of Unexpected Contamination

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

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

### 5. Long Term Monitoring and Maintenance

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

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

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

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.

7. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
8. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) R1 rev1 and the following mitigation measure detailed within the FRA:  
The workshops on the ground floor will have a finished floor level set no lower than 6m AOD and will be designed to withstand the ingress of water as outlined within the associated FRA (Final Report May 2016). The mitigation measure shall be fully implemented prior to occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupants
9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved detail. Piling could create new pathways allowing contamination to impact the underlying Magnesian Limestone principal aquifer.
10. The premises hereby approved shall be used for purposes falling in Class B1 only 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.  
To ensure the site is developed in a satisfactory manner
11. No part of the building shall be occupied until the parking scheme has been implemented in accordance with Dwg No: 15571-02A (site plan) received by the Local Planning Authority on the 26 July 2016. The parking scheme shall be retained thereafter for the use of the development hereby approved for the lifetime of the development.  
In the interests of highway safety.

## BACKGROUND PAPERS

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

## **CONTACT OFFICER**

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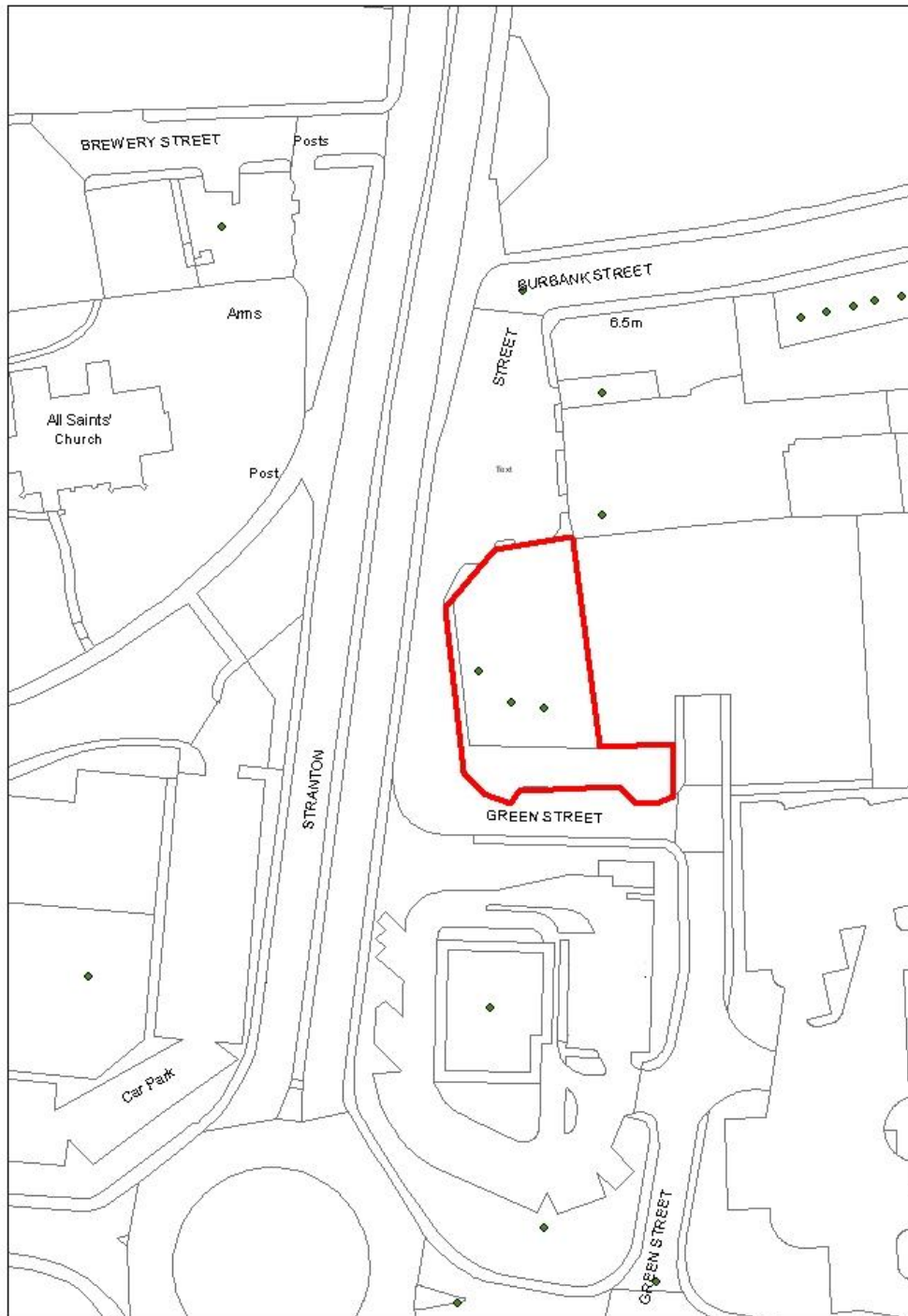
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## LAND AT GREEN STREET



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/2016/0219**  
**Scale: 1:1000**  
**Date : 05/08/2016**

**No:** 9  
**Number:** H/2016/0157  
**Applicant:** Mr D Port 9-13 Scarborough Street HARTLEPOOL TS24 7DA  
**Agent:** ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA  
**Date valid:** 13/06/2016  
**Development:** Installation of replacement windows  
**Location:** 38 Grange Road HARTLEPOOL

---

## PURPOSE OF REPORT

9.1 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

9.2 H/2015/0387 Change of use from dwelling house to four flats and alterations to the rear. Approved and implemented.

## PROPOSAL

9.3 Planning permission is sought for the installation of replacement windows to the front and rear of the property. The original windows were timber framed, single glazed and mainly sliding sash. The new windows are upvc double glazed units. To the front elevation the windows have a sliding sash opening mechanism, to the rear they are bottom hung opening. During the site visit it was noted that the replacement windows had already been installed and did not correspond with the style illustrated within the plans submitted. Amended plans were submitted.

9.4 The application has been brought to planning committee as it is retrospective. Committee would be required to consider enforcement action if the application is refused.

## SITE CONTEXT

9.5 The application site is a terraced, south facing property on Grange Road, Hartlepool. The site is to the west of the town centre within a residential area. The property is in use as four flats.

## PUBLICITY

9.6 The application has been advertised by way of neighbour letters (7), site notice and press advert. To date, no objections have been received.

9.7 The period for publicity has expired.

## CONSULTATIONS

9.8 The following consultation replies have been received:

**HBC Conservation** - The proposal comprises replacement windows in a property in Grange Conservation Area.

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.

In 2009 Planning committee approved a set of guidelines relating to replacement windows. In this instance the relevant guidance states,

“Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)”

The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The proposal is in line with the Policy Guidelines agreed by Planning Committee therefore there are no objections to this proposal.



**Hartlepool Civic Society** - We would re-iterate that in the Conservation Area - materials are an important part. Therefore in the case of these replacement windows – only wood should be acceptable.

We notice that the proposed window design for the rear of the property are proposed to be casement which is not the original style - rear alleyways are as much a part of the character of the Conservation Area as the front facades. We hope you will consider our comments prior to making a decision.

**HBC Conservation** - These comments are an addendum to those shown on the website as dated 24/6/16.

Subsequent to the provision of the comments it was brought to officers attention that the windows in 38 Grange Road have been replaced.

The windows installed on site differ from those shown on the originally proposed plans in the following way,

1. The windows on the plans at ground floor and first floor level proposed an arched head. Those installed do not have that detailing and as a result the square windows sit within a heavy frame with UPVC filling the gap between the top of the window and the arch.
2. The plans submitted indicated that the window to the dormer would have an arched head. It is apparent from consideration of the photo that the window in fact has a lancet shaped head. The window installed is square sitting to the inside of the reveal of the window.

In considering the windows installed in relation to the Guidelines approved by Planning Committee, it is consider that they do not meet the criteria listed which state that windows in modern materials should be, “of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)”

Whilst it is disappointing that the Guidelines have not been adhered to it is considered that, in relation to the windows at ground and first floor level, it would not be expedient to purse this element of the application further.

The window to the dormer is quite clearly contrary to these guidelines, and this is particularly evident in the crude manner it has been installed. It is considered that this is contrary to the Guidelines and would cause less than substantial harm to the significance of the Grange Conservation Area. There is no evidence provided as part of the application to suggest that public benefits would arise from these works which would outweigh the harm cause.

It is therefore concluded that this element of the proposal is contrary to Section 72 of the 1990 Act, para 126, 131 and 137 of the NPPF, and HE1 of the Local Plan.

Further comment was sought from the Heritage and Countryside Manager regarding the widows proposed at the rear of the property. Please see the comments received below.

**HBC Conservation** - Further to our discussion regarding the windows to the above property, I would confirm that in this instance where the majority of the windows are sash with a single casement window the following guidelines agreed by Planning Committee would be relevant,

- (i) Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (ie, hinged or sliding)
- (ii) Any planning application for replacement or alteration of non-traditional windows on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged however the use of modern material will be accepted providing that the window is of design (i.e. pattern of glazing bars, horns etc), proportion and scale matching those of an original traditional window.'

In light of these guidelines it is disappointing to see that the traditional sash windows have been replaced with modern casement windows rather than a window more closely resembling a sash. It is considered that these works would cause less than substantial harm to the significance of the conservation area. No information has been provided to suggest that this harm would be outweighed by the public benefit derived from the proposal.

The issues outlined above were raised with the applicant's agent. It was queried if the applicant would be willing to amend the dormer window and windows installed to the rear to a more appropriate design and profile. The following response was received along with a supporting document which can be found on Appendix 1.

**ASP Response** - We have spoken to the client who does not want to change the dormer window or replacement windows to the rear. I know you are stating that this window (dormer) is detrimental to the design however upon an inspection of the street there are a number of properties that have the same installation design in particular property numbers 43,45,70,89,86,58 to name a few. To us this indicates that a precedent has been set for the window design which would allow for our clients design to be retained. Further to this the majority of the windows in the photographs are of a design which we understood to be out of character such as top and bottom opener windows rather than sliding sash which our client has installed.

With regards to the replacement rear windows it was also commented that a number of properties in the area also have casement windows rather than sliding sash.

## **PLANNING POLICY**

9.9 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

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

GEP1 – General Environmental Principles

HE1 – Protection and Enhancement of Conservation Areas

HE2 – Environmental Improvements in Conservation Areas

### National Policy

9.11 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 126 – A Positive Strategy for the Historic Environment

Paragraph 131 – Viable Uses Consistent with Conservation

Paragraph 132 – Weight Given to Assets Conservation

Paragraph 134 – Harm to Heritage Asset

Paragraph 137 – Opportunities for new development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

9.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity and the Grange Conservation Area.

### VISUAL AMENITY AND THE IMPACT ON THE GRANGE CONSERVATION AREA

9.13 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).

9.14 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. In 2009 Planning Committee also approved a set of guidelines relating to replacement windows.

9.15 The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

9.16 Hartlepool Civic Society have raised concerns with the application. They commented that the replacement windows should be timber and the windows proposed to the rear are casement windows which are not original in style. It was emphasised that the rear elevations of properties also contribute to the character of the Conservation Area.

9.17 The Council’s Heritage and Countryside Manager was consulted on the application. No concerns were raised with the use of upvc. It was commented however that on the front elevation (at ground floor and first floor level) the windows installed sit within a heavy frame with UPVC filling the gap between the top of the window and the arch. The window within the dormer has a lancet shaped head. The window installed is square sitting to the inside of the reveal of the window.

9.18 It was commented that the windows installed do not meet the Guidelines approved by Planning Committee which states that windows in modern materials should be, “of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)”

9.19 The Heritage and Countryside Manager did state that whilst it is disappointing that the Guidelines have not been adhered to it is considered that, in relation to the windows at ground and first floor level (on the front elevation), it would not be expedient to pursue this element of the application further.

9.20 It was however emphasised that the window to the dormer is quite clearly contrary to these guidelines, and this is particularly evident in the crude manner it has been installed. It is considered that this is contrary to the Guidelines and would cause less than substantial harm to the significance of the Grange Conservation Area.

9.21 With regards to the windows installed to the rear of the property, the Council's Heritage and Countryside Manager also commented that it was disappointing to see that the traditional sash windows have been replaced with modern casement windows rather than a window more closely resembling a sash. It is considered that these works would cause less than substantial harm to the significance of the conservation area.

9.22 In summary, it is considered that the dormer window and replacement windows on the rear elevation proposed would cause less than substantial harm to the Grange Conservation Area. No evidence has been provided by the applicant to suggest that public benefits would arise from these works which would outweigh the harm caused. It is therefore concluded that this element of the proposal is contrary to Section 72 of the 1990 Act, para 126, 131 and 137 of the NPPF, and HE1 of the Local Plan.

## RESIDUAL MATTERS

9.23 The applicant's agent provided a response to the concerns raised by the Council's Heritage and Countryside Manager. It was stated that the applicant did not wish to amend the dormer window or replacement rear windows installed. It was emphasised that within the surrounding area a number of properties have installed windows of an inappropriate design which are not in accordance with the Council's guidelines (photos submitted within Appendix 1). It was considered that this has set a precedent. It was also stated that the majority of the windows installed in the area are of a design which are out of character with top and bottom opening windows rather than sliding sash which the applicant has installed.

9.24 It is acknowledged that windows have been installed in neighbouring properties which are of an inappropriate design which are not in accordance with the Council's guidelines. There is no record of any planning applications for replacement windows at the properties specifically referred to by the agent. In any case each application must be considered on its own merits and the works undertaken to surrounding properties does not set a precedent. The proposal has been assessed against the Council's guidelines to prevent any further harm to the conservation area.

## CONCLUSION

9.25 The Local Planning Authority considers that the proposal would cause less than substantial harm to the Grange Conservation Area, a designated heritage asset, due to the design and profile of the proposed dormer window and the replacement windows to the rear. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

## EQUALITY AND DIVERSITY CONSIDERATIONS

9.26 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE for the following reason

1. The Local Planning Authority considers that the proposal would cause less than substantial harm to the Grange Conservation Area, a designated heritage asset, due to the design and profile of the proposed dormer window and the replacement windows to the rear. The proposals would have a detrimental impact on the character of the Grange Conservation Area. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

## BACKGROUND PAPERS

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

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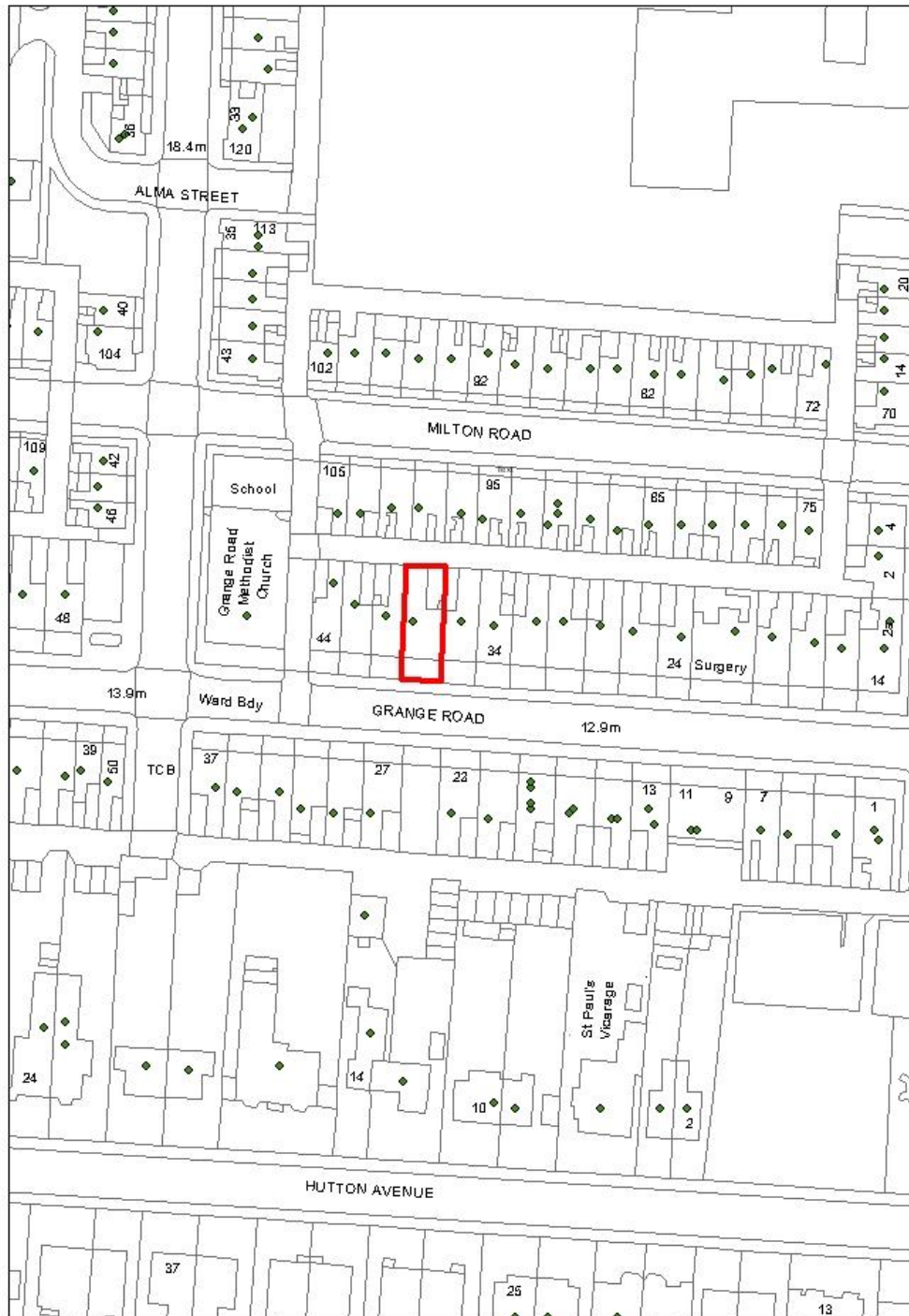
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## 38 GRANGE ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
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 Department of Regeneration and Planning

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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.

**Com4** (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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

**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.

**GEP7** (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

**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.

**HE3** (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these 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.

**HE12** (Protection of Locally Important Buildings) - The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

**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.

**Ind5** (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

**Ind8** (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

**Rec2** (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

**Rec4** (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

**Rur1** (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

**Rur7** (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

**Rur14** (The Tees Forest) - States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

**Rur18** (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

**To1** (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

**Tra16** (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

## **MINERALS & WASTE DPD 2011**

**Policy MWP1: Waste Audits** : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

## **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.

**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.

**37.** Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

**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.

**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.

**58.** Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

**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.

**61:** Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**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.

**69.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**72.** The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

**73.** Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific



needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

**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.

**97.** To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

**118.** When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**119.** The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

**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.

**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.

# PLANNING COMMITTEE

24 August 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 a satellite dish and rooflights (Skylights) at a residential property at Town Wall. The property is located within the Headland Conservation Area and is also protected by an Article 4 Direction.
  2. An investigation has commenced in response to a complaint regarding the installation of UPVC windows at a residential property in Hutton Avenue. The property is located within the Grange Conservation Area and is also protected by an Article 4 Direction.
  3. An investigation has commenced in response to a complaint regarding an untidy building with defective guttering and external pipework at a residential property at The Cliff. The property is located with the Seaton Carew Conservation Area.
  4. An investigation has commenced in response to a complaint regarding the erection of a rear extension at a public house on Northgate.
  5. An investigation has commenced in response to a complaint regarding the erection of an outbuilding in the rear garden of a residential property in Westbrooke Avenue.
  6. An investigation has commenced in response to a complaint regarding non-compliance with landscaping conditions on land adjacent to Crocus Gardens.

7. An investigation has commenced in response to a complaint regarding renovation works at a commercial premises at The Front. The property is located within the Seaton Carew Conservation Area.
8. An investigation has commenced in response to a complaint regarding the erection of boundary fencing at a residential property in Ellary Walk.
9. An investigation has commenced in response to a complaint regarding the change of use to a house in multiple occupation at a residential property in Grange Road. The property is located within the Grange Conservation Area.
10. An investigation has commenced in response to a complaint regarding overgrown trees and shrubs in the rear garden of a residential property in Caledonian Road.
11. An investigation has commenced in response to a complaint regarding wood processing at an equestrian centre on Dalton Back Lane.
12. An investigation has commenced in response to a complaint regarding the erection of fences and other structures at a residential property in Kielder Road.
13. An investigation has been completed in response to a complaint regarding non-compliance with conditions relating to the installation of obscure glazing to the sides of a first floor balcony, the installation of decorative shutters to the front, and the first floor internal layout at a residential property in Hardwick Court. A valid application seeking to vary the relevant conditions has subsequently been received.
14. An investigation has been completed in response to a complaint regarding the display of an illuminated shop front sign at a commercial premises at The Front. The premises is located within the Seaton Carew Conservation Area. A valid application seeking to authorise the display of the shop front sign has subsequently been received.
15. An investigation has been completed in response to a complaint regarding the running of a car repair business from a residential property in West View Road. The investigation concluded that the activity was hobby based, domestic in scale and not linked to any commercial business. No further action necessary.
16. An investigation has been completed in response to a complaint regarding the running of a car repair business from a residential property in Hart Lane. No evidence was identified to substantiate the complaint.
17. An investigation has been completed in response to a complaint regarding the keeping of horses at an area of land to the rear of a clubhouse on Stockton Road. The investigation found that the area of land has been used for the keeping of horses for a period in excess of ten years and is

therefore immune from enforcement action under planning legislation. The complaint was redirected to the Council's Housing Services Team to action as necessary.

18. An investigation has been completed in response to a complaint regarding car repairs at a residential property in Newhaven Court. The investigation concluded that the activity was domestic in scale and not linked to any commercial business. No further action necessary.
19. An investigation has been completed in response to a complaint regarding unauthorised advertisements displayed at a business premises on Wesley Square. The advertisements were found to benefit from deemed consent under Class 3(C) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
20. An investigation has been completed in response to a complaint regarding the siting of a mobile hot food takeaway trailer at a public car park in Seaton Carew. As a result of information provided by the Council's Public Protection Team it was concluded that the siting of the unit is considered to be temporary in nature and does not trigger a material change of use. No further action necessary.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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