

# PLANNING COMMITTEE AGENDA



**Wednesday 4 October 2017**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Belcher, Buchan, Cook, Fleming, James, Lawton, Loynes, Martin-Wells, Morris and Sirs.

### 1. **APOLOGIES FOR ABSENCE**

### 2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

### 3. **MINUTES**

- 3.1 To confirm the minutes of the meeting held on 6 September 2017

### 4. **ITEMS REQUIRING DECISION**

#### 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

- |    |             |  |
|----|-------------|--|
| 1. | H/2017/0310 | Former Smiths Arms, High Street, Greatham (page 1)   |
| 2. | H/2017/0414 | Seaton Reach, Coronation Drive (page 23)   |
| 3. | H/2017/0303 | Land to the rear of The Front / North of the former Fairground Site / Coach Park, Seaton Carew (page 33) |
| 4. | H/2017/0287 | Land to the East of Worset Lane (page 47)  |

### 5. **ITEMS FOR INFORMATION**

- 5.1 Appeal at 1 Mill Terrace, Greatham, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*

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



## **FOR INFORMATION –**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **6<sup>th</sup> September 2017**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Sandra Belcher, Tim Fleming, Marjorie James, Trisha Lawton,  
Ray Martin-Wells, George Morris, Kaylee Sirs

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Shane Moore was in attendance as substitute for Councillor Bob Buchan

Officers: Peter Devlin, Chief Solicitor  
Jim Ferguson, Planning Team & Development Manager  
Mike Blair, Technical Services Manager  
Sarah Scarr, Heritage and Countryside Manager  
Daniel James, Planning Team Leader (DC)  
Jane Tindall, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

## **27. Apologies for Absence**

Apologies were submitted by Councillors Stephen Akers-Belcher, Bob Buchan and Brenda Loynes.

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

Councillor Ray Martin-Wells declared an interest in application H/2017/0340 (Boat House, Crookfoot Reservoir, Elwick). The Chair advised that this item had been withdrawn from the agenda.

Councillor Marjorie James declared a non-prejudicial interest in application H/2017/0204 (Headland Wall Sea Defence, adjacent York Place/Albion Terrace, South Crescent to Redheugh Gardens) in her capacity as a member of the Regional Flooding and Coastal Committee.

## 29. Confirmation of the minutes of the meeting held on 9<sup>th</sup> August 2017.

Minutes approved

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

Members were advised that planning application H/2017/0340 had been withdrawn from the agenda.

**Number:** H/2017/0204

**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE VICTORIA ROAD HARTLEPOOL

**Agent:** HARTLEPOOL BOROUGH COUNCIL MR BRENDON COLAROSSO CIVIC CENTRE VICTORIA ROAD HARTLEPOOL

**Date received:** 25/05/2017

**Development:** Application to strengthen/replace sections of the existing sea defence walls (and ramp) including the demolition of part of existing wall (parapet to be removed) adjacent to Redheugh Gardens/South Crescent. Works include the installation of precast concrete wall units and copings along with new ferrocast post and rail fencing. Sea defence works also include proposed revetments (stepped, sloped, rock) along promenade and paddling pool (adjacent to York Place/Albion Terrace/South Crescent).

**Location:** HEADLAND WALL SEA DEFENCE ADJACENT YORK PLACE/ALBION TERRACE SOUTH CRESCENT TO REDHEUGH GARDENS HARTLEPOOL

The Chair notified those present that a complaint had been received via telephone call concerning the presence of the applicant at the site visit earlier that morning. The Chair commented that Mr Colarossi was a Council employee and had been present in order to clarify any queries members might have. He acknowledged that applicants and objectors would not usually take an active role in site visits but felt that in this case it was appropriate and the Chief Solicitor had raised no objections. Members stressed that they had made no decision during the site visit nor pre-determined prior to Committee.

Members felt that, despite previous concerns, the materials being used for the improvements would blend in with the conservation area while also providing a robust defence of the area. They approved the application unanimously

**Decision: Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following amended plans; PR53/PQ/2 (Typical Sections and Elevations), PR53/PQ/3 (Lower Prom Paddling Pool Area Details) and PR53/PQ/7 (Extent of Demolition) all plans date received by the Local Planning Authority on 18th May 2017 and amended plan PR53/PQ/1A (Planning Layout) date received by the Local Planning Authority on 25th May 2017.  
For the avoidance of doubt.
3. Prior to the commencement of development, details of the phasing of the works shall be submitted to and approved by the Local Planning Authority.  
For the avoidance of doubt.
4. Prior to the completion of each phase of the development a post construction monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority in relation to bird usage of the entire intertidal area in front of the new defences and the colonisation of the new structures by marine organisms. The post construction monitoring scheme shall be carried out as approved.  
In the interests of protected species.
5. Details of the rock armour (type, surface structure and placement of rock) shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation.  
In the interests of protected species.
6. Details of further biodiversity enhancement measures shall be submitted to and agreed in writing with the Local Planning Authority prior to work commencing on site. The measures shall be carried out as approved.  
In the interests of protected species.
7. Details of the reinstatement of the Dolomite Beach shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on that phase of the development site. The Dolomite Beach reinstatement works shall be carried out as approved.  
In the interests of protected species.
8. Details of the access route for site traffic including that using the site compound / storage area shall be submitted to and approved in writing by the Local Planning Authority prior to works starting on site. The access routes shall thereafter be adhered to unless some variation is subsequently agreed in writing by the Local Planning Authority.

- In the interests of the amenities of the occupants of neighbouring properties.
9. Details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before development of the relevant phase 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.
  10. Details of the design of the sea wall and ramp shall be submitted to and agreed in writing by the Local Planning Authority prior to work starting on site. Details should include the proposed design of the sea wall and the materials used in its construction. The design of the sea wall shall be carried out in accordance with the details so approved.  
In the interests of visual amenity.
  11. Details of the revetments as detailed on plan PR537/PQ3 (Lower Prom Paddling Pool Area Details, date received 18th May 2017) shall be submitted to and agreed in writing by the Local Planning Authority prior to works starting on these sections on site. The stepped revetments shall be in accordance with the details so approved.  
In the interests of visual amenity.
  12. There should be no construction works or vehicles on the inter-tidal area in the months of November - March inclusive.  
In the interests of protected species.
  13. Construction work shall only take place between 8:00am and 6:00pm Monday to Friday, 8:30am and 1:30pm on a Saturday and at no time on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of amenity of neighbouring property.

**Number:** H/2017/0174

**Applicant:** MR P JENKINS FRONT STREET HART  
HARTLEPOOL

**Agent:** MR T BRITCLIFFE 8 SOUTH VIEW HART  
HARTLEPOOL

**Date received:** 12/04/2017

**Development:** Outline application with some matters reserved for the erection of a dormer bungalow (resubmitted application)

**Location:** LAND ADJACENT TO MILBANK CLOSE HART  
HARTLEPOOL

Mr Britcliffe spoke in support of the application describing it as being on a very sustainable site in close proximity to shops, public houses and schools. It would provide a high quality entrance to the village and there had been no

objections from neighbouring residents or the Parish Council. He also highlighted the lack of high quality bungalows in the area. Mr Jenkins urged members to support his application.

Members referred to concerns raised by Tees Archaeology regarding previous excavation on the site. Mr Britcliffe confirmed Anglo-Saxon remains had been found on site already and that full co-operation would continue to be forthcoming.

Members queried why officers were recommending refusal given the lack of objections. They noted that references to the dwelling being isolated had been made but felt that a 12 metre distance from the nearest dwelling could not be classed as isolated. They also felt that the development would have an acceptable impact on the visual amenity and be sustainable.

Members gave the following reasons for departing from the officer recommendation i) They did not consider the site to be isolated ii) They considered the development would have an acceptable impact on visual amenity iii) They considered the development was sustainable.

Members approved the application by a majority.

**Decision: Outline Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To clarify the period for which the permission is valid.
3. The details submitted at reserved matters stage shall be in general conformity with Dwg No: 02 Rev A (proposed site plan) received by the Local Planning Authority on the 12 April 2017.  
To ensure the site is developed in a satisfactory manner.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

5. No development shall take place until a scheme for the protection during construction works of all trees within and adjacent to the site including those within the adjacent highway verge, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed, 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 a amenity value.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. In the interests of visual amenity.
7. Details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority before the dwelling hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of the dwelling hereby approved. In the interests of visual amenity.
8. Prior to the occupation of the dwelling 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.
9. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway safety and to ensure a satisfactory form of development.
10. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within



48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In order to avoid harm to birds.

11. The total quantum of development hereby approved shall not exceed 1 no. dwellinghouse (C3 use class). This shall consist of a single storey dwelling i.e. bungalow.

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

12. 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.

13. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site.

14. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The site is of archaeological interest.
15. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of visual amenity.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 7, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of visual amenity.

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0375

**Applicant:** MR LEE WELLS ROSTHWAITE CLOSE  
HARTLEPOOL

**Agent:** MR LEE WELLS 12 ROSTHWAITE CLOSE  
HARTLEPOOL

**Date received:** 11/07/2017

**Development:** Retention of boundary fence and gate at front  
(Retrospective)

**Location:** 12 ROSTHWAITE CLOSE HARTLEPOOL

Mr Wells urged members to support his retrospective application which had resulted in no objections from neighbours and had in fact resulted in a number

of compliments. The design and build had been carried out by a professional joiner and while he acknowledged that the timber looked new at the moment in time it would fade. He queried the designation of the Close as open-plan saying it may have been when it was first built but this was no longer the case. He questioned why fences outside other dwellings had not been brought to committee commenting that a full review of the estate would presumably be carried out if he was required to remove his fence.

The Planning Team Leader indicated that 2 applications for the removal of fences in Rosthwaite Close had been brought to Committee following a complaint. Two further fences on the estate were exempt from enforcement due them having been in place for over 10 years.

Members expressed sympathy with the officers' viewpoint as the fence was prominent and stood out in what was supposed to be an open plan estate. However they were also supportive of the homeowners' wish to separate their home from the public highway and would be inclined to support its retention providing the fence was stained in a darker colour. Mr Wells was happy to do this.

A member raised concerns that by supporting this application the floodgates could be opened to allow others living on the estate to erect fencing and this could lead to a closed estate.

Members stated the following reason for departing from the officer recommendation i) If the fence were appropriately stained they considered that the visual impact would be acceptable.

Members approved the application by a majority.

**Decision: Planning Permission Approved**

### **CONDITIONS AND REASONS**

- 1 The fence and gate hereby approved shall be stained in a 'dark oak' colour within three months from the date of the decision notice. The development shall be completed to the satisfaction of the Local Planning Authority.  
In the interests of the visual amenity of the surrounding area and to ensure a satisfactory form of development.

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0385

**Applicant:** MS L WESTMORELAND 10 ROSTHWAITE  
CLOSE HARTLEPOOL

**Agent:** MS L WESTMORELAND 10 ROSTHWAITE  
CLOSE HARTLEPOOL

**Date received:** 14/07/2017

**Development:** Erection of fence/gate at front of property  
(retrospective application)

**Location:** 10 ROSTHWAITE CLOSE HARTLEPOOL

Ms Westmoreland urged members to support her application saying the fence had been put up in response to anti-social behaviour resulting from the large amount of rented properties owned by absentee landlords. She was also happy to have the fence stained a darker colour.

Members approved the application by a majority.

**Decision:** Planning Permission Approved

### CONDITIONS AND REASONS

- 1 The fence and gate hereby approved shall be stained in a 'dark oak' colour within three months from the date of the decision notice. The development shall be completed to the satisfaction of the Local Planning Authority.  
In the interests of the visual amenity of the surrounding area and to ensure a satisfactory form of development.

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0388

**Applicant:** MR G LITHGO WASDALE CLOSE HARTLEPOOL

**Agent:** MR G LITHGO 30 WASDALE CLOSE  
HARTLEPOOL

**Date received:** 12/07/2017

**Development:** Erection of boundary fence at front (retrospective  
application)

**Location:** 30 WASDALE CLOSE HARTLEPOOL

Members could find no legitimate reason for this fence to be erected and felt that it should be removed. They refused the application by a majority.

**Decision:** **Planning Permission Refused**

**REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority the fence, because of its design and prominent position, unduly detracts from the predominantly open plan character and appearance of the immediate surrounding area. The development is therefore considered to be contrary to the provisions of saved policies GEP1 and Hsg10 of the Hartlepool Local Plan, policy HSG11 of the emerging Hartlepool Local Plan, and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design.

**Number:** H/2017/0054

**Applicant:** Mr M Dickinson 32 Victoria Road Oswald House  
HARTLEPOOL

**Agent:** Mr M Dickinson Kingfield Developments Limited 32  
Victoria Road Oswald House HARTLEPOOL

**Date received:** 07/02/2017

**Development:** Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse

**Location:** SOUTHBROOKE FARM SUMMERHILL LANE  
HARTLEPOOL

Mr Dickinson urged members to support the application which had been the result of over 2 years research into housing needs in the UK. Purchasers would be given a choice of 14 types of dwelling from 1-4 bedrooms. The Chair noted flooding concerns had been raised within the report but Mr Dickinson advised that this would be given full consideration should the application be approved at this meeting.

Members were impressed with the development plans particularly in terms of the layout. They approved the application unanimously.

**Decision:** **Planning Permission Approved subject to the completion of a S106 Agreement** securing contributions towards play facilities (£3,250), built sports (£3,250), playing pitches (£3,032.77), tennis

courts (£741.26), bowling greens (£64.61), green infrastructure (£3,250), primary school education (£38,445.23), secondary school education (£25,115.66), highway contribution (£153,947.43) and ecology contribution (£2,600).

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the Dwg No(s)
  - KD275-GF008 (house type A ground floor plan)
  - KD275-SF001 (house type A second floor plan)
  - KD275-FF006 (house type A first floor plan)
  - KD275-EL007 (house type A elevation)
  - KD275-EL001 (house type B elevation)
  - KD275-FF001 (house type B first floor plan)
  - KD275-GF001 (house type B ground floor plan)
  - KD275-EL004A (house type C elevation)
  - KD275-FF003A (house type C first floor plan)
  - KD275-GF001 (house type C ground floor plan)
  - KD275-EL001 (house type D elevation)
  - KD275-FF001 (house type D first floor plan)
  - KD275-GF002 (house type D ground floor plan)
  - KD275-EL004A (house type E elevation)
  - KD275-FF003A (house type E first floor plan)
  - KD275-GF002 (house type E ground floor plan)
  - KD275-EL008 (house type F elevation)
  - KD275-FF001 (house type F first floor plan)
  - KD275-GF003 (house type F ground floor plan)
  - KD275-EL006A (house type G elevation)
  - KD275-FF003A (house type G first floor plan)
  - KD275-GF003A (house type G ground floor plan)
  - KD275-EL001 (house type H elevation)
  - KD275-FF001 (house type H first floor plan)
  - KD275-GF004A (house type H ground floor plan)
  - KD275-GF004A (house type I ground floor plan)
  - KD275-EL006/1 (house type I elevation)
  - KD275-FF003A (house type I first floor plan)
  - KD275-EL002 (house type J elevation)
  - KD275-FF001 (house type J first floor plan)
  - KD275-GF005 (house type J ground floor plan)
  - KD275-EL009 (house type K elevation)
  - KD275-FF005A (house type K first floor plan)
  - KD275-GF006 (house type K ground floor plan)
  - KD275-EL010 (house type L elevation)
  - KD275-FF002 (house type L first floor plan)
  - KD275-GF007 (house type L ground floor plan)

KD275-EL003A (house type M elevation)

KD275-FF004 (house type M first floor plan)

KD275-GF007 (house type M ground floor plan) received by the Local Planning Authority on the 6 February 2017.

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. 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.
5. Notwithstanding the submitted information a detailed scheme of landscaping and tree, hedge and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interest of visual amenity and biodiversity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
7. No development shall take place until a scheme for the protection during construction works of all trees and hedges to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority

in the next available planting season.

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

8. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - a. human health,
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c. adjoining land,
  - d. groundwaters and surface waters,
  - e. ecological systems,
  - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the



effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

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

9. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges,

vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan. To avoid excessive noise and disturbance to the occupants of nearby properties.

11. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO<sub>2</sub> emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the approved report, shall be installed.

In the interests of promoting sustainable development.

12. Prior to the commencement of development, a scheme showing how the energy demand of the development and its CO<sub>2</sub> emissions would be reduced by 10% over the maximum CO<sub>2</sub> emission rate allowed by the Building regulations Part L prevailing at the time of development, shall be first submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of promoting sustainable development.

13. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

14. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. 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.

15. No development shall take place until a scheme for a surface water management system including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for

- adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.
16. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a footway at the site entrance and a dropped crossing point for pedestrians to gain access from the application site to the footway on the south side of Summerhill Lane has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.  
In the interests of highway safety.
  17. Notwithstanding the submitted information and prior to the occupation of the dwellings 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.  
To ensure the site is developed in a satisfactory manner.
  18. The proposed roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.  
In order to ensure the roads are constructed and maintained to an acceptable standard.
  19. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
  20. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual

plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

21. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths 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 shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. 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 highway safety.

22. No development shall take place until a scheme for the provision of bat and bird roosting features to be incorporated within each dwelling, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.

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

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

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

25. Wild birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a wild bird whilst it is being built or in use. Demolition of the existing buildings and removal of vegetation/trees/hedges should therefore take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.  
An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In the interests of breeding birds.
26. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1.00 pm on Saturdays. There shall be no deliveries or construction activity including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.

The Committee considered representations in relation to this matter.

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**31. Appeal at 1 Mill Terrace, Greatham** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the decision, delegated through the Chair, to refuse planning permission for the erection of a single-storey extension and alterations to the roof to provide windows and room in the roof space.

**Decision**

That officers be authorised to contest the appeal.

**Councillor Sandra Belcher left the meeting**

**32. Appeal at 406 Catcote Road** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal in relation to the change of use to a hot food takeaway at 406 Catcote Road had been allowed. A copy of the inspector's decision letter was attached.

**Decision**

That the outcome of the appeal be noted.

### **33. Update on Current Complaints** (*Assistant Director (Economic Growth and Regeneration)*)

Members were given information 9 complaints currently under investigation and 8 complaints recently completed.

#### **Decision**

That the report be noted

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

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

Minute 35 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment.

Minute 36 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment.

Minute 37 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person and (b) to make an order or direction under any enactment.

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

Report withdrawn

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

Report withdrawn

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

Members were asked for authorisation to issue an enforcement notice. Further details are provided within the closed minutes.

#### **Decision**

Provided within the closed minutes

- 38. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in

order that the matter could be dealt with without delay.

## **39 Planning Training**

The Chair urged members to attend all future training events. A member noted that they had been unable to attend 2 of the previous training sessions and asked if these could be re-run. They also requested that in future August be avoided for training sessions as this was peak holiday time. The Planning & Development Manager indicated he would prefer to tag the re-run training onto an existing training date although this would obviously increase the session time. Members were happy with this. In terms of training during the August recess the Chair acknowledged the problems this had caused some members but it had been difficult to organise the dates around existing diaries.

The meeting concluded at 11am.

CHAIR



**No:** 1  
**Number:** H/2017/0310  
**Applicant:** MR T BATES WESTBOURNE ROAD HARTLEPOOL  
 TS25 5RE  
**Agent:** DAVIS PLANNING PARTNERSHIP MRS JILL DAVIS  
 17A POST HOUSE WYND DARLINGTON DL3 7LP  
**Date valid:** 07/06/2017  
**Development:** Conversion of former public house to two dwellings and  
 erection of two dwellings  
**Location:** FORMER SMITHS ARMS HIGH STREET GREATHAM  
 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 Details of the relevant planning history are outlined below:

1.3 **H/ADV/0433/85** - Erection of projecting illuminated sign, timber fascia sign, and amenity boards to front and side elevations and post sign to car park, approved.

1.4 **H/ADV/0044/01** - Display of an illuminated double-sided, free-standing advertising unit, refused.

1.5 The application has been brought to Planning committee at the request of the local ward member.

## PROPOSAL

1.6 The proposal involves the conversion of the main former public house building to two self-contained dwellings, along with 2no. semi-detached two storey dwellings to the side with ancillary residential gardens, car parking and vehicle access.

1.7 The proposal will involve the demolition of the existing side extension and alteration to the main building to include a new entrance doorway within the front elevation. To the rear will be a raised patio areas, with external stairs leading down to the amenity space for the properties.

1.8 Six allocated car parking spaces for the dwellings will be situated to the rear within a communal parking court, whilst plots 29C and 29D will have a single in curtilage parking space to side

1.9 Access to the car parking court will utilise the existing access point from the highway, with 2 new access point onto the High Street being required.

## **SITE CONTEXT**

1.10 The application site is located within Greatham Conservation Area, which is a designated heritage asset, whilst the building itself, (the former Smith's Arms), is recognised as a locally listed building and therefore considered to be a heritage asset in its own right.

1.11 The area is predominantly residential in nature in this section of the High Street, with local village amenities being provided further to the South.

## **PUBLICITY**

1.12 The application has been advertised by means of neighbour letter (20 in total issued) site notice and press notice. Representations have been received from six parties with 5no. objections, one of which from the Hartlepool Civic Society. A summary of their objections are as follows:

- Parking issues
- Highway safety issues
- Loss of views
- Visual appearance and poor design of proposal
- Noise and disturbance during construction
- Prominence of the site within the Conservation area
- Choice of materials in front doors
- Archaeological interest in the site

1.13 1 letter of no objection has been received

1.14 Copy Letters **A**

1.15 The period for publicity has expired.

## **CONSULTATIONS**

1.16 The following consultation replies have been received:

**HBC Heritage and Countryside Manager** - The application site is located within Greatham Conservation Area, a designated heritage asset and the building itself, the Smith's Arms, is recognised as a locally listed building and therefore considered to be a heritage asset in its own right.

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

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 in the adopted Local Plan is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach.

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).

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

Policy HE5 of the recently submitted local plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed.

The special character of the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

The building is identified as a locally listed building described in the entry as,

“Edwardian public house (early 20th Century). Upper floor original casement windows and ground floor sash windows grouped in pairs retaining etched glass with "Parlour" etc. Leaded lights to upper lights of windows and to fanlight above panelled door. The upper floor is a painted rough cast render with half timbering and ground floor brickwork is also painted (unlikely to have been painted originally). A likely clay tiled roof has been replaced in a concrete tile.

To rear likely ancillary building to previous building on Smith's Arms site. Two storey with mid/late 18th century construction and likely use as hay loft at first floor and cart/wagon storage on ground. Alterations in brickwork indicate much larger window openings to ground and first floor on south elevation suggesting previous ancillary domestic use.

This property was constructed on the site of the original Smith's Arms in Greatham which was bought by Cameron's Brewery in 1904 and subsequently demolished to be replaced with the building which can be seen today (Yesterday Once More, George Colley, 1990)."

Photographs showing the development of the building can be found on the Hartlepool Then and Now website (<http://www.hhtandn.org/venues/402/the-smiths-arms>)

The significant of the building lies in the aesthetic value of the design and the communal value; in particular the social significance the property has for people in the village.

The property has been vacant for a considerable amount of time and it seems that there is no likelihood of a sustainable use being found to occupy it in its current form. The extension to the side of the building appears to be contemporary to the main property although it has been altered over the years. In light of this it is considered that in principle there are no objections to the property being converted to two dwellings, subject to appropriate detailing, in order to minimise the impact on the character of the building. This will enable the majority of the building to be retained and sensitive alterations would allow the property to continue to contribute to the character and appearance of this part of the conservation area.

In relation to the conversion of the structure given the loss that would be suffered on one side of the building, which would necessitate works to make this area good, would it be possible to consider moving the entrance of plot 29b to the side of the building and reconsider the internal layout. This would minimise the works to the front of the building so it could still retain its architectural detailing which contributes to its significance and the character of this part of the consideration area.

It is requested that the following are considered,

1. Methodology for the demolition of the single storey element and a schedule of works outlining how the building will be made good.
2. Large scale details of all new windows and doors.
3. Consideration should be given to withdrawing permitted development rights to the building in order to ensure that when alterations are made to the property these are done in a way which will take into consideration.

In relation to the two new dwellings; no objections in principle. In general the design appears to echo details found on dwellings in the village. The Greatham Village Design Guide provides information on such issues and it is noted that the entrance doors show canopies over, however this is not referenced in the guide, nor generally found within the conservation area therefore it is requested that this element of the application is reconsidered.

It is consider that the proposal will affect the non designated heritage asset. In such instances a balanced judgement is required having regard to the scale of harm or

loss and the significance of the heritage asset. In this instance the proposal will provide a sustainable long term use for the heritage asset and it is considered that this outweighs the negative impact of the element of demolition. It is considered that should suitable detailing be achieved on both elements of this application the proposal would not have an adverse impact on the significance of the conservation area.

Following amended plans having been received, the following comments were received:

The amended plans do not address the concerns raised in my original representation dated 10/7/17.

Should further consideration not be given to the detailing on the new buildings and the existing public house, namely the removal of the proposed canopies and the reorganisation of the new accesses arrangements on the Smiths Arms it is considered that the proposal would be contrary to NPPF paragraphs 131 and 137 and Local Plan Policies, HE1 and Policies HE1 and HE3 of the recently submitted local plan.

The proposal would cause less than substantial harm to the significance of Greatham Conservation Area and Smiths Arms due to the loss of original architectural detailing of the building and the inappropriate detailing to the proposed houses. No information has been provided by the applicant to suggest that this harm would be outweighed by the public benefits of the proposal.

**HBC Arboricultural Officer** - The Design and Access Statement refers to some landscape softening to the North and Northwest boundary to the proposed development (Landscaping 10.3 - Davis Planning Partnership). I welcome this as this as it will be in keeping with other properties in the vicinity and look forward to details being submitted in due course.

**HBC Traffic and Transportation** – There are no highway or traffic concerns.

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

**HBC Public Protection** - No objections

**HBC Engineering Consultancy** - Can I please request our standard surface water condition on this application as no drainage details have been provided.

**HBC Waste management** – No response.

**Northumbrian Water** - Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 13<sup>th</sup> June 2017, and can confirm that at this stage we would have no additional comments to make.

**Tees Archaeology** - Thank you for the consultation on this application. I note that the applicant recognises the historic nature of the building and the potential archaeological interest of the site.

The Smiths Arms is a purpose built Edwardian public house, incorporating 18th century elements at the rear, and it would be reasonable to request that the developer provides a historic building survey (photographic, written and drawn survey alongside historical research) as a record of the building prior to conversion. This should be made publicly accessible in line with the advice given in NPPF para 141.

The site also lies within the medieval village of Greatham, and the northern part was formerly occupied by a smithy shown on early Ordnance Survey maps. It would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). This should take the form of archaeological monitoring during groundworks such as the excavation of foundations and service trenches.

I recommend the following planning condition to secure the historic building recording and archaeological recording:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition or development shall take place until a programme of historic building recording and archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

I would be happy to provide a brief for the archaeological work along with a list of contractors who operate in the area.

**Greatham Parish Council** – On a number of occasions the application mentions consultation with Greatham Parish Council and that our advice was “taken on”. This suggests something more significant than actually occurred. The applicant did attend a Parish Council meeting to announce his intention to submit a planning application and the Parish Council forwarded a copy of the Village Design Statement.

The Parish Council would consider that only an opening not a meaningful consultation, having stated that, it is more contact from an applicant than is usually made. The Parish Council is always happy to engage in a meaningful consultation. Regarding the proposed new build.

The Village Design Statement states “the older parts of the village have been identified as the most attractive and valued areas. Any new development should therefore look to reflect these parts of the village and extend that character”. The Parish Council supports the use of wooden sash windows. On the front façade facing High Street the number and distribution of windows (which bear no relation to the interior room layout) is not considered to be in keeping with other domestic properties in the conservation area or the local character as described in the Village Design Statement.

In the context of a single fronted house where the door is to one side one would usually expect only one window downstairs. This might easily be addressed by replacing the two separate ground floor kitchen windows with a single window possibly a paired or triple sash similar to those illustrated on page 12 of the Design Statement. The corresponding bedroom windows above would need to be similarly adjusted. Examples around the village generally suggest the upper floor windows be slightly smaller. This would be in keeping the Design Statement guideline that “on front facades, the placing of windows and doors should usually be regular i.e. upstairs windows placed above downstairs windows, rather than randomly scattered across the façade”.

The Village Design Statement recommends “canopies should be avoided in the older part of the village, especially where houses sit directly on the pavement”. The new houses do sit directly on the pavement in the older part of the village therefore the canopies should be omitted to be in line with the Design Statement. (The Smiths Arms does have a canopy but this reflects the original non-domestic status.) Have the uPVC front doors taken into account the character of the conservation area or guidance of the Design Statement. They appear to be partially glazed doors which are not the traditional form – light traditionally being introduced to hallways with over-lights. Wood is preferable and there are some excellent examples regarding the styling in the High Street (those on the terrace to the south of the Smiths Arms for example) and on page 13 of the Design Statement. The side door on the north elevation will be very visible and as such warrants as much attention to detail as the doors on the High Street elevation.

The Greatham Conservation Area appraisal identified that poor design and detailing to infill sites in the village could have a negative effect on the conservation area. The

design of the new build aspect of this application hints at a lack of observation or appreciation of the local character – but one that might easily be remedied. Within Greatham Conservation Area the Smiths Arms provides an effective architectural punctuation to the western side of the High Street; this will be sadly lost with the addition of the new build part of this application.

There is no elevation provided of the northern end of the new property but it is presumed to be the same as that intended to face the existing pub. If this is the case the proposed new gable end offers no replacement for the feature of the conservation area provided by the pub and ignores the view of and from the new property when approaching from Sappers Corner. With the proposed new building coming close to the limits to development and the green gap proposed in the emerging development plan this view is liable to be a lasting one and deserves greater consideration.

Possibly the addition of at least one extra window to the kitchen on the north façade, if not also, directly above, another to the corner bedroom making both dual aspect might provide a modest acknowledgement of the end location. This would reflect similar features on end/corner properties within the conservation area (see numbers 1 & 46 High Street).

The size of the opening to be formed between the existing pub (29b) and the new build (29c) should be kept to a minimum “in general terraces are seldom broken for intermediate access” (Design Statement) and in the interests of retaining the enclosed nature of the High Street. Regarding the surface of this boundary area the Design Statement guideline states “setts should be used in preference to tarmac for hardstanding, backyards, alley and openings”. We would ask this be followed. With regard the materials to be used for walls and roof of the new build. The Design Statement guidance is “brick should be the preferred structural material care being taken in choosing colour. Random stone or painted render finish would also be acceptable” and “pantiles, slates or plain tiles should be used for roofing in the old part of the village”.

The Parish Council trusts the existing walls bounding the ramp down to the parking area are to be retained. Further the Parish Council would like to know more regarding the material to be used to form the boundary between the existing pub (29b) and the new build (29c). It is felt this too should be in brick to reflect the existing. To quote the Design Statement “most properties have back yards enclosed by brick walls”.

Regarding provision for storage of refuse bins for all properties but in particular the southernmost property (29a). There needs to be clear provision in order to avoid refuse bins being left in the streets or alleyways.

#### Regarding the redevelopment of the public house.

The Hartlepool Rural Neighbourhood Plan seeks to encourage the re-use of redundant buildings for appropriate economic uses. Policy EC2 states “preference will be given to premises remaining in some form of community or employment use”. While the building was last marketed as a public house has an alternative



commercial use been tested in the interests of the rural economy and employment; restaurant, B&B or office use for example. This is in line with NPPF 28. Support for the rural economy has to be more meaningful than converting commercial properties into housing. The Design Statement recommends “the range of shops and trades should be preserved and encouraged as much as possible”. While welcoming the preservation of the architectural character of the Smiths Arms, especially going to the length of retaining the etched glazing, the character of the village and conservation area is to be found in the mix of uses, including the non-domestic.

The Parish Council would contest the dismissal of the views of the rear of the Smiths Arms as being only slight, long distant intermittent or fleeting and swift. The description of the conservation area states “the view from the west presents Greatham village occupying a ridge of land which makes it the first prominent group of buildings when approaching Hartlepool from the west. From the western approach the northern end of the High Street can easily be seen”. The rear of Smiths Arms would fall within the bounds of this description and is a very prominent building on the skyline when approaching Greatham from the west.

With this in mind the Parish Council is concerned at the use of large areas of glass in the form of bi-fold patio doors. One double door which apparently replaces a ground floor window sits reasonably well below and existing first floor window. The triple door however looks disproportionate and altogether at odds with the character of the existing building and would be an extremely visible feature.

Consideration should be given to using the side entrance revealed by the demolition of the single storey toilet block as the entrance to the northern property (29b). This would remove the need to create a new entrance by replacing an existing window and therefore preserve the original facade of the locally listed pub. Can assurances be given that should a new door be provided on the High Street façade of the existing building that it will match the existing door in quality, design and material. The guidance of the Design Statement is “care should be taken in choosing doors and windows which match the character of the rest of the house”.  
In general

The Design Statement states “developments or alterations in the core of the village should take particular account of the strong archaeological interest there”. The Parish Council supports an archaeological investigation of the site of the proposed new houses as this was the site of a blacksmiths shop which underwent a rebuild at the same time as the pub.

*(The following policies were referenced in the Parish Council’s comments which are summarised as follows:*

*National Planning Policy Framework, Paragraphs 60,61,64,66*

*Local Plan 2006 saved policies Rur4, HE1, HE12.*

*Emerging Local Plan policy RUR1, HE1, HE2, HE3, HE5*

*Hartlepool Rural Neighbourhood Plan policy GEN2, EC2, HA2, HA4)*

## PLANNING POLICY

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

### ADOPTED LOCAL PLAN (2006) (summarised)

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

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
HE1	Protection and Enhancement in Conservation Areas
HE2	Environmental Improvements in Conservation Areas
HE12	Protection of Locally Important Buildings
Rur3	Development in the Countryside
Rur4	Rights of Way
Rur19	Summerhill-Newton Bewley Greenway
TRA16	Car Parking Standards

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:

[https://www.hartlepool.gov.uk/downloads/file/375/hbc\\_policy\\_framework\\_-\\_november\\_2015\\_update](https://www.hartlepool.gov.uk/downloads/file/375/hbc_policy_framework_-_november_2015_update).

### EMERGING LOCAL PLAN

1.20 The emerging 2018 Local Plan has now reached a stage where weight can be applied to policies, so they should be considered within the assessment of this application. The following policies are relevant.

Policy	Subject	Weight
SUS1	The Presumption in Favour of Sustainable Development	Great
LS1	Locational Strategy	Limited
CC1	Minimising and adapting to Climate Change	Limited
CC2	Reducing and Mitigating Flood Risk	Great
QP3	Location, Accessibility, Highway Safety and Parking	Great
QP4	Layout and Design of Development	Great
QP5	Safety and Security	Limited
QP6	Technical Matters	Limited

QP7	Energy Efficiency	Limited
HSG2	Overall Housing Mix	Limited
HE1	Natural Environment	Great
HE3	Conservation Areas	Great
HE5	Locally Listed Buildings and Structures	Great
RUR6	Rural Services	Limited

## NATIONAL PLANNING POLICY FRAMEWORK

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

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
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
56	Design of the built environment and its contribution to sustainable development.
57	High quality and inclusive design
126	Positive strategy for the historic environment
128	Significance of heritage assets
129	Impact of a proposal on heritage assets
131	Viable use consistent with conservation

132	Weight given to conservation of heritage assets
134	Harm to be weighed against the public benefit
135	Non-designated heritage asset
137	Opportunities for new development
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
216	Weight given to emerging policies

1.22 HBC Policy Comments (summarised): Planning Policy consider that the principle of residential development in this location is acceptable provided the Council is satisfied that there is no prospect of reuse of the property as a pub or other village service facility, in line with the criteria set out in emerging policy RUR6. Planning Policy also request that the applicant give consideration to addressing the design and security matters.

Following the submission of further information to address the policy concerns in relation to the loss of the pub/village service, the following comments were received:

1.23 I can confirm that Planning Policy do not have any concerns with respect to the requirements of emerging policy RUR6 (with respect to the loss of the pub).

## PLANNING CONSIDERATIONS

1.24 The main issues for consideration when assessing this application are the impact upon designated (conservation area) and non-designated heritage assets (the locally listed building), the amenity of neighbouring properties, highway safety and any other planning matters and residual matters.

## PRINCIPLE OF DEVELOPMENT

1.25 With respect to the principle of the development, the proposal is located within the designated village envelope of Greatham, as set out in the Proposals Map of both the adopted and emerging Local Plans. The site has been previously developed and is located on the main thoroughfare through the village, with good access to village amenities. The immediate area is characterised by a mix of commercial, community and residential properties. This location is therefore considered to be acceptable in principle for residential development.

1.26 Notwithstanding the above, consideration is required to be given as to whether in principle the loss of a community facility within a rural location is acceptable. However, given the size of the village, in addition to the period of time in which the pub has been closed and previously marketed (as submitted by the applicant and considered to be acceptable by HBC Planning Policy), along with the presence of two other public houses in the vicinity and in the absence of evidence of realistic intent from the community to retain the business, for example through listing of the pub as an Asset of Community Value or through the Rural Neighbourhood Plan process (the proposal is not a Registered Community Asset), it is considered that in this instance the principle of conversion of the pub to dwellings is acceptable.

1.27 Therefore whilst the site is considered to be located within a sustainable location and therefore the principle of residential development in the area may be acceptable, this is subject to all other material planning considerations being satisfied including the impact of the proposed development upon the significance of the Conservation Area and the former Smith's Arms being a Locally Listed Building, in the context of Heritage policies in the emerging local plan and the saved policies within the 2006 Local Plan as detailed below.

### Sustainable Development

1.28 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority can now demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. 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).

1.29 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21<sup>st</sup> March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

*“The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position”.*

1.30 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. The main benefits and disbenefits arising from the scheme (in the above context) are outlined below;

### 1.31 *Benefits*

- Boost to the supply of housing, albeit a very modest one for four dwellings (social and economic)
- The proposed development would create jobs in the construction industry and in the building supply of the dwellings
- The development will bring back into use an existing vacant and un-used building and prevent it from a state of disrepair (environmental)
- Potential New Homes Bonus and increase in Council Tax (economic)
- The site is within walking distance of Greatham Village centre and it's amenities and services (social, economic, environmental)

- Increased expenditure in the Borough that is likely to be generated from an increased population (albeit very modest in the context of the proposal providing four dwellings) (economic)

### 1.32 *Disbenefits*

- Effect on both the designated heritage asset (conservation area) and non designated heritage (locally listed building) asset (for the reasons set out below) (environmental)
- Loss of a community asset (although not a formally registered Community Asset) (economic and social)
- Potential archaeological impacts (environmental)

### Principle of Development conclusion

1.33 In determining applications, Local Planning Authorities are required to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise.

1.34 It is acknowledged that the proposed development has a number of benefits as identified above including the site being within close proximity to existing housing. It is noted that there are a number of facilities within the village including a school, church and public houses and that the site is within walking distance to the local village shopping facilities.

1.35 However, whilst the principle of residential development is acceptable in general terms in this location, the proposal in consideration of both the adopted local plan (to which the relevant policies are considered to be fully consistent with the NPPF) and the emerging local plan (to which the policies can be afforded great weight), is considered to be contrary to NPPF paragraphs 131, 134, 135 and 137, saved Local Plan Policies HE1 and HE12 and emerging Local Plan policies HE1, HE3 and HE5 as the proposal would cause ‘less than substantial harm’ to the significance of the designated historical asset of Greatham Conservation Area and non-designated heritage asset of the Smiths Arms (Locally Listed building) due to the loss of original architectural detailing of the building that on balance are not outweighed by the public benefits of the proposal (for the reasons set out in full below).

### SETTING OF A LOCALLY LISTED BUILDING AND CHARACTER OF THE CONSERVATION AREA

1.36 The application site is within the Greatham Village Conservation Area and encompasses a locally listed building.

1.37 Policy HE1 of the recently submitted emerging Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. The policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-

designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset (unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit) will be refused.

1.38 When considering Section 72(1) of any application for planning permission that affects a conservation area the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

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

1.40 Policy HE3 of the recently submitted emerging Local Plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. The policy details crucial considerations for the assessment of development proposals in conservation areas.

1.41 In considering the impact of development on the non-designated heritage assets such as the locally listed building and conservation area, 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).

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

1.43 Policy HE5 of the recently submitted emerging local plan states where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

1.44 Policy HE7 of the recently submitted emerging Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

1.45 The Greatham Conservation Area within the immediate location to this application site is characterised by small functionally designed houses arising from the agricultural evolution of the village. There is a minimal design variation to the overall architectural design of properties within the area, with most dwellings being

characterised by the use of red brick with a vertical emphasis, provided by sash windows. Roof finishes are either clay tiles, or slate.

1.46 The significance of the locally listed building to which this application relates is derived from the architecture of the building as an example of an early 20<sup>th</sup> century public house in the Conservation Area and for this reason the Council's Heritage and Countryside Manager has commented that it is the loss of the original architectural features than will have a less than significant harm on the building and conservation area.

1.47 Indeed, this view is supported by the Council's Conservation area appraisal for Greatham that identifies that the positive qualities of the conservation area can be undermined by poor detailing and design of buildings to infill sites in the village, which contrast poorly with buildings of a similar period where good design has been achieved.

1.48 The applicant and their representatives have amended the scheme to incorporate some of the comments raised by the Council's Heritage and Countryside Manager, in removing the canopies from the front and the new dwellings. However, they have resisted the request to remove the new door opening to the front of the locally listed building. It was stated that this new doorway is a requirement to meet Building Regulations in relation to fire safety. This issue of fire safety has been raised with the HBC Building Control service, who have confirmed that the new doorway is not a requirement to meet Building Regulations, and that the building can be appropriately designed with fire escape windows to the first floor to remove the need for this additional exit point. Therefore, it is considered that the justification for this additional doorway is insufficient to outweigh the harm to the locally listed building.

1.49 As such the Council's Heritage and Countryside Manager considers that, by virtue of the alterations to the principle elevation of the locally listed building a detrimental impact on the non-designated heritage asset will be created, along with an impact on the designated heritage asset of the Conservation area. In such instances a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. However no information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal. As such the Council's Heritage and Countryside Manager objects to the proposed development due to the impact upon the locally listed building and the conservation area.

1.50 As such it is considered that the proposed development would result in an unjustified detrimental impact upon a locally listed building which is a non-designated heritage asset and upon the character of the conservation area which is a designated heritage asset, as to warrant a reason for the refusal of the application. The proposal is therefore considered to be contrary to NPPF paragraphs 131, 134, 135 and 137, saved Local Plan Policies HE1 and HE12 and emerging Local Plan policies HE1, HE3 and HE5.



## AMENITY OF NEIGHBOURING PROPERTIES

1.51 The current layout shows a separation distance of approximately 11.0 metres between the proposed dwellings and the neighbouring dwellings (at its closest point). This would fall short of the separation distances within Supplementary Guidance Note 4 to the Local Plan, where a 20.0m separation distance would be required.

1.52 However, it is noted that the proposed dwellings have been designed so that the non-habitable rooms (kitchens) are situated to the front of the property in order to protect the amenities of the neighbouring properties, in addition, given the traditional layout and character of the village in this location, it is noted that the majority of dwellings within this location fail to meet the separation distances stated within the Supplementary Guidance Note 4, and therefore this is not only a common characteristic of the area, it is not considered that the separation distances proposed would be detrimental to the amenity of the neighbouring properties to such a level to warrant refusal of the application.

1.53 To the North and west of the application site lays open countryside, as such it is not considered that the application would have a detrimental impact on this land, nor affect its current use as agricultural land.

1.54 There are no perceived detrimental impacts to the properties to the South given the orientation of the site and the position of the existing outbuilding that will shield the neighbours' amenity areas.

1.55 The proposal includes a car parking court to the rear of the site accessed via the existing ramp. Whilst it is acknowledged that vehicles leaving the parking court at night have the potential to cause a nuisance to the properties opposite the site through light omitted from the headlights and slamming of car doors etc, this is not considered to be significantly worse than patrons accessing the public house.

1.56 Furthermore, no objection to the proposal were received from HBC Public Protection.

1.57 The proposed development is not considered to have a significant impact in relation to the overshadowing or an overbearing impact on the properties opposite the site due to the comparable scale of the proposed dwelling and the separation distance between the sites, as detailed above.

1.58 Overall, it is not considered that the proposal would result in a detrimental impact upon the amenity and privacy of neighbouring properties as to warrant a reason for refusal of the application.

## IMPACT ON HIGHWAY + PEDESTRIAN SAFETY

1.59 Concerns were received in relation to highway safety, car parking and emergency access to the site.

1.60 The proposal will be accessed partial by existing access points and two new driveway crossing from High Street to provide sufficient car parking provision to meeting the minimum requirements for properties of this size.

1.61 The Council's Traffic and Transport section were consulted regarding the proposals and have raised no objections to the development.

1.62 As such it is not considered that the proposal would result in a detrimental impact upon highway safety, car parking or emergency services accessing the site.

## OTHER PLANNING MATTERS

1.63 Tees Archaeology have raised no objections to the proposal, although a planning condition would have been required, had the proposal been considered acceptable in all respects.

1.64 No objections have been raised to the proposal in respect of drainage, landscaping and public rights of way. Planning conditions would have been required in respect of drainage, landscaping and other specific details including levels and waste storage, had the application been considered acceptable in all respects.

## RESIDUAL MATTERS

1.65 Comments were received in relation to the noise and disturbance during the construction phase of the development. Whilst this is a valid concern, it is an unavoidable necessity of construction, and is not a valid reason for the refusal of the application. However, the extent of the disturbance can be minimised through the addition of a condition on the hours of construction.

1.66 Further comments relating to the loss of view, were made in relation to the proposal. However, loss of view is not a material planning consideration in the determination of planning applications. Therefore, this cannot be taken into consideration.

## CONCLUSION

1.67 The proposal is considered to be acceptable in terms of amenity of neighbouring properties and highway safety. However, by virtue of the loss of architectural detailing to a locally listed building, it is considered that the proposal would result in a detrimental impact upon the locally listed building which is a non-designated heritage asset. It is also considered that by virtue of the unsympathetic design of the proposal in relation to character and appearance on the Greatham conservation area, and as such would result in a detrimental impact upon the conservation area. As such it is considered that the proposal would result in a detrimental impact upon the character and appearance of the conservation area that on balance is not outweighed by any identified public benefits. The proposal is therefore considered to be contrary to NPPF paragraphs 131, 134, 135 and 137, saved Local Plan Policies HE1 and HE12 and emerging Local Plan policies HE1, HE3 and HE5.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.68 There is no evidence of equality or diversity implications.

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

1.69 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.

1.70 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – REFUSE** for the following reason;

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of the loss of original architectural detailing of the building would cause less than substantial harm to the significance and setting of a locally listed building (a non-designated heritage asset) and Greatham conservation area. As such the proposed development is considered to be contrary to saved policies HE1 and HE12 of the adopted Hartlepool Local Plan (2006), policies HE1, HE3 and HE5 of the emerging Local Plan and Paragraphs 131, 134, 135 and 137 of the NPPF.

## **BACKGROUND PAPERS**

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

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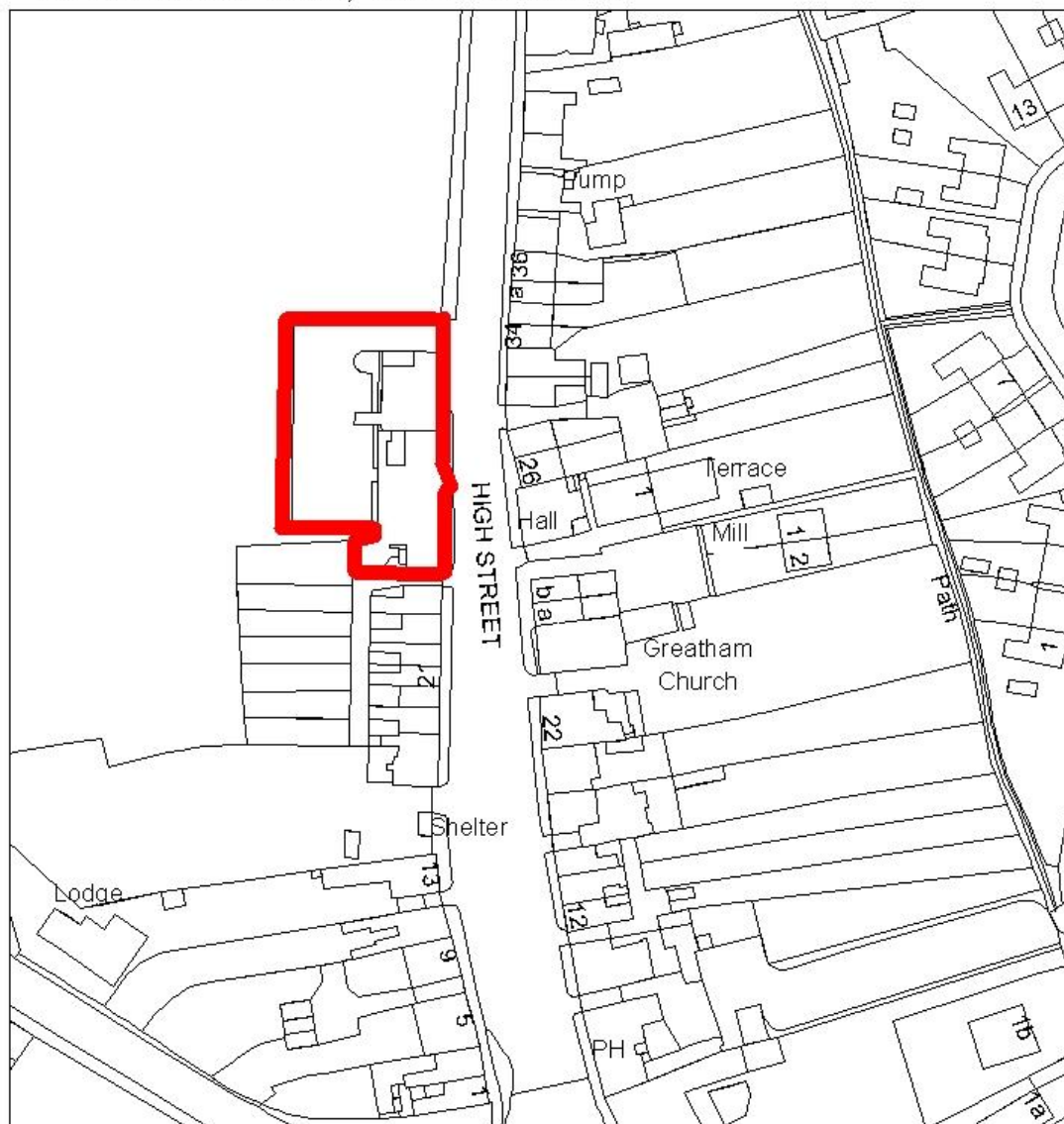
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## SMITHS ARMS, GREATHAM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/09/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0310</b>	REV



**No:** 2  
**Number:** H/2017/0414  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD  
HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL S Wilkie CIVIC  
CENTRE HARTLEPOOL TS24 8AY  
**Date valid:** 12/07/2017  
**Development:** Installation of a public art feature incorporating hard  
landscaping, a granite plinth, an acrylic and stainless steel  
artwork and lighting (via spot lights on adjacent columns).  
**Location:** SEATON REACH CORONATION 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 No relevant planning history for this site.

2.3 The current application is being reported to committee as 1 or more objections have been received (to a Council application) as set out below.

## PROPOSAL

2.4 The application seeks permission for the erection of an art installation designed by a local artist to provide a gateway marker into Seaton Carew and the promenade. The art installation is designed to reflect the contexts of the coastal setting.

2.5 The art installation will be created using sea glass collected locally which will then be encapsulated in acrylic, and stainless steel to maximise the natural light.

2.6 The art installation will have an approximate maximum height of 2.8m, with a width of 2.0m set upon a 4.0m diameter resin bounded platform.

2.7 It is proposed that the art installation is to be lit via a directional LED spotlight situated on a nearby streetlight column.

## SITE CONTEXT

2.8 The application site is located approximately 70.0m south of the Seaton Reach buildings, within an area of open space between situated Coronation Drive and the promenade. The nearest residential property to the site lays approximately 50.0m to the South-West.

2.9 The site is allocated in the current saved Local Plan 2006 as white land, with no specific policy considerations. However, the emerging Local Plan 2016 designates the site as civic open space within the Leisure and Tourism designation for Seaton Carew.

## **PUBLICITY**

2.10 The application has been advertised by way of neighbour letters (24 in total) including a site notice. To date, there have been 2 objections to the proposal.

2.11 The objections/concerns raised are in relation to;

- the location of the public art work, and wish to see to the art work installed on land to the North of the Seaton Reach building,
- unresolved design issues (lighting details and height of proposal), and,
- Highway safety.

2.12 1 letter of 'no objection' has been received.

2.13 Copy Letters **B**

2.14 The period for publicity has expired.

## **CONSULTATIONS**

2.15 The following consultation replies have been received:

**HBC Traffic and Transportation** - No objections

**HBC Engineering Consultation** – No objection

**HBC Public Protection** – No objections in principle but it would be appropriate to condition the type of lighting to be used, to ensure that local residents are not troubled by any artificial illumination.

**HBC Ecology** – No objections.

## **PLANNING POLICY**

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

### **ADOPTED LOCAL PLAN (2006) (summarised)**

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

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



GEP1 : General Environmental Principles  
 GEP2 : Access for all  
 GEP3 : Crime Prevention by Planning and Design  
 GEP10 : Public Art provision  
 REC9 : Recreational Routes

## **EMERGING LOCAL PLAN**

2.19 The emerging Local Plan has now reached a stage where weight can be applied to policies, so they should be considered within the assessment of this application. The following policies are relevant

SUS1: The Presumption in favour of sustainable development  
 LS1: Locational Strategy  
 LT1: Leisure and Tourism  
 LT3: Development of Seaton Carew  
 NE2: Green Infrastructure

## **NATIONAL PLANNING POLICY FRAMEWORK**

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 002 : Primacy of Development Plan  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 056 : Design of built environment  
 PARA 060 : Not to impose architectural styles  
 PARA 061 : Integration of new development into the natural, built and historic environment

PARA 064 :Refusing poor design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

2.21 As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

2.22 The main considerations of this application therefore relate to the principle of development and impacts of the proposal on the visual amenity of the area, neighbour amenity and highway safety. These and any other matters are considered as follows;

### **PRINCIPLE OF DEVELOPMENT**

2.23 It is considered that the principle of development is acceptable in this location with public arts being encouraged in saved Policy GEP10 and being situated close to a key pedestrian coastal route along the Seaton Carew sea front providing a unique tourist focal point for the visitors and residents of the town, bringing visual and cultural interest to the area.

2.24 The site is allocated in the current saved Local Plan 2006 as 'white land', with no specific policy constraints. However, the emerging Local Plan (that is at an advanced stage) designates the site as civic open space within the Leisure and Tourism designation for Seaton Carew. As the emerging Local Plan is at such an advanced stage significant weight can be apportioned to this policy.

2.25 Policy NE2 of the emerging Local Plan looks to safeguard the green infrastructure of the borough which includes civic open space. In this regard it is considered that the siting of the proposal within the designated civic space will attract visitors and enhance the function and access to the green space in accordance with the provision of this policy. In this respect no objections have been received from the Council's Planning Policy team.

2.26 The proposal is deemed appropriate in terms of the provisions of policy LT3 (Development of Seaton Carew) in that the proposal will create a recreational and tourism feature that will enhance the Seaton Carew area, whilst complementing and reflecting the character of the area. Overall, the principle of development is considered to be acceptable subject to the scheme satisfying other material planning considerations as set out below.

### **VISUAL AMENITY**

2.27 The design of the art installation, along with the hard landscaping is considered not to have a detrimental impact on the character or appearance of the area, and will not appear as an incongruous feature within the streetscene, sitting to the North of the Seaton Regeneration masterplan area.

2.28 The art installation is designed to highlight and showcase the changing Seaton skyline, and provide a visual appreciate of the environment for visitors. Whilst the installation will be visible within the streetscape it is considered to offer an enhancement to the public realm in this location to the benefit of the users and residents of the civic space that will not be detrimental to the visual amenity of the area.

2.29 The proposal is considered to be in accordance with saved policies GEP1 and policy SUS1 and LS1 of the emerging Hartlepool Local Plan and paragraphs 56, 60 and 61 of the NPPF.

## NEIGHBOUR AMENITY

2.30 It is considered that the art installation is likely to attract visitors to experience and engage with the installation, and as such there is the potential for loss of amenity to the neighbouring properties. However, it is considered that given the relatively isolated nature of the location set approximately 50.0m from the nearest property, that the proposed art installation will not have a detrimental impact on the amenities of the neighbouring properties in regards of loss of privacy, or residential amenity created by visitors.

2.31 However, it is noted that the proposal is proposed to be illuminated via a directional LED spotlights from a nearby streetlight, it is therefore considered that careful consideration to the design of the lighting will be required to ensure that a nuisance is not caused to the properties on Wainwright Walk situated to the South West, who have designed their properties with the living space on the first floor to maximise the sea views. The Council's Public Protection team have therefore requested that a condition by applied requesting a detailed scheme of illumination to be submitted and agreed prior to commencement of the application. This is secured accordingly.

2.32 For the reasons outlined above, it is considered that the proposal would not create any significant amenity concerns to any neighbouring property. The proposal would not create any significant loss of privacy or disturbance. The proposal is considered to be in accordance with saved policies GEP1 policy SUS1 and LS1 of the emerging Hartlepool Local Plan and paragraphs 56 and 61 of the NPPF.

## HIGHWAY SAFETY

2.33 The proposal has been considered by the Council's Traffic and Transportation team, who have confirmed there are no concerns in relation to highway safety. Therefore, the proposal can be deemed acceptable in this regard.

## OTHER PLANNING MATTERS

2.34 No objections have been received from technical consultees (as set out above) in respect of drainage and flooding, and ecology matters.

## RESIDUAL MATTERS

2.35 In relation to the points raised within the objections received; the location of the proposal according to the design and access statement confirms that this site was chosen due to its proximity to both Coronation Drive and the promenade, and to maximise the local sky-line and light for the most effective appearance.

2.36 Further information on the location was sought from the applicant (HBC) with the following justification provided:

2.37 As the funding (for the proposal) is from Coastal Communities Fund (from central Government) they stipulated that it was important that the sites put forward have a physical connection with the coast. Other locations along the promenade area were looked at, including an area adjacent to the Newburn Bridge car park and toilets. It was determined that the Newburn Bridge location did not present suitable opportunities for siting the sculpture and was too far away from Seaton Carew.

2.38 In terms of presenting a 'gateway' feature in to Seaton Carew from the north it was felt that the sculpture was best located within the local authority owned land south of Seaton Reach, presenting a skylined backdrop from the highway rather than being visually lost within the Seaton Reach complex area. The selected site also offers a location easily walkable from the main Seaton Carew facilities. It was intentionally not placed directly in front of any dwellings to minimize the visual impact on residents.

2.39 It is therefore appreciated that the applicants have undertaken sufficient investigation of alternative sites prior to the application for the current proposal site. The proposed location is considered to be acceptable for the reasons detailed in the report.

2.40 As stipulated above, the final lighting details are to be dealt with by means of planning condition, whilst the height of the proposal is set out within the submitted plans. Any variation to the approved plans would be subject to a further consent from the Local Planning Authority.

## CONCLUSION

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.42 There is no evidence of equality or diversity implications.

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

2.43 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.

2.44 There are no Section 17 implications.

## **REASON FOR DECISION**

2.45 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 approved shall be carried out in accordance with plans, Drawing No. 300-83B L001 (Coastal Art Project), and Location Plan received by the Local Planning Authority on 12th July 2017.  
For the avoidance of doubt.
3. Prior to the commencement of the works hereby permitted, a scheme detailing the means of lighting (including the intensity of illumination and the predicted contours) shall be submitted to, and approved in writing by the Local Planning Authority. Any lighting installed thereafter shall accord with the details so approved for the life of the development.  
To satisfactorily protect the appearance of the area and the residential amenities of nearby residential occupiers.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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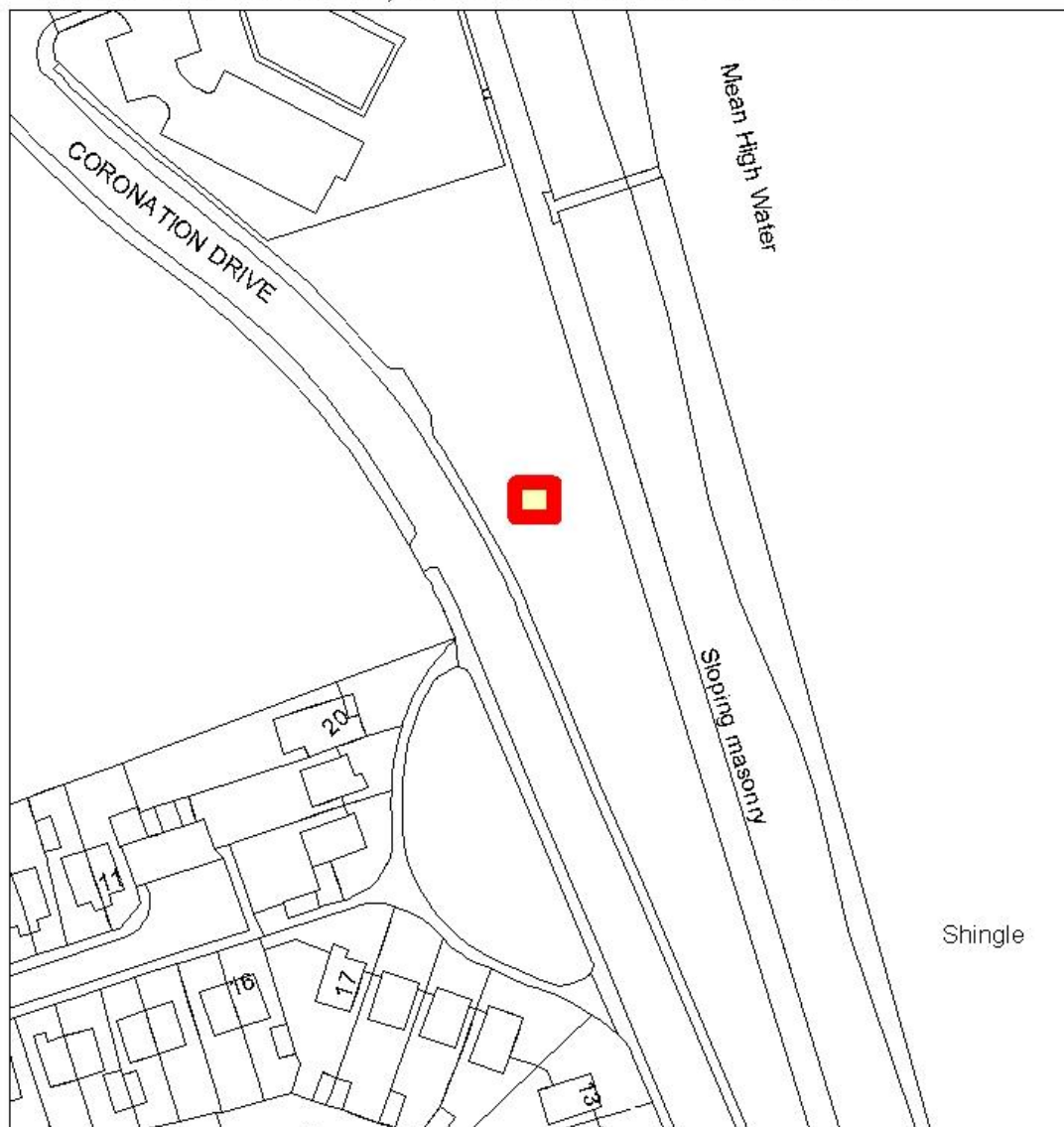
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## SEATON REACH, CORONATION DRIVE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/09/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0414</b>	REV





**No:** 3  
**Number:** H/2017/0303  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL VICTORIA  
 ROAD HARTLEPOOL TS24 8AY  
**Agent:** MR CRAIG TEMPLE HARTLEPOOL BOROUGH  
 COUNCIL CIVIC CENTRE VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Date valid:** 03/07/2017  
**Development:** Use of land for events, amusements, rides and catering  
 vehicles  
**Location:** LAND REAR OF THE FRONT/ NORTH OF THE  
 FORMER FAIRGROUND SITE/ COACH PARK SEATON  
 CAREW HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The following planning history is considered to be relevant to the current application;

3.3 **Approval H/2013/0432;** Planning permission was granted on 4<sup>th</sup> December 2013 for a change of use to the siting of amusements, rides, catering vans and use of the bus station kiosk for sale of hot beverages, snacks and newspapers at three separate parcels of land located along Seaton Carew front and the reopening of the newsagents kiosk within the bus station. The three parcels of land were annotated as site A, site B and site C;

Site A - Land east of the village green

3.4 This site was not considered appropriate for the increased commercial activities and therefore condition 05 of the approval restricted this site to allow for the continued use of two catering vans (only) that were already licensed to operate on this parcel of land.

Site B - Land north of the paddling pool (which relates to the current application)

3.5 Site B is identified in the extant Hartlepool Local Plan (2006) as a commercial development site (Policy To4) where more intensive commercial and recreational development would be acceptable. The proposed use of the site for commercial and recreational facilities was considered to enhance the attraction of Seaton Carew and was therefore considered to be acceptable in principle.

3.6 The site was however approved subject to a restriction on the type and scale of facilities provided on site; this was limited to small children's rides such as tea cups, hook-a-duck, bouncy castles and merry-go-rounds. The site is permitted to be in use for a 6 month period covering April to September with a requirement for the overall permission to cease on 1st October 2016 unless planning permission is sought (and granted) to extend the period for permission. Condition 11 of the original approval also permitted a maximum of two catering vans/trailers on this site. A condition restricted the use of the generators on the site.

#### Site C - Land to the rear of the bus station

3.7 This site was approved to be used for larger rides, such as dodgems and waltzers. The same timescale restrictions applied to Site B also apply to Site C.

3.8 **Approval H/2014/0398** - Variation of condition No. 4 of planning application H/2013/0432 to allow the use of a generator on the site during operational hours

3.9 The above permissions are no longer extant (expired 1st October 2016).

### **PROPOSAL**

3.10 This application seeks planning permission for the use of approximately 0.7 acres of land to the rear of the bus station, as shown on the accompanying location plan. It is understood that the site is currently in use and the application will therefore be considered as retrospective.

3.11 The proposal involves the siting of various funfair / amusement rides and activities along with ancillary catering facilities and generator to be situated on site between 1<sup>st</sup> April and 30<sup>th</sup> September. Details of the rides and vehicles to be on site have been provided.

3.12 Objections have been received to the scheme which relates to a Council submitted application. As such, the application has been referred to the Planning Committee.

### **SITE CONTEXT**

3.13 The application site relates to land to the north of the bus station. The site is a grassed area of public open space adjacent to the sea wall to the east and public car park to the South. Commercial and residential properties are present to the west along The Front, the nearest of which being approximately 100.0m away from the application site.

3.14 The application site is located within the Seaton Carew Conservation Area. The Conservation Area contains some 20 listed buildings, the nearest to the site being the former bus station to the west of the application site. The site having been recently reclaimed is not identified in the Hartlepool Local Plan (2006), however, is directly adjacent to land identified as a commercial development site (Policy To4). The emerging Local Plan 2016, which is now at an advanced stage and as such, can

be afforded great weight identifies the site specifically as civic space (Policy NE2f), and part of the wider Leisure and Tourism area (Policy LT1).

3.15 During the site visit it was noted that the site was operational with a number of rides and fairground equipment and with ancillary catering facilities, a box van (housing a generator) and a caravan are were located on the site

## **PUBLICITY**

3.16 This application has been advertised by neighbour notification, site notice and a press notice.

3.17 To date, 1 objection has been received regarding the scheme. The concerns include noise pollution and parking concerns

3.18 1 letter of 'no objection' has been received but queried whether this application was separate to the Seaton Plan.

3.19 Copy Letters **C**

3.20 The period for publicity has expired.

## **CONSULTATIONS**

3.21 The following consultation replies have been received:

**HBC Public Protection** – We have received 2 noise complaints this year concerning noise from the fairground from Deacon Gardens and Crawford Street. The noise from the music and from screaming customers on the large Remix ride were clearly audible at the complainant's premises. I am therefore of the opinion that the site is only suitable for children's rides and not for large adult fairground rides. I would recommend an hour's restriction on the operation of the fairground to between 8:00am and 6:00pm, seven days/week including Sundays and Bank Holidays.

Details and locations of all the rides should be agreed in writing with the LPA prior to the start of the season each year.

Maximum noise levels emanating from the site shall be agreed in writing with the LPA at the beginning of each season and the agreed limits shall be adhered to at all times when the fairground is operating.

**HBC Heritage and Countryside** - The application site is located within Seaton Carew Conservation Area and is within the setting of Seaton Carew Bus Station, a grade II listed building, both of which are considered to be designated heritage assets.

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

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 in the adopted Local Plan is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach.

Attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 132, NPPF).

The 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 18th century and large villas dating from the 19th 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. Stall risers 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 alteration 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. Policy HE7 of the recently submitted Local Plan sets out that the retention, protection and enhancement of heritage assets classified as “at risk” is a priority for the Borough Council.

The proposal is the change of use of land to the rear of Seaton Carew Bus Station for use for events, amusements, rides and catering vehicles.

The main issue for consideration is the impact that the proposal will have on the character of the conservation area and the setting of the listed building. The proposed use has previously been established in this location and the application is an extension of that temporary use.

The proposal will not significantly impact on the designated heritage assets; no objections to this proposal.

**HBC Transport and Engineering** - There are no highway or traffic concerns with this application.

**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.

**Historic England** - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**HBC Countryside Access Officer** - The England Coast Path National Trail runs through land located to the rear of the old Bus Station and is a Coastal Access Route as well as a National Trail. Its route cannot be moved and should be protected for those who wish to use it, at any time of the day.

At no time should any vehicles, materials, equipment, stalls, play machines, rides or other such similar equipment be placed on or directly next to the National Trail.

If the tenant wishes to be provided a plan of the route of the England Coast Path; I will be willing to provide one for reference and discuss with him on site if required.

**HBC Engineering Consultancy** - No comments on this application.

**HBC Economic Development** - From the regeneration point of view we have no objections to the temporary 3 year permission and (HBC) Estates will manage the licences.

**HBC Property Services** - No comments received to date

**HBC Ecologist** – No objections to the proposal

## **PLANNING POLICY**

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

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

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

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

GEP1 - General Environmental Principles  
 GEP2 - Access for All  
 GEP3 - Crime Prevention by Planning and Design  
 GEP7 - Frontages of Main approaches  
 GN3 - Protection of Key Green Open Spaces  
 HE1 - Protection and Enhancement of Conservation Areas  
 HE2 - Environmental Improvements in Conservation Areas  
 REC9 - Recreational Routes  
 To3 - Core Area of Seaton Carew  
 To4 - Commercial Development Sites at Seaton Carew

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:

[https://www.hartlepool.gov.uk/downloads/file/375/hbc\\_policy\\_framework\\_-\\_november\\_2015\\_update](https://www.hartlepool.gov.uk/downloads/file/375/hbc_policy_framework_-_november_2015_update).

## **EMERGING LOCAL PLAN**

3.24 The emerging 2018 Local Plan has now reached a stage where weight can be applied to policies, so they should be considered within the assessment of this application. The following policies are relevant.

SUS1 – Presumption in Favour of Sustainable Development  
 LS1 – The Locational Strategy  
 LT1 – Leisure and Tourism  
 LT3 – Development in Seaton Carew  
 HE1 – Heritage Assets  
 HE3 – Conservation Areas  
 HE4 – Listed Buildings and Structures  
 HE7 – Heritage at Risk

## **NATIONAL PLANNING POLICY FRAMEWORK**

3.25 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic

development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 14 presumption in favour of sustainable development

Paragraph 19 support sustainable economic growth

Paragraph 61 the connections between people and places and the integration of new development

Paragraph 74 Protection of open space, sports and recreational buildings and land, including playing fields

Paragraph 123 Noise pollution

Paragraph 131 sustaining and enhancing the significant of heritage assets

Paragraph 132 impact upon heritage assets

Paragraph 133 consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Paragraph 134 harm of a designated heritage asset should be weighed against the public benefits of the proposal

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

3.26 The main planning considerations in this instance are the appropriateness of the scheme in terms of the National and Local policies and proposals and in particular the impact on the amenity of neighbouring land users, the impact on the character and appearance of Conservation Area and setting of listed buildings and the impact on highway safety and car parking and any other material planning considerations.

## **PRINCIPLE OF DEVELOPMENT**

3.27 The principle of development for a change of use to the siting of amusements, rides and catering vans at the application site has previously been established by way of the now expired 2013 planning approval. However, given that the 2013 is no longer extant this former approved use can only be given limited weight, and the proposal must be considered on its own merits.

3.28 In terms of the development as a whole, the use proposed (fair and amusement rides ) are ones that might be expected in a seaside resort, however the capacity of the site to accommodate these uses and the impacts arising requires careful consideration given the characteristics of application site, it is therefore considered appropriate that a 3 year limited permission is applied to allow for further monitoring of the appropriateness of the site (particularly in the context of proposed Seaton Carew masterplan, a view supported by HBC Economic Development).

3.29 As such, the principle of development is accepted in this instance subject to the scheme satisfying other materials considerations as set out below.

## AMENITY OF NEIGHBOURING LAND USERS

3.30 Concerns have been raised with regard noise levels and an increase in car parking.

3.31 With respect to noise, paragraph 123 of the National Planning Policy Framework (NPPF) states that “*planning policies and decisions should aim to:*

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

3.32 In terms of the noise related issues on the site; the Council’s Public Protection services have been consulted and acknowledge that there have been issues relating to noise nuisance in relation to large adult ‘thrill’ rides situated on the site. They have indicated that the use of the application site for large adult ‘thrill’ rides is inappropriate due to the proximity to the residential properties.

3.33 However, HBC Public Protection have stated that the use of land is appropriate for small children’s rides, and traditional fair games subject to planning conditions relating to hours of operation, and noise restrictions. These conditions are secured accordingly.

3.34 The applicant has supplied details of the rides and fairground games proposed on the site, which are all of a low scale comparable to children’s rides which would accord with the requirements of the Council’s Public Protection team. Therefore, it is considered that subject to the appropriate conditions being applied, the use of the land for children’s rides and fairground games is acceptable as they it will not create noise levels considered to cause a detrimental impact on the amenity of the nearby residential properties.

3.35 It is considered that the proposal is situated in a relatively isolated location (70.0m from the nearest occupied building) and therefore at such a sufficient distance that there are no perceived concerns in relation to the amenity of the adjoining land owners.

3.36 It is therefore considered that the application is acceptable in regards to the provisions of GEP1 of the saved Local Plan and SUS1 of the emerging Local Plan.



## IMPACT ON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND SETTING OF LISTED BUILDING

3.37 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 possesses and to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.38 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”.

3.39 The proposed site is located towards the eastern extremity of the defined civic space as set out in the emerging Local Plan 2016, adjacent to the Esplanade. When viewed from the footpath to the front of the site along The Front, it is considered that the fairground site/use would not appear incongruous within the context of this part of the conservation area. Given the separation distance between the site and The Front (approximately 60.0m), and the surrounding uses.

3.40 In addition given the proposed restricted timescale for the vehicles and rides to be situated on the land (between April-September) and the restriction on the operating times it is considered that on balance, the location of the proposed use would not adversely affect the character and appearance of the Seaton Carew Conservation Area. In view of the distance between the site and nearest listed building to the site (approximately 50.0m to Seaton Bus Station), and the temporary nature of the proposal, it is considered that the proposal will not have a significant impact on the setting, character and appearance of the listed building and wider conservation area. This view is supported by the Council’s Heritage and Countryside Manager who has raised no objections to the scheme commenting that the scheme would not impact on the significance of the designated assets.

3.41 The scheme is therefore considered to accord with the provisions of the NPPF and saved Local Plan policies HE1 and HE2, and emerging policies HE1, HE3, HE4 and HE7

## IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

3.42 Concerns have been received in respect of the impact of the fairground on car parking provision and highway safety in the area, in particular for residents of the immediately adjacent properties.

3.43 The Council’s Traffic and Transportation team has raised no objections to the current application. As such, it is considered that the proposal will not result in an adverse safety concern in relation to Highway and Pedestrian safety, or parking

related issues, and therefore the scheme is therefore acceptable in this respect. Comments raised by the HBC Countryside Access Officer can be secured by an informative.

## OTHER PLANNING MATTERS

3.44 No objections have been received from technical consults (as set out above) in respect of drainage and flooding, ecology, and archaeology.

## RESIDUAL MATTERS

3.45 With respect to the retrospective nature of the application, whilst the Local Planning Authority does recommend this approach, the planning legislation specifically allows for the ability to submit retrospective applications, and it is only an offence to not submit a retrospective application when requested. However, in this instance the applicant has sought to regularise the situation through the submission of the current application, which is considered to be acceptable for the reasons set out above.

3.46 Comments were raised as to whether the application was part of the Seaton Plan. In this regard the application site is located within the Seaton Master plan area; however, is not part of the overall master plan. However, it is considered that the approval of this site would not impinge the wider aspirations of the Master Plan moving forward, given the temporary nature of the proposal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.47 There is no evidence of equality or diversity implications.

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

3.48 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.

3.49 There are no Section 17 implications.

## CONCLUSION

3.50 Subject to the imposition of the identified relevant planning conditions, the proposal is considered to accord with the general principles of the National Planning Policy Framework and relevant saved Local Plan policies. The proposal is not considered to have an adverse impact on the character and appearance of the Conservation Area or setting of listed buildings. The proposal is not considered to result in an unacceptable loss of amenity for neighbouring land users or result in an adverse loss of highway and pedestrian safety.

3.51 The proposal is therefore considered to be acceptable for the reasons outlined above

## REASON FOR DECISION

3.52 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 use hereby approved shall only operate between 1st April and 30th September inclusive for a period of three years and shall cease by 5th October 2020 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

The use is considered inappropriate on a permanent basis and in order to allow the use to be reassessed in the light of experience and the wider regeneration proposals for the area.

2. The use hereby permitted shall only be open to the public between the hours of 08:00 and 18:00 Mondays to Sundays including Bank Holidays.

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

3. Prior to the first occupation and use of the site for each year of operation, a scheme detailing the proposed rides (which shall be limited to 'children's rides') and their locations on the site (including the total maximum noise levels anticipated) shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

In the interests of the amenities of the occupants 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.

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## LAND TO REAR OF THE FRONT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/09/17</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0303</b>	REV



**No:** 4  
**Number:** H/2017/0287  
**Applicant:** CLEARSTONE ENERGY C/O AGENT  
**Agent:** DLP (PLANNING) LTD MR B MITCHELL GROUND  
FLOOR V1 VELOCITY TENTER STREET SHEFFIELD  
S1 4BY  
**Date valid:** 18/05/2017  
**Development:** Gas powered electricity generator and related  
infrastructure  
**Location:** LAND TO THE EAST OF WORSET LANE  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 The current application site relates to part of a larger site which has previously received permission (at appeal) for the installation of a solar farm (planning reference H/2014/0513) (Appeal reference APP/H0724/W/15/3131584).

4.3 The agent has submitted a letter from the applicant stating that if the current application is approved the solar farm would be unlikely to be implemented however this is not something that could be controlled through determination of the current application and it should be noted that the solar farm has permission and can be implemented until 24 March 2019 (three years from the appeal decision date).

## PROPOSAL

4.4 Approval is sought for the erection of a gas powered electricity generator with related infrastructure.

4.5 The proposal consists of the erection of a building to house the generator, which will measure approximately 18.5 metres by 71.5 metres. The maximum building height would measure approximately 7.8 metres with a maximum exhaust stack height of 10 metres. The site compound would consist of an overall site area, to be enclosed by an acoustic fence, of approximately 54 metres by 90 metres. The layout of the site would include dump radiators to the rear measuring approximately 10.8 metres by 57.3 metres. These would be enclosed by the proposed acoustic fencing.

4.6 During the process of the application amended plans were submitted to reduce the amount of exhaust stacks (in order to address objections from the Environment Agency). The originally submitted scheme included 11 exhaust stacks whereas the amended design incorporates two exhausts (which emit a noise level of 65 dB 9A) at

10m. The amended design results in a slightly reduced noise level therefore an updated noise assessment was submitted.

4.7 The proposal is not a renewable energy development; however the operation of the proposed development seeks to support renewable energy sources. The supporting documentation states that *'renewable energy sources such as wind and solar are highly reliant on climatic conditions... there is a requirement for efficient flexible power generation to add capacity and tolerance to the network at times of spikes in use or drop in renewable sources'*.

4.8 The supporting documentation states that the development has a temporary life cycle of 20 years after which the site would be decommissioned.

4.9 The facility will be a Short Term Operative Reserve (STOR) project which is not expected to operate more than 2000 hours per year. Most generation is expected to occur between 7am and 10 am and 4pm and 7pm during the winter months as this is the time of peak demand in the UK. The site would be inspected by two people once per month.

4.10 The application site has been chosen due to the connection with the grid (adjacent to the substation and within 500m of a gas main). The supporting information states that this reduces distribution losses and reduces costs associated with increasing the capacity of the overall grid infrastructure.

4.11 The application is before planning committee as four objections have been received, in addition to objections from Hart Parish Council, Elwick Parish Council and the Rural Neighbourhood Plan group.

## **SITE CONTEXT**

4.12 The application site is an area of approximately 0.49 hectares of an agricultural field located to the south-west of Hart village to the east of Worset Lane. Directly to the north of the site is an area of existing trees and hedges beyond which is the A179 which is a main approach from the A19 into Hartlepool town.

4.13 Directly to the south of the site is an enclosed electrical substation compound, beyond which is High Volts Farm. To the west is agricultural land and to the east is agricultural land which has previously received permission for the installation of a solar farm (planning reference H/2014/0513) (Appeal reference APP/H0724/W/15/3131584).

4.14 The site is located outside the development limits as defined by the adopted Hartlepool Local Plan (2006) and also the emerging Local Plan. The surrounding area is predominantly rural in nature. The topography of the land is such that the site slopes up from the A179 with the application site being higher, and the substation to the south situated at a higher level again.

4.15 The site is proposed to be accessed from a single access taken from Worset Lane.



## PUBLICITY

4.16 The application was publicised by means of neighbour letters (26), site notice and press notice. A reconsultation took place (including reposted site notice and press notice) following submission of amended plans.

4.17 Four objections have been received on the following grounds;

- The principle of development is contrary to planning policy as it is in a prominent position in open countryside contrary to the development plan
- Cumulative impact of the development alongside the solar farm allowed at appeal on the site.
- Visual impact of the development adjacent to a main approach road and
- Detrimental to the rural character and appearance of the area
- Industrialisation of countryside
- Landscaping would not provide sufficient screening
- Building is unduly large
- Proposed use has a life of 20 years however it would be unlikely to be removed once the use is established.
- Pollution (any form of combustion produces sulphur and nitrogen oxide which are harmful substances)
- Noise
- Health and safety
- No benefit to the local community
- No need for the development
- The Borough already has little open countryside
- Buyers of the new housing developments will not be aware of the development
- Incorrect information submitted in the application as the agent does not refer to trees and hedges and states the development will not be seen from a public road.

4.18 Concerns were raised regarding the location of the site notice however the site notice was posted on a sign post adjacent to the site which is standard procedure. Concerns from the objector relating to the notice being obscured by a traffic sign were noted, this was a temporary 'roadworks' traffic sign which was posted after the site notice. However following the concerns raised a further site notice was posted.

4.19 Copy Letters **D**

4.20 The period for publicity has expired.

## CONSULTATIONS

4.21 The following consultation replies have been received:

**HBC Countryside Access Officer:** There is no information to imply that there is any data of any recorded or unrecorded public rights of way and/or permissive paths

running through, abutting to or being affected by the proposed development of this site.

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

**HBC Engineers:** I have no objection to this application but would request a surface water condition as I have been unable to locate any surface water proposals.

**HBC Public Protection:** I would have no objections to this application subject to a condition requiring the provision of a 4.0m high acoustic fence around the site. The operation will be required to meet the emission standards of the Medium Combustion Plant Directive which I understand is to be regulated by the Environment Agency.

**HBC Economic Regeneration:** Support

**HBC Landscape:** Following a review of the revised proposals and associated landscape plan and LVIA please note the following:

The scale of the proposals is substantial, particularly given the site's relative proximity to the adjacent highway. The stacks are proposed at 10m high which will clearly comprise a visual impact and the roofline is listed as 7m high. However, given the immediate proximity of other utility infrastructure the visual impact is likely to be reduced. The landscape mitigation proposals are not unreasonable though detailed plans will be required including species, planting densities. etc. Although concerns remain regarding the scale of the development and the continued erosion of the landscape in this location through expansion of development perceived to be 'industrial' in nature, it is likely that there are insufficient grounds on landscape and visual impacts to sustain an objection to the proposals.

**HBC Ecology:** There are no ecology survey or ecology requirements for this application.

**HBC Heritage and Countryside Manager:** Further to our discussions regarding the above application I would confirm that the proposal will not impact on any listed buildings, locally listed buildings or conservation areas therefore I would have no objections.

**HBC Arboricultural Officer:** The visual intrusion on the landscape is going to be mitigated with a landscape bund as shown on drawing 687-WLH 04-Rev. A (Revised to Clarke Energy Ltd's drawing HRT-GA-101-TA 17/07/2017) which will be supplanted with a tree and shrub mix of native species, presumably in accordance with those shown in the RHS document "Trees and shrubs native to the UK" although the exact species needs to be specified.

In order to aid establishment, the planting will be mulched with a 75mm layer of bark mulch and due to the exposed nature of the site this is paramount to ensuring the success of these plants.

There is already a line of Sycamore and Hawthorn along the roadside but these do not screen the application site on their own and the proposed landscaping is carried

out as shown on the Landscape Masterplan, will enhance this corner of the site and complement planting elsewhere in this area such as Hart Moor Farm which was one of the first Community Forest schemes in Hartlepool.

I welcome the landscape proposals for this site and raise no objection to what has been submitted.

**Elwick Parish Council (Summarised):** objects in the strongest possible terms, it is not appropriate in a rural setting and notwithstanding the existing substation on the site the land is agricultural in nature. The Hartlepool Rural Neighbourhood Plan which is currently with the external examiner states:

Policy EC1: Development of the Rural Economy: The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets or result in significant impacts on the local highway network or infrastructure”.

The proposal will be clearly visible within the landscape, for if the proposed 11 exhaust pipes are each 12.5 tall then, once they are on a base, they will be even taller and higher to disguise. Together with the current sun-station the area would then look like an industrial complex in the heart of the rural community.

The proposed site will be clearly visible from the A179, the major access road into Hart Village, home of the Saxon Church of St Mary Magdalene, a listed building and scheduled monument, visited by tourists from around the world, as a key element of the Christian heritage of our region.

It is also close to housing- Hart Village is only 1km away from the site, and there are farm and other dwellings even closer, along Worset Lane, many of whom would be able to see the site, and may be affected by emissions.

Policy NE2: Renewable and Low Carbon Energy- “Renewable and low carbon energy developments assist in meeting the Rural Plans area’s commitment to reducing CO2”. This is a much larger build than a wind turbine, it is clear neither a source of renewable energy NOR a low carbon scheme. Clearstone themselves state (on their website) that such turbines only reduce turbines by 50% compared to coal burning which, through a considerable reduction, is still inappropriate in a rural setting close to habitations.

Policy Gen1: Village Envelope- “in the countryside outside the village envelopes and outside the Green gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local community. Other development that is appropriate to the rural area and supports the rural economy, agricultural diversification, rural tourism and leisure development will be supported where it respects the character of the local countryside and does not have a significant impact upon the visual amenity of the local road network”.

The 2006 Local Plan includes various policies which this application contravenes;

RUR1: Urban Fence  
RUR3: Village envelope  
RUR7: Development in the countryside  
GEP1: General Environmental Principles  
GEP7: Frontages of main approaches

The development 2016 Hartlepool Plan, also has several policies with which this application would not be compliant, viz:

LS1: Locational Strategy  
NE7: Landscaping along main transport corridors  
RUR1: Development in the Rural area

This development is clearly of an industrial nature and would be better sited in an already industrialised part of the town such as Tofts Farm, South Works of Brenda Road which are identified as such the developing local plan.

**Hart Parish Council:** Object- this is an industrial scale development, inappropriate to this rural setting.

We are registering our very strong objection to the construction of a Gas Engine Generating Station by Clearstone Energy and a local land owner.

Key concerns and the lack of local consultation

- Firstly! This is how HBC have posted this planning application. This is totally unacceptable and does not allow local people to be made aware of this major industrial application in the countryside:- see photograph [attached to e-mail]
- This development was not mentioned by HBC during presentation of the Hartlepool Plan to Hart Village residents.
- Developers of major schemes are encouraged by planning legislation and the localism act of 2011 to involve communities and local people in decision making.
- This advertisement of such a major scheme in the limited way that Clearstone have, in this case, falls way short of what should be expected. The Parish Council and local community should have been consulted and engaged at pre-application stage.

We also believe that:

- The development is too close to the village of Hart (1km)
- It is in an inappropriate location, in a country area.
- It will increase the visual size of an already large unscreened substation. More building around it will only increase the industrial look to the detriment of the area.
- An industrial installation of this type, in a rural environment, will have – Gravel – Steel Fences – Shipping containers as a back drop.

- This facility will be more visible from further away. The sub-station is already visible from A179, Nine Acres, Buckingham Avenue, Tudor Cottage and the new proposed housing developments to the north of the village (H/2017/0301 – land adjacent to Glebe Farm, 27 dwellings & HBC land sale)
- The plant will have 11 number 12.5 metre Exhaust Stacks and the building will be 125 metres long x 30 metres wide.
- There will be visual plumes of exhaust fumes under certain environmental conditions. Quoting from the Clearstone Energy web site “these types of plants *only* reduce Greenhouse emissions by 50% of coal fired stations”. This is above acceptable common practices.
- There is no reason why this type of plant could not be built at a more suitable location along the gas distribution grid.
- Disruption to the community during an 18-month construction period. (Clearstone estimate, taken from their web site).
- No jobs will be created for the local area.
- There are environmental concerns.
- It would lead to a reduction in value of property in the whole area – who wants to live near a power station?
- This is a purely commercial development on behalf of Clearstone Energy and a local land owner without any consideration of the environment or local residents.
- There are already man-made structures within this part of the landscape, including wind turbines at High Volts Farm, anemometer, two electrical sub-stations, telecommunication towers, telegraph poles, pylons and overhead cables. This development would add to this and the cumulative effect would make this rural area industrial in nature rather than a countryside area.

#### Planning Specific Objections:

##### 2006 Local Plan

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:

Rur1 Urban Fence

Rur3 Village Envelope

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside. The development of a gas power station of this size and capacity is actually a major industrial plant and from the proposed plan it is clear there will be 11 gas turbines each with its own exhaust stack. What is a critical consideration is that this is not a renewable energy or low carbon scheme as suggested by the planning applications supporting planning statement. The development will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area and also being located adjacent to a main approach road; the A179 is the main access into the northern half of Hartlepool, therefore it is contrary to the following local plan policies :

RUR7: Development in the Countryside

GEP1: General Environmental Principles

GEP7: Frontages of Main Approaches

3) There are more than adequate industrial sites allocated in the Hartlepool local plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including:

IND3 Queens Meadow Business Park

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe

2016 Local Plan Publication Stage

1) Hartlepool BC has submitted its new Local Plan and a public inquiry will be held soon to examine the plan in public. The above planning arguments are still stand and the relevant policies from the new local plan that this application is contrary too are as follows:

LS1 Location Strategy (Village envelope of Hart)

Policy NE7: Landscaping along main transport corridors

RUR1: Development in the Rural Area

Summary

Notwithstanding our grave concerns about the lack of public engagement and consultation, in summary, this is a totally unsuitable location for this industrial type and scale of development which:

- a) Would cause a significant industrialisation of the rural area
- b) Have a detrimental impact of the open landscape of the area
- c) Introduce a major industrial plant into the rural area
- d) Be totally unjustifiable, in terms of the Borough Council's Locational Strategy, when there are hectares of more suitable industrial land allocated and available at various locations in the Borough.

**Hartlepool Rural Plan working Group (Summarised):** objection- in respect of the Hartlepool Rural Neighbourhood Plan this would be contrary to GEN1 development limits as it does not accord with site allocations, designations and other policies of the development plan. Despite being a development being a development proposed well outside any development limits it certainly cannot be considered essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural tourism or leisure development, infact it could seriously damage the latter by exacerbating the negative impressions. The proposed power station does not respect the character of the local countryside and would have a significant impact on visual amenity.

The development is also contrary to Policy GEN2, Policy EC1 and Policy NE2.

The Hartlepool Rural Neighbourhood Plan policies are based on those that have undergone examination and been found to be complaint with local and national policy.

**Teesmouth Bird Club:** No comments.

**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.

**Durham Tees Valley Airport:** No objection.

**Highways England:** No objection.

Highways England would be interested to view a Construction Traffic Management Plan for the current application to satisfy ourselves that vehicles will not be adding significantly to peak time traffic at the Sheraton junction (A19/A179).

**Tees Archaeology:** The applicant has provided a report on a geophysical survey of the site. This demonstrates that the site is of low archaeological potential. The applicant has therefore fulfilled the requirements of the NPPF regarding the historic environment, and no further archaeological assessment of the site is required.

**Ramblers Association:** No public paths are affected. We have no further comment.

**Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impact upon designated sites and has no objection

**Environment Agency:** (Following submission of amended plans/further details) we wish to withdraw our previous objection as the additional information has adequately addressed concerns.

**National Grid:** No representation received.

## PLANNING POLICY

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

### Local Policy

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

GEP1: General Environmental Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 GEP7: Frontages of Main Approaches  
 GEP9: Developer Contributions  
 GEP12: Trees and Hedgerows  
 Tra15: Restriction on Access to Major Roads  
 Tra16: Car Parking Standards

GN4: Landscaping of Main approaches  
Rur1: Urban Fence  
Rur7: Development in the Countryside  
Rur14: The Tees Forest

4.24 The following policies in the adopted Tees Valley Minerals and Waste Core Strategy and Policies and Sites DPD are relevant to the determination of this application:

MWC1: Minerals Strategy  
MWC4: Safeguarding of Minerals Resources from Sterilisation

#### Emerging Local Plan (2016)

4.25 The Council's emerging Local Plan is now at an advanced stage (having been submitted to the Secretary of State) and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

4.26 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

SUS1: The Presumption in Favour of Sustainable Development  
LS1: Locational Strategy  
CC1: Minimising and adapting to Climate Change  
INF1: Sustainable Transport Network  
INF2: Improving Connectivity in Hartlepool  
QP1: Planning Obligations  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
RUR1: Development in the Rural Area  
NE7: Landscaping along main corridors

#### Emerging Rural Neighbourhood Plan

4.27 The following policies in the emerging Hartlepool Rural Neighbourhood Plan are considered relevant:

GEN1: Village Envelopes  
GEN2: Design Principles  
EC1: Development of the Rural Economy

#### National Policy

4.28 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies



for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic 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 001 : Apply Policy  
 PARA 002 : Primacy of Development Plan  
 PARA003 : Nationally Significant infrastructure project  
 PARA006: Contribute to the achievement of sustainable development  
 PARA 007 : 3 dimensions of sustainable development  
 PARA 008 : Sustainable development  
 PARA 009 : Sustainable development  
 PARA 010 : Local sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Core Planning Principles  
 PARA015: Presumption in favour of sustainable development  
 PARA028: Supporting a prosperous rural economy  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design  
 PARA 098: Determining planning applications  
 PARA 109: Contribute to and enhance the natural and local environment  
 PARA 196: Determination in accordance with the development plan  
 PARA 197: Presumption in favour of sustainable development  
 PARA 216: Emerging Plans

**4.29 HBC Planning Policy (Summarised):** The site sits outside of the main urban fence (Rur1) and is therefore classified as development in the countryside (Rur7). The proposal is not supported by either policy Rur1 or Rur7 as an acceptable use in the countryside.

**4.30** There are also concerns over the positioning (and visual impact) of such a large building directly adjacent to the A179 which is a main approach into Hartlepool. In Highways terms in relation to the 2006 Local Plan, Policy Tra15 states that proposals which would lead to an intensification of an existing access to the A179 will not be approved.

4.31 Planning Policy do not consider the proposed development would meet many of the criteria listed in emerging policy RUR1 (Development in the Rural Area) and would therefore be contrary to the policy. The emerging Local Plan does not include any policy which would support the proposed development in this countryside location.

## **PLANNING CONSIDERATIONS**

4.32 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, the character of the area, the amenity of neighbouring land users, air quality, highway and pedestrian safety, ecology, drainage, the impact on heritage assets and archaeology and other planning and residual matters.

## **PRINCIPLE OF DEVELOPMENT**

4.33 Objections have been received, from residents, both the Elwick and Hart Parish Councils and the Neighbourhood Plan Group on the grounds that the proposal will result in industrialisation of the rural area which is contrary to planning policy within the adopted and emerging Local Plan and policies within the Rural Neighbourhood Plan, which is at an advanced stage of preparation.

4.34 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

4.35 The development plan for Hartlepool includes the saved policies of the adopted Hartlepool Local Plan 2006 and the adopted Tees Valley Minerals and Waste SPD.

4.36 Paragraph 196 of the National Planning Policy Framework (NPPF) sets out that the NPPF is a material consideration in planning decisions. Paragraph 216 of the NPPF stipulates that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of those policies with the NPPF.

4.37 The Council's emerging Local Plan (2016) has now been submitted to the Secretary of State pending an Examination in Public (EiP) and therefore policies within this document now hold a degree of weight in decision making. Similarly the Rural Neighbourhood Plan is at an advanced stage and therefore policies within the document can be given a degree of weight when assessing development proposals within the rural area.

### *Adopted Hartlepool Local Plan (2006)*

4.38 In relation to the saved policies of the 2006 Local Plan, the site sits outside of the main urban fence (Rur1) and is therefore classified as development in the countryside (Rur7). Saved policy Rur7 cross references to other policies within the rural chapter of the Local Plan, namely Rur11 (Farm Diversification), Rur13 (Re-use

of rural buildings) and Rur16 (Recreation in the Countryside) – the proposal is not relevant to any of those policies and as such needs to be assessed against the rest of saved policy Rur7 along with saved policy Rur1.

4.39 Saved policy Rur1 states that “the spread of the urban area into the surrounding countryside and undeveloped areas of the coast beyond the urban fence...will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12 and Rur13, or where they are required in conjunction with the development of natural resources or transport links.” It has already been established that the proposal does not relate to Rur11 or 13; Policy Rur12 is not currently compliant with the NPPF and relates to housing and is not applicable either.

4.40 Saved policy Rur7 does not specify that the proposed development would be acceptable in land use terms and as such the proposal is not supported by either policy Rur1 or Rur7 as an acceptable use in the countryside.

4.41 Saved policy Rur7 also sets a number of criteria which any development in the countryside must consider, amongst others, including:

- Relationship of the development to other buildings in terms of siting, size and colour.
- Visual impact on the landscape
- Compatibility of the design of the development within its setting and the landscape generally
- Use of traditional or sympathetic materials
- Requirement where appropriate for additional tree and hedge planting and other related environmental improvements

4.42 The Council's Planning Policy team have raised concerns over the positioning of such a large building directly adjacent to the A179, which is a main approach into Hartlepool (GEP7), and have therefore commented that the north west side of the site (which would be highly visible from the A179 for traffic heading towards the town) would need to have mature planting put in place at an early point in time to minimise the visual impact.

4.43 Furthermore, it is noted that saved policy Tra15 states that proposals which would lead to an intensification of an existing access to the A179 will not be approved.

*Emerging Hartlepool Local Plan (2016)*

4.44 With respect to the emerging Local Plan, the main policy in relation to this site is emerging policy RUR1 (Development in the Rural Area). However it must be noted that, as there are a number of outstanding objections to this policy, it can currently only be given limited weight. The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

4.45 Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

- Be in accordance with the Hartlepool Rural Neighbourhood Plan (the NP is at an advanced stage and due to go to Referendum shortly)
- Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion
- Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- Be in keeping with other buildings in terms of siting, size, materials and colour
- Ensure access is appropriate and there is not a detrimental impact on the highway safety
- Where possible create and improve sustainable connectivity
- Not have a detrimental impact on the landscape character or heritage assets
- Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

4.46 With respect to the above policy, it is considered that the proposed development would not meet many of these criteria and would therefore be contrary to the policy. The proposal, although proposing some tree planting as screening, would not enhance the quality, character or distinctiveness of the immediate area or landscape. The proposed building is not considered to be in keeping with other nearby buildings in terms of siting or size. The proposal will rely on the private car as there are no improvements suggested to sustainable modes of transport to the site and the site is not considered to be in a sustainable location in travel terms. HBC Planning Policy considers there to be a detrimental impact given the size of the proposal in a highly visible location on a main route into the town.

4.47 It is also noted that emerging policy INF2 safeguards land alongside the A179 for the potential future duelling of the road however, as the proposals are set away from the field boundary it is considered there is sufficient space to accommodate any widening should this development come to fruition in the future.

4.48 Emerging policy QP3, which holds great weight, requires development to provide safe and adequate cycle parking facilities. This policy again identifies that no

intensification of use of existing access points, other than new accesses associated with development allocated within the emerging Local Plan, will be permitted on the A179, unless these have the approval of Highways England and / or the highways authority.

4.49 The emerging Local Plan therefore does not include any policy which would support the proposed development in this countryside location.

#### *Planning Obligations SPD*

4.50 Whilst the Planning Obligations SPD would allow contributions to be secured towards green infrastructure (given the scale of the development), it is considered that the planting schemes that would be needed to screen the development would offset the need to require this contribution in this instance.

#### *Emerging Hartlepool Rural Neighbourhood Plan*

4.51 As above, there are a number of policies within the emerging Hartlepool Rural Neighbourhood Plan relevant to the proposal which similarly seek to restrict inappropriate development in the countryside and protect the character and visual amenity of the rural area. It is therefore considered that the proposal is contrary to emerging Rural Neighbourhood Plan policies GEN1, GEN2, EC1 and NE2.

#### *Tees Valley Minerals and Waste Core Strategy and Policies and Sites DPD*

4.52 The area of the proposed development is identified as an area of limestone, safeguarded through the Minerals and Waste SPD. The application does not propose any extraction of minerals prior to commencement of the development and there is no evidence to indicate the resource can be extracted in an alternative way or is sufficiently depleted. Notwithstanding this, it is noted that the proposal is for a temporary period and as such is unlikely to permanently hinder the extraction of limestone resources.

#### *National Planning Policy Framework (NPPF)*

4.53 The NPPF sets out the Government's aims and objectives for the planning system in England. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 28 of the NPPF stipulates that planning policies should support economic growth in the rural area, taking a positive approach to sustainable new development. In addition, paragraph 17 sets out 12 core planning principles that should underpin decision-taking, these include supporting sustainable economic development, supporting the transition to a low carbon future and conserving and enhancing the natural environment, among others.

4.54 The planning statement submitted with the application is clear in that the development is not a renewable energy development, however it seeks to support renewable industries as described earlier in this report.

4.55 As the proposal is considered contrary to saved policies within the adopted Development Plan the presumption in favour of sustainable development (paragraph 14 of the NPPF) should be applied. Paragraph 14 of the NPPF stipulates 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 specific policies in the NPPF do indicate the development should be restricted.

4.56 The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

#### 4.57 *Benefits*

- The proposed development would create jobs; in the construction and building supply industry as well as on-site (the submitted application indicates it creates 4no. new jobs) for the lifetime of the development (20 years) (economic + social)
- The proposed development would provide additional tree planting and partial screening of existing infrastructure (environmental)
- The proposed development would contribute to ensuring sufficient supply of electricity (economic + social)
- The submitted information indicates the proposed development is more environmentally friendly than alternative sources of energy generation (albeit it is not a renewable energy scheme) (environmental)

#### 4.58 *Adverse Effects*

- The proposed development would have a detrimental impact on visual amenity and the character of the rural area, contrary to national and local planning policy (environmental)
- The proposed development would have a potential detrimental impact on the appearance of a main approach into the town, contrary to local planning policy (economic + environmental)
- The proposed development would result in an increase in noise pollution in the countryside (albeit it can be mitigated via planning condition) (environmental)
- The proposed development is not a renewable energy scheme and therefore requires the consumption of non-renewable gas with associated air pollution (environmental)
- Loss of agricultural land and associated potential ecological impacts (environmental + economic)

4.59 In conclusion, 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.

4.60 It is considered that in this instance, the identified adverse impacts are substantial and 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 therefore considered that, on balance, the application does not represent a sustainable form of development.

#### *Principle of Development Conclusion*

4.61 In view of the above and taking into account all relevant national and local planning policy, both adopted and emerging, the principle of development is not considered to be acceptable in this instance. Notwithstanding this, with respect to other material considerations, these are set out below in full.

#### IMPACT ON THE CHARACTER OF THE AREA

4.62 The proposed development consists of a building and associated infrastructure adjacent to the A179 which is a main approach road from the A19 trunk road into the town. The field is currently enclosed, adjacent to the highway, by mature trees and hedges.

4.63 The application is supported by a Landscape and Visual Assessment. Whilst the proposal would be located within the vicinity of other utility infrastructure, such as the adjacent electricity substation and presence of pylons and overhead lines adjacent to the application site, the scale of the proposals is substantial, particularly given the site's relative close proximity to the adjacent highway. The stacks are proposed at 10m high which will clearly result in a visual impact and the roofline is proposed as 7m high. Therefore the proposal would be visible from the public highway.

4.64 A landscaping masterplan has also been submitted with the application. The Council's Landscape Architect was consulted regarding the proposed development and has commented that the landscape mitigation proposals are not unreasonable though detailed plans would be required including species, planting densities etc. As such, had the proposal been considered acceptable in all other respects, an appropriate landscaping condition would have been required. However, it should be noted that the standard condition relating to the provision of landscaping and subsequent maintenance typically applies for a 5 year period only. Given that the proposed landscaping would be imperative to ensuring the development did not have an even greater visual impact, it is likely a longer management/maintenance agreement would need to be agreed for the lifetime of the development (20 years) by either condition or legal agreement.

4.65 Notwithstanding this, the Council's Landscape Architect has reiterated that concerns remain regarding the scale of the development and the continued erosion of the landscape in this location through expansion of development perceived to be 'industrial' in nature. However, the Council's Landscape Architect has concluded that, on balance, there would be insufficient grounds on landscape and visual impacts to sustain an objection to the proposals, subject to the provision of the necessary landscaping.

4.66 The Council's Arboricultural Officer has similarly acknowledged the proposal's visual intrusion into the landscape, however has advised that the proposed planting would enhance this corner of the site and complement planting elsewhere in this area.

4.67 It is acknowledged that the proposed development has been designed to appear similar to the appearance of a large agricultural building. Furthermore, owing to the topography of the land, the site is lower than the existing substation compound to the south of the site and there are various industrial structures such as the adjacent substation, overhead lines and pylons which the proposed development would be viewed in the context of.

4.68 Notwithstanding this, it is considered that the nature, siting and scale of the proposed development, in combination with other existing utility related development in the vicinity, would cumulatively have a detrimental impact on the visual amenity of the area, the character of the open countryside and the approach into the town and would result in an industrialising / urbanising effect on the open countryside. The proposal is therefore considered to be unacceptable in terms of the impact on the character of the area and is contrary to adopted and emerging planning policy, as set out in the previous section of this report.

#### AMENITY OF NEIGHBOURING LAND USERS

4.69 There are residential properties located within Hart Village and it is noted that there has been a recent planning application minded for approval (subject to a section 106 agreement) at Glebe Farm for residential development (ref: H/2017/0028) which will be closer to the application site. However there is still a large separation distance of approximately 750m between the application site and the development limits of Hart Village. As such taking into account the separation distance and screening provided by existing landscaping which will be further supplemented by proposed landscaping, it is not considered that the proposed development would result in a detrimental impact upon residential properties within Hart Village in terms of loss of privacy, overshadowing or appearing overbearing.

4.70 There is also a residential property to the south west of the application site known as High Volts Farm. However this property is situated upon higher land than the application site and it is considered that a significant amount of screening will be provided by the existing electricity substation compound which will be adjacent to the southern boundary of the application site. As such it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring residential property in terms of overlooking, appearing overbearing or loss of light.

4.71 The land directly to the east and west of the application site is agricultural in nature as such there are no sensitive users, such as residential properties, directly to the east and west.

4.72 Therefore taking into account the distance to residential properties it is not considered that the proposed development would result in a detrimental impact upon



the amenity of neighbouring land users in terms of overlooking, loss of light or appearing overbearing.

#### *Air quality*

4.73 Objections have been received in regard to generation of pollution and resultant impact upon air quality and residential properties (dependent on wind direction). The application is supported by an Air Quality Assessment. The Council's Public Protection section has assessed the submission and has raised no objections. Furthermore it is noted that the installation will also require an environmental permit with the Environment Agency and the emission limits of the Industrial Emissions Directive and the medium combustion plant directive will have to be complied with. This is outside the control of planning legislation however a suitable informative would be required had the application been considered acceptable in all other respects.

4.74 During the process of the application the proposed development was amended to reduce the amount of exhaust stacks proposed. The original submission included 11 exhaust stacks whereas the amended scheme proposes two exhaust stacks measuring 10 metres in height. The Environment Agency has confirmed it has no objections to the amended scheme.

4.75 As such, taking into account that emissions are permitted by the Environment Agency, it is not considered that the proposed development would result in a significant detrimental impact upon air quality.

#### *Noise*

4.76 The proposed development was supported by a Noise Assessment. The Council's Public Protection section was consulted and has raised no objection subject to a condition to secure an acoustic fence around the perimeter of the site which would have been required had the application been considered acceptable in all other respects. Therefore taking into account the findings of the acoustic report it is not considered that the proposed development would result in significant noise generation to warrant a reason for refusal of the application.

### HIGHWAY AND PEDESTRIAN SAFETY

4.77 The proposal includes the creation of an access from Worset Lane and a service road to provide access to the proposed building with some car parking within the site boundaries. Saved policy Tra15 of the Adopted Hartlepool Local Plan 2006 states that proposals which would lead to an intensification of an existing access to the A179 will not be approved. Similarly, emerging policy QP3 identifies that no intensification of use of existing access points, other than new accesses associated with development allocated in within the emerging Local Plan, will be permitted on the A179, unless these have the approval of Highways England and / or the highways authority.

4.78 The Council's Traffic and Transport section were consulted and have raised no highway or traffic concerns. Highways England has also confirmed it does not object

to the application however has requested a Construction Traffic Management Plan. Had the application been considered acceptable in all other respects, the proposal would be subject to a planning condition to this effect.

4.79 Whilst the proposal is contrary to the development plan in terms of highway safety in respect of intensification of an access onto the A179 (saved policy Tra15, emerging policy QP3), in view of the representations received from Highways England the Council's Highways, Traffic and Transport section, it is not considered that the proposed development would result in a detrimental impact upon highway safety.

4.80 The Council's Countryside Access Officer and the Ramblers Association were consulted and have confirmed that no public footpaths would be affected by the development and as such raise no objections.

## ECOLOGY

4.81 The Council's Ecologist has been consulted on the application and has not raised any concerns with respect to ecology, confirming that there are no ecology survey or ecology requirements for this application.

## DRAINAGE

4.82 The Council's Engineering Consultancy was consulted regarding the proposal and has raised no objections subject to a surface water condition which would have been required had the application been considered acceptable in all other respects

4.83 Northumbrian Water were consulted and have confirmed that at this stage they would have no comments and do not require any conditions.

## IMPACT ON HERITAGE ASSETS AND ARCHAEOLOGY

4.84 The Council's Heritage and Countryside Manager has been consulted on the application and has confirmed that the proposal will not impact on any listed buildings, locally listed buildings or conservation areas and therefore they would have no objections to the application.

4.85 Similarly, Tees Archaeology have also been consulted on the application and have confirmed that the applicant's submitted report on a geophysical survey of the site demonstrates that the site is of low archaeological potential. The applicant has therefore fulfilled the requirements of the NPPF regarding the historic environment, and no further archaeological assessment of the site is required.

## OTHER PLANNING MATTERS

4.86 The proposal will result in the loss of agricultural land however it is not defined as best and most versatile land. Furthermore the principle of the loss of this land was accepted when the appeal was granted for a solar farm on the site. Therefore it is not considered that loss of agricultural land would warrant a reason for refusal of the application.

4.87 Concerns have been raised by an objector stating that although the proposal seeks temporary permission for 20 years it is unlikely the development would be removed after 20 years have expired. However a condition to ensure the Local Planning Authority can enforce that the development is removed following the expiry of this time would have been required had the application been considered acceptable in all other respects. Any extension to the time would be subject to a further application which would be considered in the context of material planning considerations.

## RESIDUAL MATTERS

4.88 Objections have raised concerns regarding the publicity of the application. However all publicity (neighbour notifications, site notice and press notice) have taken place in accordance with legal requirements. It was reported to the planning department that a traffic sign was obscuring the site notice however this traffic sign was a temporary traffic sign, erected following the officer posting the site notice. Notwithstanding this, following these concerns, a further site notice was posted.

## CONCLUSION

4.89 In view of the above planning considerations and with respect to the relevant national and local planning policy and guidance, it is considered on balance that the proposal in this instance is not considered acceptable and is recommended for refusal for the reason set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.90 There is no evidence of equality or diversity implications.

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

4.91 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal constitutes inappropriate development in the open countryside to the detriment of the character of the rural area, as the proposed site is outside the limits to development/village envelope as defined by the adopted Hartlepool Local

Plan (2006) and the emerging Local Plan (2016) and the proposed use is not supported by adopted or emerging planning policy and does not constitute a sustainable form of development. The proposal is therefore contrary to paragraphs 14 and 28 of the NPPF, saved policies GEP1, GEP7, Rur1 and Rur7 of the Hartlepool Local Plan (2006), and policies SUS1 and RUR1 of the emerging Hartlepool Local Plan (2016).

2. In the opinion of the Local Planning Authority, due to its size, siting and design, the proposal would have a detrimental visual impact on the open countryside and A179 main approach into Hartlepool and would have an unacceptable industrialising / urbanising effect on this part of the rural area, contrary to paragraphs 14, 28, 56 and 109 of the NPPF, saved policies GEP1, GEP7, Rur1 and Rur7 of the Hartlepool Local Plan (2006), and policies SUS1 and RUR1 of the emerging Hartlepool Local Plan (2016).

## BACKGROUND PAPERS

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

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

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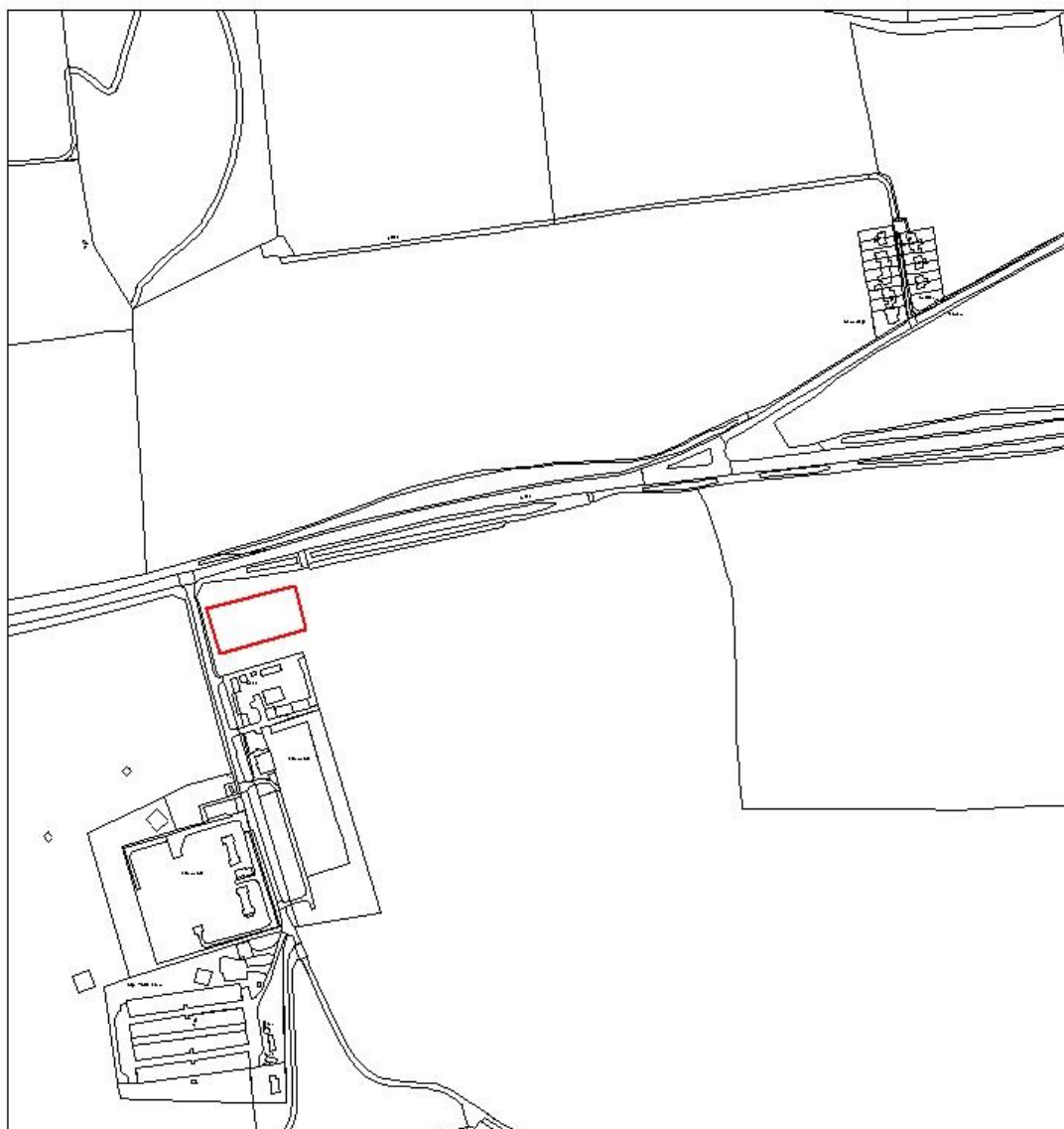
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## LAND EAST OF WORSET LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>21/08/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0287</b>	REV

## **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**

**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.

**GEP10** (Provision of Public Art) Encourages the provision of public art and craftwork as an integral feature of new development.

**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.

**GN3** (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

**GN4** (Landscaping of Main Approaches) - States that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

**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.

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

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

**Rec9** (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

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

they are required in conjunction with the development of natural resources or transport links.

**Rur3** (Village Envelopes) - States that expansion beyond the village limit will not be permitted.

**Rur4** (Village Design Statements) - States that the design of new developments within villages will need to take account of any relevant village design statements which have been adopted by the Borough Council as supplementary planning guidance.

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

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

**Rur19** (Summerhill- Newton Bewley Greenway) - Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

**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.

**To4** (Commercial Development Sites at Seaton Carew) - Identifies this area for appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

**Tra15** (Restriction on Access to Major Roads) - States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

**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**

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

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

**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.

**10.** Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

**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.

**28.** Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and

expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

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

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

**60.** Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

**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.

**74.** Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

**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.

**123.** Planning decisions should aim to:

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

**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.

**133.** Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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

**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.

**216.** From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **Emerging Hartlepool Local Plan Policies**

#### **Policy SUS1: The Presumption in Favour of Sustainable Development**

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

#### **Policy LS1: Locational Strategy**

LS1: Sets the overarching strategic policy objectives for land use development in Hartlepool. It outlines key infrastructure requirements, housing developments to meet set requirement, focus for retail, commercial and employment land and protection and enhancement of the built and natural environment.

#### **Policy CC1: Minimising and adapting to Climate Change**

CC1: The Council will work with partner organisations, developers and the community to help minimise and adapt to Climate Change. A range of possible measures are set out in the policy; including development of brownfield sites, enhanced sustainable transport provision, large scale developments to incorporate charging points for electric / hybrid vehicles, reduction, reuse and recycling of waste and use of locally sourced materials, reuse of existing vacant buildings, encouraging a resilient and adaptive environment which are energy efficient, using relevant technology and requires a minimum of 10% of the energy supply from decentralised and renewable or low carbon sources.

#### **Policy CC2: Reducing and Mitigating Flood Risk**

CC2: All new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure. This includes relevant evidence, sequential tests and flood risk assessments and appropriate mitigation.

#### **Policy INF1: Sustainable Transport Network**

INF1: The Borough Council will work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel. A range of measures are detailed in the policy.

#### **Policy INF2: Improving Connectivity in Hartlepool**

INF2: Delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures that seek to maximise the level of sustainable access to areas of development, through good quality public transport services, pedestrian and cycle routes, and develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough. The Local Infrastructure Plan provides details of improvements needed to the bus network and rail services, as well as improvements to pedestrian and cycle routes to provide sustainable transport opportunities to new and existing developments. No permanent development will be permitted within land corridors shown on the Proposals Map that are reserved for the following road and rail schemes.

#### **Policy QP1: Planning Obligations**

QP1: 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.

The sub-division of sites to avoid planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching thresholds within the Planning Obligations SPD the development will be viewed as a whole.

#### **Policy QP3: Location, Accessibility, Highway Safety and Parking**

QP3: The Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

When considering the design of development developers will be expected to have regard to the matters listed in the policy.

To maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan will be permitted. Planning Obligations may be required to improve highways and green infrastructure.

#### **Policy QP4: Layout and Design of Development**

QP4: The policy states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their



location and setting. The policy sets out how developments should achieve this.

**Policy QP5: Safety and Security**

QP5: The policy states that the Borough Council will seek to ensure that all developments are designed to be safe and secure. The policy sets out how developments should achieve this.

**Policy QP6: Technical Matters**

QP6: The policy sets out that the Borough Council expects development to be incorporated into the Borough with minimal impact. On site constraints and external influences can often halt development. The Borough Council will work with developers to overcome such issues. The policy outlines issues which proposals should investigate and satisfactorily address.

**Policy QP7: Energy Efficiency**

QP7: The policy sets out that the Borough Council will seek to ensure high levels of energy efficiency in all development. Notwithstanding the requirements of the Building Regulations all developments, where feasible and viable, will be required to:

- 1) Ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- 2) Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- 3) Incorporate sustainable construction and drainage methods.

If by virtue of the nature of the development it is not possible to satisfy the above criteria then an attempt must be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).

**Policy HSG2: Overall Housing Mix**

HSG2: This policy states that all new housing, and/or the redevelopment of existing housing areas, must contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. The Borough Council will give significant weight to housing need, as identified within the most up-to-date SHMA, when considering planning applications.

**Policy RUR1: Development in the Rural Area**

RUR1: Seeks to ensure the rural area is protected and that its natural habitat, cultural and built heritage and rural landscape character are not lost. The policy supports the rural economy, emphasising that proposals must be considered necessary for the efficient or continued viable operation of rural based businesses and appropriate for the rural area. The policy sets out a number of key considerations including compliance with the Rural Neighbourhood Plan, proximity to existing settlements, opportunities for re-use of existing buildings/materials, neighbour amenity, design, highway safety and connectivity, landscape and heritage impacts and the implications in

terms of the supply of Grades 1, 2 and 3a agricultural land. Development may be required to provide infrastructure improvements in accordance with policy QP1, the Planning Obligations SPD and the Local Infrastructure Plan.

### **Policy RUR6: Rural Services**

RUR6: Seeks to support existing rural services by restricting changes of use or redevelopment of a shop, public house or other key facilities in rural villages. Any such development proposals will be required to submit supporting evidence that provides demonstrable justification for the loss of any such rural services.

### **Policy LT1: Leisure and Tourism**

LT1: The policy sets out the key areas for Leisure and Tourism development within the borough. Major leisure developments should be focused in the Town Centre or the Marina. The Headland, Seaton Carew and the rural area key areas for leisure and tourism development, further detail on scale and appropriateness of development within these areas is set out in the policy.

### **Policy LT3: Development of Seaton Carew**

LT3: The policy states that proposals for tourism and leisure developments within Seaton Carew, as identified on the proposals map, will be permitted where they complement the character of the area and are in keeping with the development of Seaton Carew as a seaside resort and promote opportunities for nature tourism. The policy outlines acceptable development proposals for the Front and Former Fairground sites, Longscar Centre, Seaton Park and the Sports Domes. Development should be appropriate to the setting of a Conservation Area as applicable and consider impact upon the Teesmouth and Cleveland Coast SPA and Ramsar.

### **Policy HE1: Heritage Assets**

HE1: The policy states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. The policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit will be refused. A Heritage Statement should be provided with all applications affecting a heritage asset.

### **Policy HE3: Conservation Areas**

HE3: The policy states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. The policy details crucial considerations for the assessment of development proposals in conservation areas. Demolition will

only be permitted in exceptional circumstances. The policy also covers development in the vicinity of conservation areas, such developments will only be acceptable where they are in line with this policy.

#### **Policy HE4: Listed Buildings and Structures**

HE4: The policy states The Borough Council will seek to conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration. The policy sets out consideration for the assessment of proposals for alteration and demolition to and within the setting of listed buildings.

Developments to, or within the setting of, a listed building or structure which will result in the substantial harm or total loss of significance of a listed building will be refused unless it can be demonstrated that this loss and/or harm is necessary to achieve substantial public benefit which outweighs this loss and/or harm. Where it is considered that a proposal will result in less than substantial harm to the significance of a listed building or structure this harm should be weighed against the public benefits of the proposals.

#### **Policy HE5: Locally Listed Buildings and Structures**

HE5: The policy states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Considerations for the assessment of proposals are set out in the policy.

Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

#### **Policy HE7: Heritage at Risk**

HE7: The policy sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported. In exceptional circumstances the redevelopment of the wider site may be considered where a heritage asset is at risk and requires significant repairs to maintain or enhance its heritage value and does not create substantial harm or total loss of significance of a heritage asset. In the case of less than significant harm to the heritage asset it must be demonstrated that any loss and/or harm is necessary and outweighed by the need to achieve substantial public benefit.

#### **Policy NE2: Green Infrastructure**

NE2: States that the green infrastructure within the Borough will be safeguarded from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need. The policy identifies specific types of Green Infrastructure which are on the proposals map. Loss of green infrastructure will be resisted and in exceptional circumstances where permitted,

appropriate compensatory provision will be required.

**Policy NE7: Landscaping along main transport corridors**

NE7: The policy states that the main road and rail corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors. A list of these key routes is provided in the policy.

## PLANNING COMMITTEE

4 October 2017



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** APPEAL AT 1 MILL TERRACE, GREATHAM, HARTLEPOOL  
APPEAL REF: APP/H0724/D/17/3172862  
Erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide room in roof space (resubmitted application) (H/2016/0544)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal in relation to the change of use to a hot food takeaway at the above property.
- 1.2 The appeal decision was partial approval and refusal. The appeal was dismissed insofar as it related to the dormer windows to the rear (that the LPA considered to be unacceptable). The appeal was however allowed insofar as it related to the erection of a single storey extension to the side and rear and velux windows to the front, subject to planning conditions. A copy of the Inspector's decision letter is **attached**.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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## Appeal Decision

Site visit made on 21 August 2017

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 5 September 2017**

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**Appeal Ref: APP/H0724/D/17/3172862**

**1 Mill Terrace, Greatham, Hartlepool TS25 2EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Natalie Boddy against the decision of Hartlepool Borough Council.
  - The application Ref H/2016/0544, dated 13 December 2016, was refused by notice dated 16 February 2017.
  - The development proposed is erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide room in roof space (resubmitted application).
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### Decision

1. The appeal is dismissed insofar as it relates to the dormer windows to the rear. The appeal is allowed insofar as it relates to the erection of a single storey extension to the side and rear and velux windows to the front and planning permission is granted for erection of a single storey extension to the side and rear and velux windows to the front at 1 Mill Terrace, Greatham, Hartlepool TS25 2EW in accordance with the terms of the application, Ref H/2016/0544, dated 13 December 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1940/1 Rev A, 1940/2 Rev B, and 1940/3 Rev A.

### Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice. However, in Part E of the appeal form it is stated that the description of development has not changed from that stated on the planning application form but, nevertheless, a different wording has been entered. Notwithstanding this, based on the evidence presented to me, the proposal has been amended to include the dormer windows to the rear and additional rooflights to the front. The Council Officer's report confirms that these amended plans were subject to further consultation and publicity. The

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<https://www.gov.uk/planning-inspectorate>

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description given on the decision notice accurately reflects these amendments and I have therefore used this description within my decision.

### **Main Issue**

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the host dwelling and surrounding area, with due regard to the location of the site in the Greatham Conservation Area.

### **Reasons**

4. The appeal property is one of a pair of semi-detached dwellings located within the Greatham Conservation Area (CA). Although the appeal site is set behind the frontage of the main highway leading through the village, I saw that the rear elevations of the property and its immediate neighbour are visible from circulation and garden areas to the rear of the site as well as from a public footpath along the eastern boundary of the CA.
5. The host property and its immediate neighbour are attractive substantial dwellings. Although the rear elevations of the properties are of an understated appearance and with simpler detailing compared to the front elevations, both properties have a simple uncluttered roofscape which also reflects the dwellings extending along the High Street. In particular, the simple uncluttered roofscape of the appeal site and the surrounding area is representative of the scale and nature of domestic properties within the CA and which contributes to its importance as a designated heritage asset.
6. Within the context of the appeal site, the large central dormer with a rear wall projecting directly from the main rear wall of the dwelling would dominate the roof of the property and would appear as an overdominant and intrusive feature in views from the surrounding area. Although the two subsidiary dormers would be smaller in scale and would be set back from the main rear wall, they would add to the cluttered appearance which would result from the proposal. I note that the Council states that dormer windows are unusual in the CA and this reflects my observations on my site visit. Within this context, the dormers would be an unsympathetic addition in relation to the host property, would unbalance the relatively symmetrical relationship with its immediate neighbour and would be intrusive features within the wider roofscape. The use of pitched roofs for the dormers, rather than flat roofs, would not overcome this harm.
7. I note that the proposed velux windows to the front would be of a conservation design. I have had regard to the comments of the Council's Conservation Officer in respect of the number of rooflights to the front, but I note that this is not referred to in the reason for refusal and that the Council state that the rooflights would be classed as permitted development. The orangery extension to the side and rear would not be readily visible from the surrounding area and would be contained within the rear yard of the property and would not result in harm to character and appearance.

### **Conclusion**

8. Notwithstanding my consideration of the velux windows to the front and the extension to the side and rear, I conclude that the proposed rear dormers, due to their scale, design and location would harm the character and appearance of the host dwelling and the surrounding area. Furthermore, the proposal would



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not preserve the character and appearance of the CA. Whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm. The rear dormers would therefore conflict with policy HE1 of the Hartlepool Local Plan 2006 which states, amongst other things, that development within a conservation area will be approved only where it will preserve or enhance the character or appearance of the area. This policy is broadly consistent with the National Planning Policy Framework in relation to conserving and enhancing the historic environment.

9. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the rear dormer windows and allowed insofar as it relates to the single storey extension at the side and rear and velux windows to the front.

#### **Conditions**

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the area I have also imposed a condition requiring that external materials used in the construction of the extension shall match those of the existing building.

*David Cross*

INSPECTOR

# PLANNING COMMITTEE

4 October 2017



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The subdivision of a flat to create two flats above a commercial premises on Avenue Road.
2. The installation of UPVC windows to the rear and re-roofing works at a listed residential property on South Crescent.
3. Non-compliance with conditions relating to working hours at a residential development site at Wynyard Woods.
4. The erection of a fence on the side boundary of a residential property in Formby Close.
5. A side and rear extension not being built in accordance with the approved plans at a residential property in Dunlin Road.
6. The installation of lights to the front of a commercial premises on Elwick Road.
7. The use of a social club as an indoor shooting club at a licensed premises on Whitby Street.
8. The erection of an outbuilding at the rear of a residential property on Catcote Road.
9. The erection of a wall and incorporation of land to the side of a residential property in Brigandine Close.
10. Alterations to the roof and extension of a detached garage at a residential property on Linnet Road.

11. The erection of a high fence to the front and side of a residential property on Honiton Way.
12. Car repairs at a residential property on Chaucer Avenue.
13. The incorporation of land to the rear of a residential property in Hillcrest Grove.

1.2 Investigations have been completed as a result of the following complaints:

1. Erection of a timber outbuilding in the rear garden of a residential property in Meadow Drive. Permitted development rights applied in this case.
2. Running a childminding business at a residential property in Elwick Road. The business has now ceased to operate at the property.
3. The erection of a wall to the side of a residential property on Haswell Avenue. Permitted development rights applied in this case.
4. The erection of a timber outbuilding in the rear garden of a residential property in Ridlington Way. Permitted development rights applied in this case.
5. The running of a cake making business at a residential property in Milbank Road. It was found that the cake making business is a hobby based activity and is domestic in scale. It is considered therefore that the activity does not result in a material change of use of the property as a dwellinghouse.
6. The use of a caravan as a separate dwelling in the front garden of a residential property in Dallas Road. The caravan has now been removed.
7. Car repairs at a residential property in Thornville Road. It was found that the car repair activity is domestic in scale as it relates only to the occupant's own vehicle. It is considered therefore that the activity does not result in a material change of use of the property as a dwellinghouse.
8. The erection of a fence to sub-divide a car park at a commercial redevelopment site in Warrior Drive. The fence has since been removed.
9. The erection of a two storey side and rear extension and single storey extensions at the front and rear not in accordance with the approved plans at a residential property in Brierton Lane. It was found that the development is being implemented in accordance with the approved plans.
10. Car sales from a residential property in Ark Royal Close. The car sales activity has now ceased.

**2. RECOMMENDATION**

- 2.1 Members note this report.

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