

# PLANNING COMMITTEE AGENDA



Wednesday 14 December 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 30 November (*to follow*)

### 4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

1. H/2016/0353 9-11 Hutton Avenue (page 1)
2. H/2016/0186 The Homestead, Cresswell Drive (page 23)
3. H/2016/0382 2 The Front (page 39)

### 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 Complaint cases to be closed (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 18 January, 2017 commencing at 10.00 am in the Civic Centre, Hartlepool.



**No:** 1  
**Number:** H/2016/0353  
**Applicant:** RAINES ESTATES PROPERTIES LTD COATHAM DRIVE HARTLEPOOL TS26 OAQ  
**Agent:** ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA  
**Date valid:** 26/08/2016  
**Development:** Change of use of former care home to 13no. residential flats including the erection of a single storey extension at the rear, external alterations, and provision of in curtilage car parking.  
**Location:** 9-11 HUTTON AVENUE HARTLEPOOL 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 The following planning history relates to the site.

**HFUL/0136/86** – Change of use from dwelling houses to private care home at 9-11 Hutton Avenue, approved 29.04.1986.

**HFUL/0182/87** – Single storey rear extension to provide additional bedrooms and provision of car parking to rear at 9-11 Hutton Avenue, approved 12.08.1987.

The approved plans detailed the provision of a car park to the rear (7 car parking spaces). A planning condition was appended to the approval requiring a scheme for appropriate screening around the car park.

**HFUL/2001/0111** – Two storey link extension and alterations for additional car parking at 9-13 Hutton Avenue, approved 23.04.2001.

The approved scheme detailed the provision of 10 car parking spaces to the rear of 9-11 Hutton Avenue and the provision of 2 car parking spaces to the front of 9-11 (3 spaces to the front of No 13). It is understood that the planning permission was never implemented.

**H/2013/0623** – Application for display of advertisement (retrospective), refused 13.03.2014 as it was considered that the size, design and appearance of the sign would be “*inappropriate and detrimental to the character of the Grange Conservation Area and would be incongruous within the streetscene...*”.

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

## **PROPOSAL**

1.4 This application seeks planning permission for the change of use of a former care home to 13 residential flats including the erection of a single storey extension at the rear, external alterations, and provision of in curtilage car parking.

1.5 To facilitate the proposed change of use, a number of external alterations are proposed which include the bricking up of 2 windows in the first floor side elevation (east) and installation of a new window, the erection of two porch entrances on the side/east elevation, the demolition of the existing conservatory to the rear and plant room to the side, and the erection of a single storey rear extension to the rear measuring approximately 5.9m in length x 8.5m in width x 5.5m in height with a hipped roof.

1.6 The proposal would facilitate the provision of 9 x 2-bed flats and 4 x 1-bed flats (13 in total) with 7 flats at ground floor level, 4 flats at first floor level and 2 flats at second floor level.

1.7 The amended proposed plans indicate the provision of 12 car parking spaces to the rear with access taken from the existing access to the side/east elevation of the building. The submitted plans indicate the provision of car parking (3 spaces) to the front on the existing hard standing area. The provision of cycle storage to the rear is indicated on the submitted plans.

1.8 Following the case officer's site visit and request by the Council's Arboricultural Officer, an arboricultural impact statement and arboricultural method statement have been submitted, which will be considered in further detail below. Amended plans were also requested and submitted to address a number of drawing anomalies.

## **SITE CONTEXT**

1.9 The application site relates to 9-11 Hutton Avenue, a former care home located within the Grange Conservation Area of Hartlepool. The three storey building is currently vacant with a number of windows boarded up and the site is generally in a state of disrepair.

1.10 A two storey off shoot extension projects to the rear with an attached single storey element and conservatory projecting beyond. To the rear of the site, which is overgrown in part, a large area of hard standing is present (as per the approved car parking under previous planning approvals listed above) with a vehicular access taken from the front, passing along the side/eastern elevation of the building (a width of approximately 2.3m-2.4m exists between the side elevation of the building and the boundary to No 7 Hutton Avenue). A number of trees and planting are present along the adjacent rear boundaries. An area of hard standing is present to the front.

1.11 A large three storey building is present to the west (No 13, understood to be occupied by a care home with nursing provider) which projects the full length of the

application property. Two pairs of semi-detached dwellings are present to the east. Beyond the highway to the front/north is St Joseph's RC Church (a Grade II Listed Building) and associated Parish Centre/Hall. Residential properties are present beyond the rear boundaries to the south east along St Paul's Road and to the south along Clifton Avenue.

## **PUBLICITY**

1.12 The application has been advertised by way of neighbour letters, a site notice and a press notice. A further 14-day consultation was undertaken on amended plans and the additional tree-related information received. To date, 10 objections have been received, (including more than 1 objection from the same person) the concerns and objections raised are summarised as follows;

- Proposed over development and out of keeping with character of street and conservation area
- The density of development, loss of garden and greenery, and provision of car parking to the rear out of keeping with area
- Concerns regarding parking on a busy road
- Access to the rear will create a pedestrian safety problem
- Impact of car park on amenity of neighbouring properties in terms of noise and vibration
- Unclear as to the intended end user/occupier of the flats and what the long term plans for the building are
- Too many flats/bedsits in this area
- The proposal would "create a dangerous precedent"
- Damage to neighbouring property fencing from car parking to rear
- The conversion to flats is welcomed subject to a reduction in the total number of flats
- The supporting Heritage Statement is incorrect regarding the property history
- Discrepancies in submitted supporting statement and plans regarding car parking numbers
- The proposed first floor extension will result in an overbearing impact on neighbouring properties
- The existing trees and hedges to the front of the property should be retained
- The proposal "is essentially for a house in multiple occupation" and the application should be determined by the Council's Planning Committee and "a recorded vote should be obtained".

### **1.13 Copy Letters A**

1.14 The period for publicity has expired.

## CONSULTATIONS

The following consultation replies have been received:

**HBC Arboricultural Officer:** *(Updated comments received in response to additional tree information)*

The assessment criteria that we use for determining whether a tree should be included within a TPO is TEMPO (Tree Evaluation Method for Preservation Orders) and the score for the trees at the front of the property puts them below the TPO qualifying threshold. I do not normally include small conifers in a TPO, usually because they have limited visual impact on the whole area and front gardens are frequently altered at the whims of their owners.

Turning to the trees at the back, I have studied the report from 'All About Trees' which was carried out on behalf of the applicant and I have made my own on-site evaluation of these trees as well. I agree with the report that the only tree that is sustainable in the long term is that shown as T4.

All these trees are within the Grange Conservation Area they are already 'legally protected' but if planning permission is granted, as long as T4 remains and adequate precautions are taken in accordance with the enclosed Arboricultural Report and Root Protection Plan (refer to drawing ref. AIATPP and root protection Plan, clause 5.2), this will ensure that T4, a sycamore tree is sustainable long term and does not result in damage occurring to the roots during the construction phase.

I have no objections to this application otherwise.

**HBC Traffic and Engineering:** The access to the rear car park is very narrow under normal circumstances the minimum width would be 3.7 metres. The width of a standard sized car is 2.0 metres, therefore it would be possible for a car to access the car park. There would however be insufficient for a car to pass a pedestrian, it would also be very difficult for larger vehicles such as a Fire Engine to access the car park. I would like to express concerns with the proposed car park access but consider that it would be difficult to sustain an objection due to its previous use as a car park.

The proposed car park provides 13 parking spaces for 13 flats with scope to provide 2 spaces at the front of the property. Parking is normally provided at 1.5 spaces per flat. A residents parking scheme operates on street and residents would be able to join the scheme which would cater for resident and visitor parking.

The site is located within walking distance of the town centre and close to public transport links.

It is not considered that the proposed development would have a significant effect on the on street parking demand. I would therefore have no highway concern with the level of parking provision.

Additional comments received in respect of amended plans:

The amendments have reduced the car park at the rear of the property from 13 spaces to 12. I consider that this would have a relatively minor impact on parking and have no objections to the proposed parking levels.

My concerns about the access remain, however as previously explained I do not consider an objection can be sustained due to the previous use using the rear as a car park.

**HBC Heritage and Countryside Manager:** The proposal is the change of use of a care home to 13 flats, including the erection of a single storey extension at the rear, external alterations and provision of car parking.

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 application site is located in the Grange Conservation Area, recognised as a designated heritage asset. It 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

Relevant to this application is the appeal in 2012 at 16 Hutton Avenue (APP/H0724/A/12/2173439). The situation was similar in that it considered the conversion of a vacant nursing home to student accommodation.

In principle there would be no objections to the change of use of the building from a nursing home to flats.

The proposed alterations to the building appear to be to the side and rear of the property. It is considered that, subject to suitable materials being used these works would not impact on the significance of the conservation area therefore there would be no objections.

Parking is proposed to the rear of the building with visitor parking to the front. These areas are already established parking areas therefore it is not considered that this will impact on the significance of the conservation area.

In conclusion it is considered that the proposals will have a neutral impact bringing back into use a large, vacant building, located in Grange Conservation Area. It is not considered that the proposals will impact on the significance of the conservation area.

Additional comments received in respect of amended plans:

No further comments on the amended plans.

**HBC Public Protection:** No objections subject to a suitable sound insulation condition.

Additional comments received in respect of amended plans:

I have no further comments regarding the amended plans.

**Tees Archaeology:** Thank you for the consultation on this application. I have checked the HER and can confirm that the development should not have a significant impact on any known heritage assets.

**HBC Ecologist:** I understand that Derek Wardle is providing a response on the trees and shrubs impacted by this scheme. From an ecology point of view the trees are likely to provide habitat for some common garden birds and may be used by feeding pipistrelle bats. However, from the photographs, the trees appear not to offer much bat roost potential and I do not require a bat survey. I would like to see them retained and protected from development if possible.

**HBC Engineering Consultancy:** I have no comments on this change of use.

Additional comments received in respect of amended plans:

If the applicant is proposing to remove the rear garden of this property and replace with a car park then I will need a surface water condition. If this is an existing car park then no condition is required.

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

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



With this type of redevelopment and increase of individual resident occupation we would expect a contribution towards Green Infrastructure access improvements, to the public rights of way network. As this development is in the centre of the town, I would expect that the contributions would be able to be used in the wider vicinity of this location. The vast majority of the rights of way network is located in the countryside as well as the urban/rural fringe. These areas are the most in need of further improvement.

With respect to where the requested planning obligation contribution would be directed, the Countryside Access Officer has advised;

There are some path improvement works that I would like to have carried out in Family Wood. Some of the well used paths are grass and mud and I would like to see these key paths improved so that they are more available to a wider number of the community, especially those with mobility issues. These monies would be a start to funding these works in the near future.

**HBC Community Safety and Engagement:** No comments received.

**HBC Economic Development:** I have no objection to the above proposals.

**Cleveland Police:** No comments received.

## PLANNING POLICY

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

### NATIONAL PLANNING POLICY FRAMEWORK

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.

1.18 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

1.19 The following paragraphs in the NPPF are relevant to this outline planning application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination of applications
12	Statutory status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
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
61	The connections between people and places
64	Improving the character and quality of an area
69	Promoting Healthy Communities
72	Provision of school places
73	Access to open space, sport and recreation
109	Contribute to and enhance the natural and local environment
118	Conserve and Enhance biodiversity
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations + Planning Conditions

ADOPTED LOCAL PLAN (2006)

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

1.21 Within the current Hartlepool Local Plan this site lies within the limits to development, although at present, given the lack of a five year housing supply, this policy is not considered up to date until a five year supply can be demonstrated. The following policies are relevant to this application:

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions

GEP12	Trees, Hedgerows and Development
HE1	Protection and Enhancement of Conservation Areas
HE2	Environmental Improvements in Conservation Areas
HE3	Developments in the Vicinity of Conservation Areas
HSG7	conversions for residential uses
Tra16	Car Parking Standards

1.22 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council’s web site at:

[http://www.hartlepool.gov.uk/downloads/file/10709/hbc\\_policy\\_framework-may\\_2014\\_update](http://www.hartlepool.gov.uk/downloads/file/10709/hbc_policy_framework-may_2014_update)

### PLANNING CONSIDERATIONS

1.23 The main planning considerations with respect to this application are the principle of development and compliance with national and local planning policies including planning obligations, the impact on the character and appearance of the existing building and heritage assets (including the conservation area), impact on protected landscape features including trees, the impact on the amenity and privacy of neighbouring properties and future occupiers, highway safety, drainage and ecology. These and any residual matters are considered below.

### PRINCIPLE OF DEVELOPMENT

1.24 Saved Local Plan Policy Hsg7 is concerned with conversions for residential uses and is considered to be fully compliant with the National Planning Policy Framework (NPPF). It states that proposals for conversion of dwellings and other buildings to self contained flats will be approved where there is no significant detrimental impact on the amenities of occupiers of adjoining or nearby properties or on the character of the surrounding area. Saved Local Plan Policy GEP1 reinforces these amenity considerations. The above matters will be considered in further detail below.

1.25 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. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

1.26 When considering National Planning Policy Framework (NPPF) paragraphs 14, 196 and 197, there is an identified need to determine planning applications in accordance with the Development Plan. Critically, the NPPF states (paragraph 14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. It is not considered that specific policies in the NPPF indicate that the development should be restricted.

1.27 The application site is located within the development limits and in view of its historical previous residential use and that it is within proximity of shops, services and public transport routes, the principle of (residential) development is acceptable in this location and would accord with the general provisions of saved Policy Hsg7 and the NPPF subject to the scheme satisfying other material planning considerations as set out below.

1.28 Whilst each application should be considered on its own individual merits, it is also noted that the principle of converting a nursing home to student accommodation in the conservation area was considered to be acceptable by a Planning Inspector on an allowed appeal decision at 16 Hutton Avenue (Appeal Reference APP/H0724/A/12/2173439, decision dated 12.09.2012).

1.29 Notwithstanding the above, the Council's Education section initially requested contributions towards primary and secondary education based on the Council's pupil yield formula for the 9 x 2-bed dwellings (the 4 x 1-bed dwellings fall below the threshold for requesting education contributions) to off-set any potential impact on local schools.

1.30 However, the applicant has provided a 'viability assessment', which has been assessed by the Council's Planning Policy team. It is concluded that the requirement for planning obligations could render the scheme unviable (the viability assessment is discussed in further detail below). Whilst it is disappointing that the scheme cannot provide all the planning obligations and therefore deliver the associated potential benefits, weight should be given to the fact that the proposal would bring a large, vacant (and partially boarded up) building back into use within a prominent setting within the conservation area, and provide 13 dwelling units in a sustainable location.

1.31 The HBC School Place Planning, Admissions and Capital Manager (Education) has considered this further and has confirmed that the contribution would not be insisted upon in this instance.

1.32 It is acknowledged that the proposal could place additional pressure on school places within the area (although this concern has not been identified by HBC Education), and this could, in its own right, make the proposal an unsustainable form of development.

1.33 The NPPF is clear that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. It is acknowledged that the proposal, taken in isolation, has its shortcomings.

1.34 However, in accordance with the provisions of the NPPF these need to be weighed up against the benefits of the scheme; the application site is an empty building, located within the defined limits to development and is within walking distance to a number of shops, services and public transport facilities. The benefits of the proposal include it assisting in bringing the large vacant building back into use within the conservation area and that it would provide much needed dwelling units in

a sustainable location. The Planning Policy team also support the application in this respect.

1.35 In weighing up the clear benefits of the scheme against any identified disbenefits, Officers consider that, on balance, none of the identified impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. It is considered that in this instance, the proposal would constitute a sustainable form of development subject to the scheme satisfying other material planning considerations set out below.

#### PLANNING OBLIGATIONS

1.36 Saved Policies GEP9 and Rec2 relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

1.37 In terms of the required planning obligations for the current proposal, planning obligations were initially sought at a rate of £250 per dwelling towards green infrastructure (total of £3,250), £250 per dwelling towards built sports facilities (£3,250), £233.29 per dwelling for playing pitches (£3,032.77), £57.02 per dwelling towards tennis courts (£741.26) and £4.97 per dwelling towards bowling greens (£64.61). With regard to education contributions (discussed above), £26,547.00 was sought for primary education and £16,499.00 was sought for secondary education (both education contributions are based on 9 x 2-bed flats).

1.38 As set out above, the applicant has provided a viability assessment, which has been assessed accordingly. It is concluded that the requirement for all of the planning obligations could render the scheme unviable. In view of the indicated 'surplus' within the applicant's viability assessment (£6,325.00), it is considered appropriate for the 'surplus' to be directed towards built sports (£3,250) and green infrastructure (£3,250); the applicant has confirmed their agreement to enter into a s106 legal agreement to secure these contributions.

1.39 In view of the above considerations, it is considered that the proposal would therefore comply with the three tests of the Community Infrastructure Levy (CIL) Regulations 2010.

#### IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SETTING OF HERITAGE ASSETS INCLUDING CONSERVATION AREA

1.40 The application site falls within the Grange Conservation Area. St Joseph's RC Church (a Grade II Listed Building) is situated opposite the application site (north). The application is accompanied by a Heritage Statement.

1.41 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to give special consideration

to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to the desirability of preserving or enhancing the character or appearance of conservation areas.

1.42 Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that “*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*”.

1.43 Objections from residents raise concerns over the proposed development being out of keeping with the conservation area and resulting in an over development of the site.

1.44 The proposed external alterations to the building which primarily consist of modest alterations to the east/side elevation, demolition of a small single storey extension on the west/side elevation, and the erection of a single storey extension to the rear/south (in place of the existing conservatory) are considered to be of a relatively modest scale and design, and the works are considered to be proportionate to the existing, established building and application site as a whole. Furthermore, it is considered that only limited views would be achievable from the front/wider conservation area to the proposed alterations to both side elevations and the proposed single storey rear extension by virtue of the positioning of the host building within the street scene.

1.45 With regard to the proposed car park to the rear of the site, whilst it is acknowledged that this layout is not desirable in planning terms, a material consideration relates to the established use of this area for car parking (and access from the front, past the side/east elevation of the building) as per the planning approvals at the site in 1986 (HFUL/0136/86), 1987 (HFUL/0182/87) and 2001 (HFUL/2001/0111) as detailed in the ‘background’ section above. Subject to this element being satisfactory in respect of other planning considerations (including landscaping, residential amenity, highway safety and drainage) and a planning condition being secured in respect of a scheme for landscaping to assist in softening the visual impact of the car park, it is considered that this element of the proposal would not result in a significant adverse impact on the character and setting of the conservation area so as to warrant a refusal of the application.

1.46 The Council’s Heritage and Countryside Manager has considered the proposals and has raised no objections in respect of any impacts on the designated heritage assets. In view of the above and weighing up any ‘harm’ of the development, it is considered that the proposals are compliant with saved Local Plan Policies HE1, HE2 and HE3 and the provisions of the NPPF and the proposed scheme is therefore acceptable in this respect.

1.47 Furthermore, it is considered that the proposals would not result in an overdevelopment of the site, or adversely affect the character and appearance of the

existing building and surrounding conservation area and other identified heritage assets (include the Grade II listed building) and that the proposals would bring an empty building back into use. A planning condition can ensure that an appropriate palette of materials is used for the proposed external alterations.

#### IMPACT ON PROTECTED LANDSCAPE FEATURES

1.48 There are a number of landscaping features within the site, primarily a number of trees and soft landscaping to the rear which could be affected by the proposed rear car parking layout. The trees are legally protected given that the application site lies within a conservation area.

1.49 Following an initial assessment by the Council's Arboricultural Officer, additional details were requested and have subsequently been provided in the form of an arboricultural impact assessment and method statement. This information has been considered by the Council's Arboricultural Officer who has also undertaken a site visit and has confirmed agreement with the submitted information, namely that the only tree that is sustainable for retention in the long term is a sycamore tree (annotated as T4 on the submitted details). The submitted information provides satisfactory details as to how the proposed tree would be protected during construction works and retained thereafter.

1.50 The requirement for the sycamore tree to be protected and provision of satisfactory hard standing details (as per the recommendations of the tree reports) can be secured by appropriate planning conditions.

1.51 An objector has commented that the conifer trees to the front of the site should be retained. In response the Council's Arboricultural Officer has commented that the trees (identified as small conifers) would not be included in a Tree Preservation Order *"because of their limited visual impact on the whole area"*.

1.52 In view of the above and subject to the identified planning conditions including the requirement for a scheme of both soft and hard landscaping, it is considered that the proposed scheme would not result in an unacceptable impact on existing protected landscaping features and the visual amenity of the surrounding conservation area.

#### AMENITY AND PRIVACY OF SURROUNDING PROPERTIES & FUTURE OCCUPIERS

1.53 The application site relates to an established commercial premises and associated curtilage/car park to the rear, situated within a predominantly residential area.

The curtilage of the application site abounds residential properties to the east and to the rear along the south east and southern boundaries. A care home property abounds the western boundary of the site (this building has a similar footprint/overall length to the current application site).

1.54 In terms of the proposed external alterations, the proposed scheme includes the provision of two modest porch entrances on the eastern side elevation to serve some

of the flats and additional windows/blocking up of existing windows. The proposed single storey rear extension would be sited on a larger footprint than the existing conservatory that is to be removed.

1.55 Whilst it is acknowledged that the proposed 13 flats are likely to result in an increased level of activity in terms of comings and goings to/from the site (including a likely intensified use of the proposed rear car park and external amenity area), the proposed internal layout is considered to be of a similar layout to the former care home use (subject to a number of reconfigurations) in terms of the positioning of existing windows and the type of room (habitable or non-habitable) that the existing/proposed windows would serve. Where there are some minor changes to existing windows (for example where existing windows serve a different room use or additional windows are provided), it is considered that the proposed scheme, including the proposed single storey rear extension, would satisfy the Council's minimum separation distances between such windows and the nearest habitable room windows of neighbouring properties. Further consideration is given to the established footprint of the main part of the host building and its relationship to surrounding properties. In view of the above, it is considered that the proposed scheme would not significantly worsen the existing situation in terms of the amenity and privacy levels for existing and future occupiers of neighbouring properties.

1.56 With respect to the car park to the rear and access to the side/east of the proposed dwelling, as set out above, this relationship to surrounding properties has long been established by virtue of the previous permissions (the area could be used for car parking should the former care home be brought back into use). Further consideration is given to the existing boundary treatments to the rear of the site (primarily closed boarded fencing and mature planting) and that the Council's Public Protection team has raised no objections to the proposals (including any issues of noise vibration) subject to a scheme for noise insulation between the proposed flats.

1.57 Subject to the recommended noise insulation condition and in view of the above, it is considered that on balance, the proposed scheme would not result in a significant loss of amenity and privacy (including noise disturbance) for existing and future neighbouring land users and future occupiers of the proposed flats as to warrant a reason for the refusal of the application.

#### HIGHWAY SAFETY

1.58 Objections from residents raise concerns over the impact on highway and pedestrian safety, including the concerns over the access/egress, and the car parking layout.

1.59 The amended proposed scheme makes provision for 12 in curtilage car parking spaces to the rear and 3 spaces to the front. The Council's Traffic and Engineering section has raised concerns regarding the proposed access and rear car parking however acknowledges that "it would be difficult to sustain an objection due to its previous use as a car park". The Traffic and Engineering section has also confirmed that the provision of the 15 car parking spaces (the amended scheme shows 12 spaces to the rear and 3 spaces to the front) would be acceptable in this instance taking into account the provision of a residents parking scheme which operates on



street that residents would be able to join. The Traffic and Engineering section also acknowledges that the site is located within walking distance of the town centre and close to public transport links.

1.60 Overall, the Council's Traffic and Engineering section has raised no objections to the proposal in terms of car parking provision and the impact on pedestrian and highway safety. It is considered that the proposed works are therefore acceptable in highway terms, in this instance.

#### DRAINAGE

1.61 The Council's Engineering Consultancy has raised no objections to the proposal subject to a condition for surface water details (given the increased area of the proposed car parking area). Subject to this condition, the proposal is considered to be acceptable in this respect.

#### ECOLOGY

1.62 The Council's Ecologist has considered the proposals and raised no objections subject to the protection of trees to the rear where possible (which is considered in detail above). Subject to the identified tree protection measures, the application is therefore considered to be acceptable in this respect.

#### OTHER PLANNING MATTERS

1.63 The Council's Countryside Access Officer has requested a contribution towards green infrastructure access improvements to the public rights of way network. As detailed above, such contributions are to be secured by way of a s106 legal agreement. The proposal is considered to be acceptable in this respect.

1.64 No objections have been received from Tees Archaeology in respect of archaeological matters.

#### RESIDUAL MATTERS

1.65 With respect to concerns of the proposal setting an undesirable precedent, each application should be considered on its own individual matters and precedent is not a material planning consideration.

1.66 Damage to neighbouring property is a civil matter and is not a planning consideration.

1.67 With regard to discrepancies in the application's supporting statements and submitted plans, as detailed above, amended plans were sought to address a number of anomalies, whilst the application has been considered against all the relevant material considerations as detailed above.

1.68 The proposed scheme relates to 13 individual flats and not a House in Multiple Occupation.

1.69 With respect to the objections regarding the use being unnecessary and concerns regarding future occupiers of the flats, this will be a matter for the owner/landlord and such concerns would not warrant a refusal of the application.

#### PLANNING BALANCE AND OVERALL CONCLUSION

1.70 The application site is located within the established urban limits and in view of the above considerations, development would normally be supported unless material considerations indicate otherwise having regard to the development plan.

1.71 The NPPF advises that planning permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or, specific policies in the NPPF indicate the development should be restricted. Applications are also to be considered in the context of the presumption in favour of sustainable development.

It is considered that there are important material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

1.72 The scheme is also considered to be acceptable in respect of other material considerations for the reasons set out above. The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and therefore the application is accordingly recommended for approval.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

1.73 There is no evidence of equality or diversity implications.

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

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

1.75 There are no Section 17 implications.

#### REASON FOR DECISION

1.76 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 securing contributions towards built sports provision (£3,250) and green infrastructure (£3,250), and 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 plan No 1919 Rev A (Site Location Plan) received 12th August 2016 by the Local Planning Authority; and amended plans 1919/1 Rev B (Existing Floor Plans), 1919/2 Rev B (Existing Elevations), 1919/4 Rev B (Proposed Floor Plans) and 1919/5 Rev B (Proposed Elevations) all plans received 26th October 2016 by the Local Planning Authority; and amended plans 1919/3 Rev B (Existing Site Plan), 1919/6 Rev C (Proposed Site Plan), AMS TPP (Arboricultural Method Statement Tree Protection Plan), AIA TPP (Arboricultural Impact Assessment Tree Protection Plan) and AIA EXI (Arboricultural Impact Assessment Existing Trees Shown On Existing Layout) all plans received 9th November 2016 by the Local Planning Authority.  
For the avoidance of doubt.
3. No development shall take place until the agreed scheme for the protection during construction works of all trees (identified to be retained) within and adjacent to the site has been completed in accordance with the measures stipulated within the 'All About Trees' Arboricultural Method Statement (date received 9th November 2016) and as annotated on plans 1919/6 Rev C (Proposed Site Plan) and AMS TPP (Arboricultural Method Statement Tree Protection Plan), both plans received 9th November 2016 by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed (other than those identified within the Arboricultural Impact Assessment, date received 9th November 2016), become seriously damaged or die as a result of the site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of amenity value.
4. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the flats. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area and protected trees.
5. Notwithstanding the submitted details, a detailed scheme of soft landscaping 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 shall provide screening to the proposed rear car parking area and 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, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures, and be implemented in accordance with the approved

details and programme of works.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the flats hereby approved or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

6. 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.

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 surface water from the development (car parking area and associated hard standing) 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 erection of any external lighting associated with the development hereby approved, full details of the method of external illumination to external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.

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

10. Prior to the commencement of the development hereby approved, the building (and 13no. flats) shall be provided with noise insulation measures, details of which shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the flats. The noise insulation scheme, as approved, shall be implemented in full prior to the flats hereby approved being occupied and shall be retained thereafter during the lifetime of the development.

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

11. Notwithstanding the submitted plans and prior to the development hereby approved being brought into use, full details of secure and covered cycle parking shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the scheme shall be carried out in accordance with the details so approved and provided prior to the occupation of any of the flats.

To ensure a satisfactory and sustainable form of development.

12. Notwithstanding the submitted information and prior to the occupation of the 13no.

flats hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.

In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.

13. The development hereby approved shall operate solely in accordance with the working layout as set out on plan 1919/6 Rev C (Proposed Site Plan) received 9th November 2016 by the Local Planning Authority including car parking and access/egress to/from the site.

For the avoidance of doubt.

14. The development hereby approved shall be used as 13no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

15. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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

Tel: (01429) 523400

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

**AUTHOR**

1.79 Daniel James  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 284319

E-mail: [daniel.james@hartlepool.gov.uk](mailto:daniel.james@hartlepool.gov.uk)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>30.11.16</b>
	SCALE <b>1:1250</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2016/0353</b>	REV





**No:** 2  
**Number:** H/2016/0186  
**Applicant:** Mr George Ward  
**Agent:** STEVE HESMONDHALGH AND ASSOCIATES MR C STOCKLEY 24 PARSONS COURT WELBURY WAY AYCLIFFE BUSINESS PARK DL5 6ZE  
**Date valid:** 17/05/2016  
**Development:** Erection of a single dwelling and provision of retaining walls to the rear (demolition of detached garage)  
**Location:** The Homestead Cresswell Drive HARTLEPOOL

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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 This application was considered at the Planning Committee meeting on the 6<sup>th</sup> July 2016 and a site visit was also undertaken on the same day. The decision was deferred for further information on the following issues:

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

2.3 The relevant sections of this report have been updated accordingly.

## PROPOSAL

2.4 Planning permission is sought for the demolition of a detached garage and the erection of a detached dwelling and the provision of retaining walls to the rear within the existing residential curtilage of The Homestead. The new dwelling will be positioned to the south east of the Homestead in a similar position to the existing garage but it will project further towards the south eastern boundary. The existing plot will be subdivided to form a separate curtilage.

2.5 The new dwelling proposed is a two storey, 3 bedroom property with a hipped roof. Two parking bays are indicated to the front of the proposed dwelling on the

proposed layout plans. The land to the rear falls steeply and the proposed retaining walls will enable the provision of a terraced garden / amenity area.

2.6 The application has been referred to planning committee due to the number of objections received.

## **SITE CONTEXT**

2.7 The application site constitutes part of a private garden associated with an existing detached dwelling, known as The Homestead, Cresswell Drive, Hartlepool. The Homestead is a south west facing property and is situated in a large plot within a residential area. The Homestead is accessed via an existing private road which connects to Cresswell Drive/Cresswell Court. There are currently 5 dwellings which are accessed from this private road; this has been clarified with the Council's Revenue department. Greenacre (No. 20 Cresswell Drive) also has a second access from Cresswell Drive. The site of the proposed dwelling is level however to the north east the land level falls sharply. There is a terraced garden area to the rear of The Homestead.

## **PLANNING HISTORY**

2.8 Planning permission was refused in 2015 at The Homestead, Cresswell Drive for the erection of a detached residential annexe, a detached garage with associated hard surfacing and construction of a retaining wall (ref H/2015/0152). Permission was refused as it was considered that the proposed development would not be acceptable as a residential annexe. The annexe was not of a design that would serve as an ancillary function to the main house and was of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal was therefore contrary to policy Hsg11 of the Hartlepool Local Plan 2006. There were no other grounds for refusal.

## **PUBLICITY**

2.9 The application has been advertised by way of neighbour letters (11) and a site notice. Three letters of objection have been received from neighbours and local residents. Only one of the objectors outlined their concerns. The concerns are outlined below.

- Concerns regarding highway and traffic safety. Currently there are five properties using the existing shared access to The Homestead. If planning is granted this would make this six.
- The layout of the scheme, primarily the two new car parking spaces would prevent access by emergency services.
- An additional property would contribute to loss of privacy due to traffic management and jeopardise pedestrian safety as vehicle manoeuvring would be a problem for No. 28 and 30 Cresswell Drive.
- Pedestrian access to No. 28, 30 Cresswell Drive and Dingley Dell have now been illegally obstructed which is now subject to civil proceedings.
- A site visit is requested.

2.10 The applicant's agent offered some comments to the concerns raised by the objector. These are outlined below.

- The access currently only serves 3 properties namely Dingley Dell, Homestead Cottages (1 property) and The Homestead. The proposed dwelling would take this to four dwellings in total. Greenacre (No. 20 Cresswell Drive) and 22 Cresswell Drive have their main vehicular access from Cresswell Drive itself with only a secondary point of access from the private drive.
- The proposed development would result in the layout of at least 2 car parking spaces (space for at least 5 spaces) within the driveway to the front of the dwelling. There would be enough space for 2 car parking spaces to be retained for the use of The Homestead. The parking provision would not interfere with the use of the private access for other residents or emergency services.
- The proposed parking and access arrangements would not lead to any loss of privacy or jeopardise pedestrian safety. There is sufficient space to allow for safe vehicle movements out onto the private access.

#### 2.11 Copy Letters **B**

2.12 Additional neighbour notifications on the amended details, drainage and tree planting have been undertaken. The period for publicity will expire before the meeting.

### **CONSULTATIONS**

2.13 The following consultation replies were received in relation to the initial consultation:

**HBC Environmental Engineer** – No drainage details have been provided as part of this application therefore can a surface water condition be applied.

**HBC Structural Engineer** – We will require structural calculations demonstrating the adequacy of the retaining walls and whether they are masonry, stone gabions or timber.

**HBC Public Protection** – No objections.

**HBC Conservation** – No heritage assets are impacted by this proposal.

**HBC Landscape** – The land in question lies just outside “The Park” Conservation Area and has a number of semi mature trees running parallel with the proposed development many of which are growing very close together and forming a hedgerow boundary with the adjoining property.

The footprint of the proposed development lies on top of the existing garage with a slight build out towards the hedgerow. That said, these trees are not readily seen from the Cresswell Drive area and as there is already a high presence of trees in Council owned land in front of these - should the applicant wish to remove any trees

adjacent to the build, there would be virtually no loss of visual amenity however when viewed from a publicly accessible area, the trees at the front of the site on entering the property do contribute to the amenity of the area and for this reason I am recommending that these are protected by condition.

I do not consider that any additional landscaping is required in this instance.

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

**HBC Waste Management** – No comments received.

**Northumbrian Water** - At this stage no comments to make.

2.14 As outlined at the beginning of this report additional details were requested by Planning Committee with regards to a number of specific areas. It was clarified via the Revenues Department that two Council Tax payments are made by Homestead Cottages, confirming that the cottages are in use as two dwellings and that five dwellings are therefore accessed from this private road, albeit that Greenacre also has an access from Cresswell Drive.

2.15 Additional comments were received by the Traffic & Transport section, please see below.

**HBC Traffic & Transport** - With regard to this application and comments made at committee relating to the number of properties off a private drive I would confirm that the “no highway objections” response was made in full knowledge that there are currently 5 properties accessed off this private driveway and that the new development will result in this being six.

The reasons that there were no objections are as follows:

1. Guidance in respect of the number of properties that should be permitted off a private driveway relates predominantly to new developments. Guidance in this respect also advises a maximum drive length of 25m and a minimum width of 3.7m. The existing private drive is approximately 200m long and 4.7m wide at the location of the development which is more than sufficient to accommodate passing vehicles on a day to day basis.
2. The “off road” parking provisions proposed for both the new property and the existing property both comply with the parking standard guidance.

It would not be possible, in my opinion, to sustain an argument in an appeal situation in respect of a refusal on either of the grounds above and thus I would confirm the original recommendation that there are no objections to the development of highway grounds. I can confirm that in my opinion the access is adequate for emergency vehicle access. I would suggest however that you consult with the fire service.

Cleveland Fire Brigade were subsequently consulted on the proposal. Comments are set out below.

**Cleveland Fire Brigade** - The width of the roadway/drive looks reasonable (google maps, satellite), as discussed during our telephone conversation Cleveland Fire Brigade now operate appliances with a gross weight of 17.5 Tonnes and therefore the drive would need to be upgraded to accommodate this.

As an alternative if we have access to all points of the premises, so the furthest corner is within 45m from the roadway then the drive way will not require upgrading. If the Premises is in excess of 45m then the premises could be provided with residential/domestic sprinklers, again the driveway would not require upgrading.

There does not appear to be any turning facilities provided for appliances. A fire appliance should not be expected to reverse more than 20m (ADB 16.11, Diagram 50)

2.16 Surface water drainage details have been submitted by the applicant's agent outlining that drainage from the proposed dwelling will be directed to an existing drain and a soakaway will be provided to the rear of the proposed dwelling to mitigate the potential impact of tree removal on surface water drainage. The Councils Environmental Engineer and Northumbrian Water Ltd were consulted on these details. Comments are outlined below.

**Northumbrian Water Ltd** – No additional comments to make.

**HBC Principal Engineer** – I am happy with the attached plans as a basis for surface water drainage and mitigation for tree removal. We will need to see a final scheme should planning be approved however this can be dealt with via condition.

2.17 After consultation with the Council's Landscape Officer the applicant agreed to provide a replacement tree (*Quercus robur* – Oak to a certain specification) to the front of the curtilage. The Council's **Landscape Officer** commented that a single tree offering high visual amenity would suffice. The tree should be planted the following planting season once the development has been completed. If it was to fail within a period of 5 years it should be replaced with a tree of a similar size and species.

## PLANNING POLICY

2.18 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

2.19 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  
GEP12 Tress, Hedgerows and Development  
Hsg9 New Residential Layout – Design and Other Requirements

## National Policy

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

PARA 17 – Core Planning Principles

PARA 49 - Housing Applications and Sustainable Development

PARA 56 – Ensuring Good Design

PARA 196 – Primacy of the Development Plan

PARA 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

2.21 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 visual amenity, neighbour amenity and highways.

### PRINCIPLE OF DEVELOPMENT

2.22 The site lies within the built up area of the town and the principle of the development is considered to be acceptable subject to compliance with saved policies GEP1, Hsg9 and GEP12 of the Hartlepool Local Plan 2006. Hsg9 states that the scale of the proposed development should be appropriate to the locality and existing features of interest, including trees and hedgerows, are retained. GEP12 seeks to protect trees where they are of a significant quality in terms of visual amenity and notes conditions can be used to ensure they are retained. These issues will be considered below.

### VISUAL AMENITY AND LANDSCAPE

2.23 The immediate area is characterised by detached and semi detached dwellings situated in large plots, for example The Homestead, Dingly Dell and Homestead Cottage. Beyond this there are a variety of residential properties in terms of style

which are situated in more modest sized plots. The proposed site is situated along a private drive off Cresswell Drive. Views from Cresswell Drive will be limited due to the proposed dwellings position.

2.24 The dwelling proposed is set back from Cresswell Drive and is considered to be of a simple design which is in keeping with the host property. The roof design, eaves and ridge height of the new dwelling matches that of The Homestead. The new dwelling holds the same building line as The Homestead and has the same depth and orientation. The materials will match those of the host dwelling. It is acknowledged that the proposed dwelling and curtilage is smaller in comparison to the host property and the scheme will result in a denser form of development. It is however considered that the dwelling is in keeping with The Homestead for the reasons outlined above and will not be overly dominating. Consequently there will not be a significant visual impact on the character of the area or the street scene.

2.25 Within the existing plot, vegetation and semi mature trees run along the shared boundary to the south east, some of which are within the curtilage of the Homestead. This forms a hedgerow boundary with the adjacent property. There are also a number of trees to the rear, behind the site of the proposed dwelling. The applicant's agent has indicated that the trees to the side of the proposed dwelling and some to the rear would need to be removed to facilitate the development. It has been emphasised that the applicant would be willing to retain some of the trees where they would not interfere with the construction of the dwelling.

2.26 The Council's Landscape Officer was consulted on the application. It was commented that the footprint of the proposed dwelling sits on top of the existing garage with a slight build out towards the adjacent hedgerow. These trees are not readily seen from the Cresswell Drive area and there is already a high presence of trees in the Council owned land in front of these. The Council's Arboricultural Officer stated should the applicant wish to remove any trees adjacent to the build, there would be virtually no loss of visual amenity when viewed from a publicly accessible area. It was however commented that when viewed from the public highway, the trees at the front of the site on entering the property do contribute to the amenity of the area and for this reason it is recommended that these trees are protected by condition. Additional landscaping was not requested.

2.27 When the application was originally presented at planning committee members asked the applicant to consider replacement tree planting. After discussions with the Council's Landscape Officer it was agreed that a replacement tree would be planted to the front of curtilage of the proposed dwelling (*Quercus robur* – Oak to a certain specification). An indicative plan was submitted outlining where trees are to be removed and retained and the position of the replacement tree. The plan showed the retention of the trees to the front of the site as requested. The Council's Landscape Officer commented that the replacement tree proposed would offer high visual amenity and would be sufficient. It was also outlined that the tree should be planted the following planting season once the development has been completed. If it was to fail within a period of 5 years it should be replaced with a tree of a similar size and species.

2.28 In view of the above, conditions have been applied requiring a detailed tree and soft planting scheme to be submitted to the Council prior to the commencement of the development. This will secure the final details for tree removal on site and the replacement tree planting.

2.29 With regard to the retaining walls to the rear, there are no concerns regarding a potential adverse visual impact due to their massing and position. A boundary wall is also proposed between the new dwelling and The Homestead to the front of the properties. The wall is approximately 1m in height. Due to its scale there are no concerns regarding the visual impact.

2.30 For the reasons outlined above, it is considered that the proposed scheme is in accordance with saved policy GEP1 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

#### NEIGHBOUR AMENITY

2.31 In terms of the physical relationship with The Homestead, the dwellings will stand side to side there will be a separation of approximately 2.5m with the new dwelling. It should be noted that there are no standard separation distances between side elevations in the Hartlepool Local Plan 2006. There are no windows in the south east facing elevation of The Homestead and no windows are proposed in the north west facing elevation of the new dwelling. Given the siting and design and the relationship there are no concerns regarding a loss of amenity in terms of privacy light, outlook or any overbearing effect for either The Homestead or occupiers of the new dwelling.

2.32 It should be noted that within Supplementary Note 4 of the Hartlepool Local Plan standard separation distances between dwelling houses are outlined and should be adhered to. It states that there should be a minimum separation of 20m where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property.

2.33 With regards to the neighbouring properties to the south and south east (No.20 Greenacre and No. 22 Tall Trees) more than adequate separation is maintained between the proposed new dwelling and these properties. Two windows are proposed in the south east facing elevation of the dwelling, one at ground floor and the other at first floor. Both windows are small secondary windows which serve habitable rooms. A condition has been applied to the first floor window to ensure that this is obscurely glazed. This will prevent any significant overlooking or loss of privacy to the adjacent garden area. There are no concerns regarding the ground floor window as this is at a lower level and can potentially be screened by boundary treatments.

2.34 Along the shared boundary there are trees, vegetation and some board fencing (approximately 1.5m in height). It is proposed for the trees adjacent to the new dwelling to be removed. There are also a number of outbuildings along the shared boundary within the curtilage of No.20. No.20 Greenacre is situated at a lower level however a separation distance in excess of 20m will be maintained. There is an even greater separation between the proposed new dwelling and No. 22 Tall Trees.



Although some trees are to be removed to facilitate the development a number will be retained along the shared boundary with these properties which will provide some screening.

2.35 More than adequate separation is also maintained between the proposed dwelling and neighbouring properties to the west (Homestead Cottages). The new dwelling will be screened to the north by The Homestead itself.

2.36 To the rear of the proposed dwelling, to the north east, is Dingly Dell Cottage. The rear of the proposed dwelling does have a number of windows serving habitable rooms. The rear elevation faces towards the side elevation of the stable / garage of Dingly Dell. A separation of approximately 15m will be retained between the new dwelling and the stable /garage. A separation of approximately 21m will also be maintained with Dingly Dell Cottage itself.

2.37 As outlined above, the land level does drop steeply towards Dingly Dell and there could be the potential for overlooking, however due to the separation retained and the new dwellings position (with the rear elevation facing towards the stable / garage) there are no concerns regarding a significant impact on neighbour amenity in terms of overshadowing, overbearing or loss of privacy. There could also be a potential for overlooking from the proposed terraced garden area of the new property into Dingly Dell, this is however an existing situation with the terraced garden area of The Homestead and consequentially the proposal does not worsen the existing relationship.

2.38 With regard to the proposed retaining walls to the rear, due to their massing and position there are no concerns regarding a potential adverse impact on neighbour amenity.

2.39 Concerns were raised by a neighbouring property that the new dwelling would contribute to loss of privacy due to traffic management. It is considered that the access and parking arrangements proposed would not result in a significant loss of privacy to neighbouring properties.

2.40 In view of the above, it is considered that the proposal would not create any significant overshadowing, overbearing or loss of privacy to neighbouring properties. The proposal is considered to be in accordance with saved policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006.

## HIGHWAYS

2.41 The site is located on a private driveway. It is indicated on the proposed layout plans that two parking spaces will be provided to the front of the proposed new dwelling and two spaces will be provided for The Homestead. The Council's Traffic & Transport section have been consulted on the proposal. No objections or concerns have been raised.

2.42 When the application was first presented at planning committee it was requested that further clarification was sought from the Council's Traffic & Transport section in terms of the suitability of the length of the driveway, the acceptability of the

proposed number of properties served by the private drive and the suitability of access arrangements for emergency vehicles.

2.43 There are currently 5 properties served by the private driveway. These include Greenacre (20 Cresswell Drive) which is also served by an access onto Cresswell Drive. HBC Traffic & Transport confirmed that the previous “no highway objections” response was made in full knowledge that this was the case and that the new development will result in this being six.

2.44 It was stated, the reasons that there were no objections were as follows:

1. Guidance in respect of the number of properties that should be permitted off a private driveway relates predominantly to new developments. Guidance in this respect also advises a maximum drive length of 25m and a minimum width of 3.7m. The existing private drive is approximately 200m long and 4.7m wide at the location of the development which is more than sufficient to accommodate passing vehicles on a day to day basis.
2. The “off road” parking provisions proposed for both the new property and the existing property both comply with the parking standard guidance.

2.45 It was commented further that it would not be possible, to sustain an argument in an appeal situation in respect of a refusal on either of the grounds above and thus the original comments of no objections would still stand.

2.46 It was stated by both the Council’s Traffic & Transport section and Cleveland Fire Brigade that the site access, in terms of its width, was adequate for emergency vehicle access. It was outlined by Cleveland Fire Brigade that an upgrade to the driveway would be required or alternatively domestic sprinklers could be provided. It was also commented that there did not appear to be any turning facilities for appliances. This is however an existing situation with the private driveway serving 5 dwellings. It should be noted in any case that the above issues will be addressed under the building regulations 2010 (Approved Document B Fire Safety Vol 1), which is separate legislation and appropriate measures implemented to satisfy those regulations.

2.47 In view of the above, it is considered that the proposal is acceptable in terms of parking and highway safety.

## SURFACE WATER DRAINAGE

2.48 Members requested at the original planning committee meeting that a detailed drainage scheme should be submitted taking account of the possible drainage problems arising from the removal of the trees on the site. It should be noted that there are no Tree Preservation Orders within the site, consequently the trees could be removed without any permission from the Council at any time.

2.49 A surface water drainage scheme was submitted by the applicant’s agent. This outlined that surface water drainage from the proposed new dwelling will be directed to an existing drain (which links to Northumbrian Waters drainage system). A

soakaway is also to be provided to the rear of the proposed dwelling to mitigate the potential impact of tree removal on surface water drainage. The Council's Environmental Engineer and Northumbrian Water Ltd were consulted on these details. Northumbrian Water Ltd had no comments to make on the details and the Council's Environmental Engineer stated that the details were acceptable however a final scheme would need to be submitted should the application be approved. This has been conditioned accordingly.

## RESIDUAL MATTERS

2.50 With regards to the retaining walls to the rear, these structures do not fall under the building regulations. Consequently the Council's Structural Engineer was consulted to seek advice on whether the walls are structurally safe. The Council's Engineer stated that structural calculations would be required, including details of materials used to ensure that they are adequate and safe. This information has been conditioned accordingly.

2.51 It was commented by the objecting neighbour that pedestrian access has been illegally restricted to adjacent properties and that this is currently subject to civil proceedings. It should be noted that this is not a material planning consideration and as set out by the objector it is a civil matter.

## CONCLUSION

2.52 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

2.53 There is no evidence of equality or diversity implications.

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

2.54 There are no Section 17 implications.

## REASON FOR DECISION

2.55 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 (drg no S288 PL 001 Location Plan, drg no S288 PL 003 Proposed Site

Plan, drg no S288 PL 004 Block Plan, drg no S288 PL 005 Floor Plans, drg no S288 PL 006 Elevations) and details received by the Local Planning Authority on 03/05/2016 and the additional plans (drg no S288 PL 009 Proposed Sections, drg no S288 PL 010 Proposed Sections) received on the 17/05/2016.

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. Notwithstanding the submitted details, no development shall commence until surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented at the time of development.  
To ensure the development does not cause surface water flooding.
5. Structural details of the retaining walls, including surcharge loading details and materials, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter proceed in accordance with the details so approved.  
To ensure the retaining walls are structurally adequate.
6. Notwithstanding the submitted details and prior to the commencement of development, a scheme of tree protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify which trees are to be removed and retained, and the protection during construction works proposed for all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).
7. Notwithstanding the submitted details, a detailed scheme of soft landscaping and shrub / tree 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.  
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development hereby approved or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to ensure a satisfactory form of development.

8. 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.

9. The proposed first floor bedroom window(s) facing Greenacre shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition.

To prevent overlooking.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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

Tel: (01429) 523400

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

**AUTHOR**

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

Tel: 01429 523273

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

### THE HOMESTEAD, CRESSWELL DRIVE



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/2016/0186**  
**Scale: 1:1000**  
**Date : 16/06/2016**





**No:** 3  
**Number:** H/2016/0382  
**Applicant:** MR P CHARLTON Fuller Crescent Norton Stockton on Tees TS20 1HB  
**Agent:** D D Design Limited Mr Darren Dugdale 95 Wheatlands Park REDCAR TS10 2PG  
**Date valid:** 22/09/2016  
**Development:** Change of use from florist shop to micro pub and external alterations including installation of door to rear, replacement window to side, and rendering  
**Location:** 2 THE FRONT HARTLEPOOL

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## **PURPOSE OF REPORT**

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

## **BACKGROUND**

3.02 Due to the number of objections received, the application must be considered by Members at Planning Committee.

## **PROPOSAL**

3.03 Planning permission is sought (part retrospectively) for a change of use of the ground floor of 2 The Front from a florist shop to a micro pub with internal alterations to the building's layout, and external alterations including the replacement of a window on the north side elevation, installation of a new door on the rear (west) elevation, and rendering of the property.

3.04 The ground floor would contain a customer seating area accessed via the existing door from The Front. A bar area would be accommodated with two doors allowing access to the corridor and existing staff WC. A customer/disabled WC would be added towards the rear of the ground floor. In total there would be seating for 19 patrons. The new window on the north elevation would be of white uPVC style. The new door to the west elevation is indicated on the proposed plan as a steel painted type, however during the application process confirmation was received that this would be a timber panelled type. The rendering would be in the form of sand and cement mix with a white finish. (The applicant has agreed a smooth render finish will be applied.) It is anticipated the opening hours would be 10:00 to 23:00.

3.05 Amended plans were provided indicating the addition of quoins on the exterior of the building. However, following discussions with the applicant, this aspect was omitted and further amended plans were submitted to indicate this and also to show

an alteration to the size of the disabled customer toilet to address concerns raised by HBC Public Protection.

## **SITE CONTEXT**

3.06 The application site is no.2 The Front, a three storey semi-detached property located on the corner of the junction between The Front and Station Lane, Seaton Carew. The property is of late 18<sup>th</sup> / early 19<sup>th</sup> century style and construction. Notable features include a shop front with painted timber pilasters and painted timber entrance door. Two roller shutter doors also exist. The shop front is however not an original feature of the property. On the first floor is a three panel bay window with contrasting painted timber surround, also not an original feature. The second floor contains two dormer windows, each with painted timber panel and overhanging fascias, again not original features.

3.07 To the north is an area of wide Council owned highway verge (previously the site of two additional properties). Beyond the highway of Station Lane is no.2 Station Lane, no.31-34 The Cliff and properties on Belgrave Court. To the south is the adjoining property (no's 3 & 3A The Front). Between no.3 and no.4 The Front is a narrow passage providing vehicular access to the rear yard of the host property. To the east is the highway of The Front/The Cliff followed by green space and Seaton Carew beach. To the west is a car park serving the nearby Seaton Park.

## **PLANNING HISTORY**

3.08 The following planning applications have previously been considered:

HFUL/1990/0047 – Installation of new shop front and first floor bay window and creation of new shop entrance

HFUL/2002/0210 – Change of use to tattoo parlour

## **PUBLICITY**

3.09 The application has been advertised by way of a Site Notice, Press Advert, 6 neighbour Notification letters and 3 Councillor Notification letters. To date there have been 6 objections received, one response in support of the proposal and one further response with no objection or support indicated. The reasons for objecting are as follows:

- Increase in traffic
- Lack of parking and increased infringements
- Increase in noise, antisocial behaviour and encouraging teenagers to congregate
- Side alleyway and Seaton Park will be used as a thoroughfare and 'toilet'
- Smokers will cause obstruction and litter on The Front or Station Lane
- Increased taxi use due to closing hours and being hazardous to passing traffic
- Sound transmission through party wall
- Change of use should apply to ground floor only as floors above should remain residential
- Indicated seating capacity of 21 does not take into account standing capacity

- Congregation of potentially intoxicated patrons preventing access to residential flat above
- Rear courtyard will become smoking area
- Seaton Carew is a local centre and a quiet village community
- Risk of impact on jobs in other local bars by drawing custom away
- Custom is mostly seasonal and non-existent in winter
- There are already 8 bars open to the public and a micro pub on Warrior Drive
- Application suggests standard pub and not a micro pub
- No disabled access is shown and the toilets shown are not the correct size
- Overdevelopment of the property
- Work without appropriate consent is already underway
- Replacement window should be obscurely glazed
- Sale of alcohol should be restricted to the premises and no drinking on the street
- Will the alleyway be used for deliveries and where will the kegs be stored?
- Residential properties will be overlooked by pub customers
- There are at least 4 public houses in existence in Seaton Carew and there is no need for further businesses to be selling alcohol to the population
- The pub would not be locally owned/managed

### 3.10 Copy Letters C

## CONSULTATIONS

3.11 Consultation was also undertaken internally with the following comments received:

**HBC Economic Regeneration:** I have no objections to the proposal.

### Further comments:

I have no objections to the above.

**HBC Heritage and Countryside Manager:** The application site is located in Seaton Carew Conservation Area. It sits on the junction of Station Lane and The Cliff/The Front. On the other side of the junction is 31 – 34 The Cliff & 2 Station Lane which are recognised as heritage assets (Locally Listed).

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 special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18<sup>th</sup> century and large villas dating from the 19<sup>th</sup> century.

To the south of Station Lane 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 due to the accumulation of minor alterations to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area.

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 for the change of use from a florist to a micro pub and the replacement of a window to the side of the building, the installation of a door to the rear of the property and complete rendering of the structure.

In principle there are no objections to the change of use, it is considered that this would not impact on the significance of the conservation area.

There would be no objections to the alteration to the window at the side of the property. It is disappointing that the alteration is reinforcing an earlier change at the building with a window in a style that does not reflect the character of the property however it is acknowledged that this change would have a neutral impact on the conservation area, as it is already in existence.

The door proposed to the rear of the property is modern in design and does not reflect the character of the building. The proposed door would cause less than substantial harm to the significance of the conservation area. It is suggested that a timber four panelled door would be a more suitable alternative and it is requested that the applicant is approached and considers this.

Details have been provided of the render mix to be used on the property but not the finish i.e. will this be a smooth finish or coursed? The mix provided indicates that a cement render is proposed. Such a mix of render would not be recommended on a building of this age. In the past I have visited the property and previous owners have raised concerns regarding damp in the property. I am not aware of any work being carried out to address these issues therefore should the applicant proceed with the proposed mix of render this is likely to exacerbate the problem. I have provided a specification for a lime render mix to the property which I understand has been forwarded on to the applicant. It is suggested that this should be considered. It would be anticipated that the finish to the render would be smooth woodfloat finish with microporous paint used to decorate it. Further details on the finish of the render are required in order to assess the impact on the conservation area.

#### Further comments

These comments should be read alongside the previous representations provided on 21/10/16 in relation to this property and relate only to the works shown on the amended plan, namely the finish to the render.

With regard to the render the plans show 'quoins' applied to the corners of the building. In introducing this feature it is not clear what evidence has been used to suggest that this detail would have featured on the property previously nor the fact that the finish on the render will be rough. Photographs show that this building was part of a short terrace with two houses adjacent to the application site and these were demolished in order to widen the junction at Station Road. The finish on the render appears to show a much smoother finish.

It is considered that the finish to the rough render and the introduction of the quoin detail would cause less than substantial harm to the significance of Seaton Carew Conservation Area. No evidence has been provided to demonstrate that the harm would be outweighed by the public benefits of the proposal.

**HBC Traffic and Transport:** A public House of this size would normally require 1 Space per 5m<sup>2</sup> of floor space, requiring a car park provision of 11 spaces. This development provides no off street parking provision, it is however located in the Seaton local centre, with various on street and public car park options.

As stated in the objections it can be difficult on occasions to find a parking space on the Seaton Front area particularly during the summer period. This can lead to parking violations and complaints, although the presence of a PH is likely to increase parking demand it could be expected that some customers would also visit other attractions in the area. I would therefore consider the impact to be relatively minimal and would not justify an objection.

#### Further comments

Previous comments remain.

**HBC Public Protection:** We would have no objections subject to the following conditions being met:

With regards to the licensed premises a condition prohibiting any drinks being taken outside of the building for consumption.

I would have no objections to this application subject to adequate sound insulation being provided in order to protect the amenity of the occupants of the first floor flat and to cover the party wall to the neighbouring property.

No live music or karaoke shall be played/performed on the premises at any time

An hour's restriction limiting the opening hours to 10.00hrs- 23.00hrs as per the application

Deliveries to the premises shall only take place between the hours of 09:00 and 19:00 on any day.

Refuse disposal: The emptying of bottle bins shall only take place between the hours of 09:00 and 19:00 on any day.

The applicant must agree in writing prior to development an agreed smoking area for customers and staff.

Note:

The applicant has highlighted customer sanitary accommodation to the licensed premises. The size of the toilet on the plan does not look adequate for disabled use.

**Cleveland Police:** I have consulted with Police licensing Department who have no objections to this application.

These type of licensed premises tend not to give Police any problems in relation to crime and disorder however it is always recommended that a CCTV system is installed at all licensed premises. This should cover as a minimum all entrances and serving area. The images that are provided must be of a quality that could be used in a court of law.

## **PLANNING POLICY**

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

### National Policy

3.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in

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

3.14 The property is located within the Seaton Carew Conservation Area, a designated heritage asset, and is also located in close proximity to a number of Locally Listed Buildings, which are non-designated heritage assets.

3.15 The National Planning Policy Framework (NPPF) states that a heritage asset is, *‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’*

3.16 Paragraph 129 of the NPPF states *“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”*.

3.17 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay *“special attention...to the desirability of preserving or enhancing the character or appearance of that area”*.

3.18 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). Para 129 of the NPPF states *“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”*.

3.19 The following paragraphs are relevant to this application:

Paragraph 002 – Primacy of the Development Plan

Paragraph 006 – Role of the planning system

Paragraph 007 – Three dimensions of sustainable development

Paragraph 011 - Planning law and development plan

Paragraph 012 - Statutory status of development plan  
Paragraph 014 - Presumption in favour of sustainable development  
Paragraph 017 - Role of planning system  
Paragraph 019 - Sustainable economic growth  
Paragraph 056 – Ensuring Good Design  
Paragraph 126 – Positive strategy for the historic environment  
Paragraph 128 – Significance of heritage asset  
Paragraph 129 – Minimise conflict  
Paragraph 131 – Conservation Areas  
Paragraph 132 – Weight given to asset’s conservation  
Paragraph 135 – Non-designated heritage asset  
Paragraph 137 – Opportunities to enhance or better reveal their significance  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

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

Com12: Food and drink  
GEP1: General Environmental Principles  
GEP2: Access for all  
GEP3: Crime Prevention by Planning and Design  
GEP7: Frontages of Main Approaches  
HE1: Protection and Enhancement of Conservation Areas  
HE2: Environmental Improvements in Conservation Areas  
TO3: Core Area of Seaton Carew

## **PLANNING CONSIDERATIONS**

3.21 The material planning considerations in regard to the above proposal are the principle of development in relation to the Hartlepool Local Plan 2006 Saved Policies and the NPPF, and the impacts on designated/non-designated heritage assets (Seaton Carew Conservation Area and Locally Listed Buildings), neighbour amenity, highway safety and crime.

### Principle of Development

3.22 The proposal involves the change of use of the ground floor from a florist shop to a micro pub. This would fall under the A4 use class. Of relevance are Saved Policies Com12, GEP1, GEP2, GEP3, GEP7, HE1, HE2, and TO3 of the Hartlepool Local Plan 2006.

3.23 Saved Policy Com12 states:

“Proposals for food and drink developments (falling within Class A3, A4 and A5 of the Town and Country Planning (Use Classes) (Amendment) Order 2005 will only be permitted where:

- i. There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter



- ii. They will not lead to traffic congestion or otherwise adversely affect highway safety
- iii. There is no adverse effect on the character, appearance and function of the surrounding area, and
- iv. Where located in industrial areas, they accord with Policy Com10.”

3.24 Also of note is Saved Policy GEP7 which states:

“The Borough Council, when considering development proposals adjoining the major corridors listed below, will require that a particularly high standard of design, landscaping and woodland planting are provided which will improve the visual environment.”

3.25 Of further relevance is Saved Policy TO3 which states:

“Proposals for commercial and leisure developments within the core area of Seaton Carew will be permitted where they are sympathetic to the character of the area and are in keeping with the development of Seaton Carew as a seaside resort.”

3.26 Consultation with HBC Planning Policy stated that the principle of the use would be acceptable in this location, however concerns were raised with regards to the proposal in terms of Saved Policy GEP7 (design) and the impact on the Seaton Carew Conservation Area. Consultation with HBC Economic Regeneration raised no objections to the proposal. Consultation with HBC Heritage and Countryside Manager stated that in principle the change of use would be acceptable.

3.27 Whilst it is recognised that the development proposes alterations to the building and therefore requires detailed consideration of the relevant material planning matters, these will be examined in full below. Given that the use of the premises as a licensed pub would fall under the A4 use class, this would need to accord with the requirements of Saved Policy Com12. In addition, given the commercial nature of the business and its location on The Front, the proposal is considered to accord with Saved Policy TO3 in terms of developing and retaining Seaton Carew as a seaside resort. In addition, the fact that the currently vacant ground floor commercial unit would be brought back into use thereby providing economic benefits in relation to trade and job creation would be beneficial. Overall, it is considered that the principle of development would be acceptable in this location, subject to a full assessment of the relevant material planning considerations detailed below.

#### Impact on designated/non-designated heritage asset - Seaton Carew Conservation Area and Locally Listed Buildings

3.28 The property is located within the Seaton Carew conservation area of Hartlepool which is a designated heritage asset. In close proximity to the site are a number of Locally Listed Buildings on Station Lane. These are non-designated heritage assets.

3.29 In considering planning applications which affect heritage assets, paragraph 131 of the NPPF states:

“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 sustaining communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

3.30 Paragraph 132 states:

“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.”

3.31 Paragraph 135 states:

“In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

3.32 Saved Policy HE1 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 that area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.”

3.33 Consultation with HBC Heritage and Countryside Manager raised no objections in principle to the change of use in terms of the impact on heritage assets. The proposed use of the ground floor as a micro pub is noted to be within the existing local centre of Seaton Carew, although it would be towards the northern end which contains a greater concentration of residential uses. Given the proposed internal alterations and use as a micro pub in relation to the context and mixture of residential and commercial land uses, it is not considered that the micro pub would have any significant detrimental impact on the character of the Seaton Carew conservation area or any Locally Listed buildings.

3.34 In terms of the changes to the exterior of the building, it is noted that the replacement window in the north side elevation would be visible from The Front and Station Lane. However, the replacement window is noted to be a like-for-like replacement of the existing white uPVC type. Although not reflective of the original character of the building which would have incorporated timber windows, given that the window already exists and is of a modern style, there is considered to be minimal impact on the building and surrounding area as a result of its replacement. The new door was indicated on the plans as a steel painted type, however following discussions confirmation was received from the applicant that it would be timber panelled. A condition to agree final details of this would be appropriate. It is considered that as this new door would be located to the rear within the rear service/delivery area and would largely be obscured from Station Lane by the

existing boundary wall, there is considered to be an acceptable impact on the building and surrounding area as a result of this change.

3.35 The proposal also seeks retrospective consent for the replacement of render on the building. A white rough textured sand and cement render has been applied. Concerns were raised by HBC Heritage and Countryside Manager regarding the use of this render type in terms of damp and potential damage to the building and the visual appearance of the rough render finish as opposed to a smooth render finish for which there is historical evidence for its use on this property. Further details were then submitted by the applicant to demonstrate the ventilation arrangements for the building. The use of quoin markings was also raised as a concern although these were later confirmed as to be omitted from the proposal as shown on the amended plans. It is accepted a lime based render would be technically preferable however it would be difficult to insist on this.

3.36 In terms of the render finish however, following discussions the applicant has agreed to re-render the building to an agreed appearance and standard. This will ensure the render has a smooth finish for which there is historical precedence. A condition is considered appropriate in order to first agree the type of render to be used before being added to the exterior of the building. It is considered that subject to this condition, the proposal would not significantly affect the character of this main approach into Hartlepool and would have no significant detrimental impact on the function, character or appearance of the conservation area as a whole.

3.37 The proposal is considered to have an acceptable impact on the designated and non-designated heritage assets, in accordance with Saved Policies GEP1, GEP7, HE1 and HE2 of the Hartlepool Local Plan 2006 and with paragraphs 56, 126, 128, 129, 131, 132, 135 and 137 of the NPPF.

#### Neighbour amenity

3.38 In relation to neighbour amenity, 6 objections have been received with the reasons for objecting details above in section 3.09. The premises is adjoined to the south by no's 3 & 3A The Front containing a ground floor commercial use with residential flat above. To the north are residential properties on Station Lane. To the south are residential properties associated with Corners Court. The upper floor of the premises also has a residential use.

3.39 Concerns were raised regarding parking, deliveries, storage of beer kegs and an increase in traffic from taxi usage. No objections were raised by HBC Traffic and Transport in relation to parking and traffic. In addition, a condition is proposed to restrict deliveries to between the hours of 9am and 7pm. There is therefore considered to be no undue impact on neighbour amenity in respect of these matters.

3.40 Concerns were raised regarding crime, antisocial behaviour, the use of side alleyway and Seaton Park as a public toilet, the issue of smokers causing an obstruction, litter, the quiet nature of Seaton Carew and the issue of sound transmission. Consultation with Cleveland Police raised no objections to the development in relation to crime and antisocial behaviour. Consultation with HBC Public Protection requested a condition to agree a designated smoking area for staff

and patrons. This condition together with an opening hours restriction and conditions on sound insulation, restricting drinking off site, deliveries and emptying of bins are considered appropriate in order to protect the amenities of adjoining and neighbouring properties. In addition, concerns were also raised regarding the lack of disabled access and the size of the toilets not being suitable for disabled use. Amended plans were submitted to show an alteration to the disabled toilet which would accord with relevant guidance and standards.

3.41 Concerns were also raised regarding the window on the north side elevation in relation to overlooking and comments stated that it should be obscurely glazed to prevent overlooking. The proposal involves the replacement of an existing uPVC window with one of a similar style. The window looks across a public street and given this and the separation distances from residential properties, there is not considered to be any significant impact in terms of overlooking or loss of privacy.

3.42 The issue of the change of use being applicable only to the ground floor was also raised by an objector. The planning application for the change of use relates only to the ground floor and the residential flat above would remain in use as residential accommodation.

3.43 Whilst it is recognised that the nature of the use of the ground floor as a micro pub could potentially lead to an increase in general disturbance in the locality, it is considered that the restriction on the opening hours of the premises together with conditions regarding sound insulation, refuse (bottle) collection times, smoking areas, and a restriction requiring drink sold on the premises to only be consumed within the curtilage of the site, would mean the impact on adjoining and neighbouring properties would be acceptable. In light of the proposed conditions, it is considered the impact on the amenity of neighbours can be managed and that the proposal is not considered to have any significant detrimental impact on neighbour amenity in terms of general disturbance, noise, smells, litter or privacy which would warrant a refusal, in accordance with Saved Policies Com12, GEP1, GEP2, GEP3 and GEP7.

#### Residual matters

3.44 Concerns were also raised regarding the seating capacity not taking into account standing capacity, the number of other bars operating and there being no requirement for a further bar, concerns that the bar would not operate as a micro pub, the impact on jobs and other local bars, the seasonal nature of custom, overdevelopment of the premises, works being undertaken without consent, and the issue of the bar not being locally owned and managed. Many of these matters are not material planning considerations and have not been assessed in relation to the proposal. The relevant material considerations are considered in this report.

#### Highway safety

3.45 Consultation was undertaken with HBC Traffic and Transport. No objections were received however additional comments were provided. It was stated that given the floor space of the ground floor, this would normally generate a parking requirement for 11 spaces. It was however recognised that the use would be located within the Seaton local centre meaning there are both on-street and off-street

parking spaces available. Although it was stated that there can at times be problems with parking demand in the area, with subsequent complaints and parking violations, the impact was not considered to be so significant as to warrant an objection.

3.46 Whilst it is recognised that the proposed use of the property as a micro pub could give rise to increased number of visitors to the locality, with associated increased demand for parking, it is considered that there are a number of options available for patrons including on street parking spaces and off-street car parks within reasonable walking distance of the property. In addition, the Seaton Carew area is served by a number of bus services and a dedicated train station (although noted to be around 1km to the west) meaning that there are more sustainable methods of travel available for visiting the proposed micro pub.

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

### Crime

3.48 Consultation was undertaken with Cleveland Police and no objections were raised. Comments stated that this type of premises tend not to cause problems in relation to crime and disorder and recommendations were made with regards to the installation of CCTV at the premises.

3.49 Whilst the benefits of CCTV are recognised in relation to deterring crime, it is not considered that a planning condition would be appropriate. In addition, the wider area including nearby Seaton Park is monitored by CCTV meaning there are already deterrents in place within the vicinity of the premises.

3.50 Due to the fact that the premises would be located within an area of Seaton Carew which has a mixture of commercial premises, and the fact that there would be a level of natural surveillance from both residential and commercial land uses, it is considered that subject to a restriction on the opening hours, the impact in terms of crime and disorder would be acceptable, in accordance with Saved Policies GEP1 and GEP3.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.51 There is no evidence of equality or diversity implications.

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

3.52 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These matters have been addressed above as part of the assessment of material planning considerations.

## **REASON FOR DECISION**

3.53 It is considered by Officers that the proposal, in the context of the Hartlepool Local Plan 2006 and the NPPF and other material planning considerations, is

acceptable as set out in the Officer's Report. The principle of development is considered acceptable in this location and that there would be no significant detrimental impact on any designated or undesignated heritage assets, no undue impact on neighbour amenity, or any detrimental impact on highway safety or crime and disorder.

**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 application details received by the Local Planning Authority on 22/09/16, the Site Location Plan as shown on Drawing Number 15.077.01 received by the Local Planning Authority on 31/08/16, and the amended plan Drawing Number 15.077.02B received by the Local Planning Authority on 25/11/16.  
For the avoidance of doubt.
3. Notwithstanding the submitted details, within 2 months of the date of this decision notice, final details of the proposed new timber panel door on the west elevation shall be submitted to the Local Planning Authority for approval. The details shall include scaled elevation drawings and a sample of the proposed final colour. The door installed shall be in accordance with the details so approved.  
In the interests of visual amenity and to protect and enhance the character and appearance of the conservation area.
4. Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
5. The premises shall only be open to the public between the hours of 10:00am and 11:00pm on any day including Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
6. No live music, karaoke or other amplified speech shall be played/performed on the premises at any time.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The delivery of products to be sold/consumed on the premises shall only be carried out between the hours of 9:00am and 7:00pm on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
8. The emptying of waste bins containing glass bottles shall only take place between the hours of 9:00am and 7:00pm on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
9. Notwithstanding the submitted details and prior to the building being brought into use, a scheme to agree a designated smoking area shall be submitted to the Local Planning Authority for approval in writing. The scheme shall thereafter be implemented in accordance with the approved details and shall thereafter be retained at all times for the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
10. No drinks sold on the premises shall be consumed outside the curtilage of the development site.

- In the interests of the amenities of the occupants of neighbouring properties.
11. Notwithstanding the submitted details, within 6 months of the date of this decision notice, the building shall be re-rendered in accordance with a scheme to be first submitted to and approved by the Local Planning Authority. In the interests of visual amenity and to protect the character and appearance of the Seaton Conservation Area.
  12. This permission relates only to the ground floor of the premises as detailed on the approved plans (Drawing 15.077.02B).  
For the avoidance of doubt and in the interests of the amenity of neighbouring properties.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

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

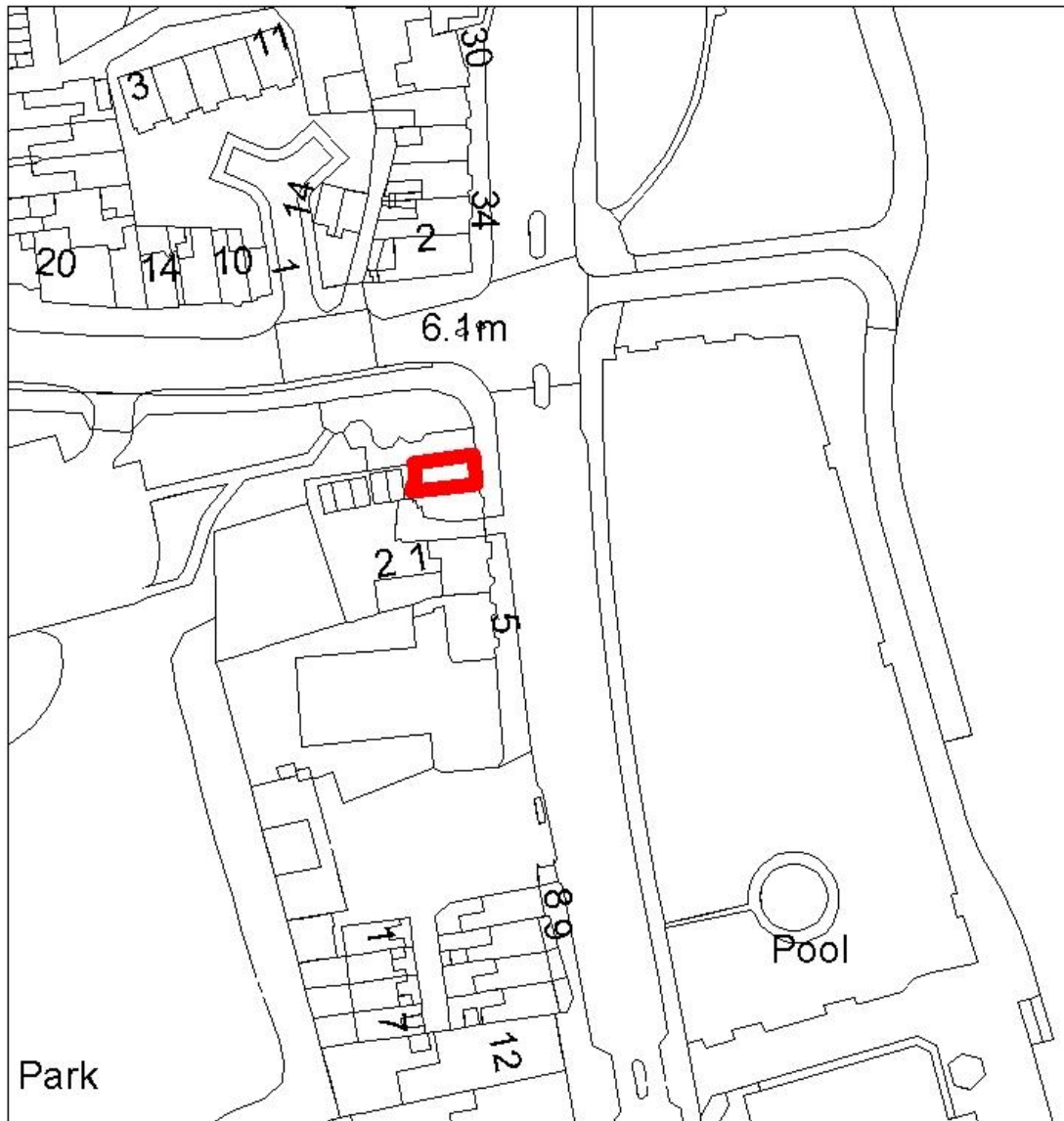
Tel: (01429) 523400  
E-mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

## AUTHOR

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

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

**2 THE FRONT**



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<p><b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b></p>	<p>DRAWN <b>GS</b></p>	<p>DATE <b>01.11.16</b></p>
	<p>SCALE <b>1:1000</b></p>	
<p><b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY</p>	<p>DRG.NO <b>H/2016/0382</b></p>	<p>REV</p>



**No:** 3  
**Number:** H/2016/0382  
**Applicant:** MR P CHARLTON Fuller Crescent Norton Stockton on Tees TS20 1HB  
**Agent:** D D Design Limited Mr Darren Dugdale 95 Wheatlands Park REDCAR TS10 2PG  
**Date valid:** 22/09/2016  
**Development:** Change of use from florist shop to micro pub and external alterations including installation of door to rear, replacement window to side, and rendering  
**Location:** 2 THE FRONT HARTLEPOOL

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This application appears at item 3 on the agenda.

Following discussions with the Environmental Health Manager it is proposed to amend condition 10. The revised condition will still control drinking outside the premises but allow for off sales.

The new condition proposed is set out below.

10. Drinks shall not be removed from the building in open containers. To ensure that any drinking activities take place within the building on the site and not within the rear yard or in public areas or other areas in the vicinity of the site.

## **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**

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

**GEP1** (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

**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.

**Hsg7** (Conversions for Residential Uses) - States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

**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.

**To3** (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

**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.

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

**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.

**6.** The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

**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.

**8.** To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

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

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

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

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

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

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

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some

open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

**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.

**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.

**109.** The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

**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.

**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.

**135.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**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.

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

# PLANNING COMMITTEE

14 December 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 untidy condition of an area of land at Green Street.
2. An investigation has commenced as a result of information provided by the Council's public protection team regarding the change of use from offices to bars and restaurants, and the paving of a parking area, at Navigation Point.
3. An investigation has commenced in response to a complaint regarding the erection of a tree house in the rear garden of a residential property in Greta Avenue.
4. An investigation has commenced in response to a complaint regarding car repairs being undertaken at a residential property in Gloucester Street.
5. An investigation has commenced in response to a complaint regarding the erection of an extension at a residential property in Cresswell Drive.
6. An investigation has commenced in response to a complaint regarding the running of a piano school at a residential property in Linden Grove.
7. An investigation has commenced as a result of Officer monitoring regarding the provision of outside seating at a licensed premises in Church Square.
8. An investigation has commenced as a result of information provided by the Council's economic development team regarding the dismantling of vehicles at light industrial premises in Graythorp.
9. An investigation has commenced in response to a complaint regarding the installation of replacement windows at a residential property in Radcliffe

Terrace. The property is located within the Headland Conservation Area and is subject to an Article 4 direction.

10. An investigation has been completed in response to a complaint regarding the use of a car park for wood processing in connection with a firewood business at a horse riding school on Dalton Back Lane. The firewood business has now ceased to operate at the premises. No further action required.
11. An investigation has been completed in response to a complaint regarding the erection of a replacement boundary fence at a residential property in Meadowsweet Road. A valid planning application seeking to regularise the erection of the replacement fence has since been received.
12. An investigation has been completed in response to a complaint regarding the erection of a boundary fence and the incorporation of land to the side of a residential property in Rosthwaite Close. The boundary fence has now been relocated back to its original position.
13. An investigation has been completed in response to a complaint regarding non-compliance with planning conditions relating to construction traffic access and wheel wash facilities at a housing development site on Elwick Road. As a result of the helpful co-operation of the site manager, all measures required by the approved construction management plan have since been put in place.
14. An investigation has been completed in response to a complaint regarding the overgrown condition of a rear garden of a residential property in Caledonian Road. The overgrown trees and shrubs have now been satisfactorily cut back. No further action necessary.
15. An investigation has been completed in response to a complaint regarding the untidy and insecure condition of a former children's home in Station Lane. It was found that measures to secure the building have recently been undertaken, and that the external appearance of the building does not justify further action at this time.
16. An investigation has been completed in response to a complaint regarding the erection of a single storey extension at the rear of a residential property in Kingsley Avenue. It was found that permitted development rights applied in this case.
17. An investigation has been completed in response to a complaint regarding the change of use of a residential property in Onyx Close to a large house in multiple occupation. It was found that the use of the property fell within the definition of a small house in multiple occupation and therefore that permitted development rights apply in this case.
18. An investigation has been completed in response to a complaint regarding the display of advertisements on an office building in Stockton Street. Following helpful co-operation from the building owners the advertisements have now been removed.

19. An investigation has been completed in response to a complaint regarding the erection of a conservatory and construction of raised decking at a residential property in Tunstall Avenue. It was found that the raised decking had been in place for in excess of 4 years and is therefore immune from enforcement under planning legislation, and that the erection of the conservatory benefits from permitted development rights. No further action necessary.
20. An investigation has been completed in response to a complaint regarding the untidy external appearance of a former licensed premises in Park Road. Recent maintenance works have resulted in an improvement in the external appearance of the building, therefore it is considered that no further action is justified at this time.

## 2. RECOMMENDATION

- 2.1 Members note this report.

## 3. CONTACT OFFICER

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

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