

# PLANNING COMMITTEE AGENDA



Wednesday 1 November 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, 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 4 October 2017.

### 4. ITEMS REQUIRING DECISION

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

- |    |             |   |
|----|-------------|---|
| 1. | H/2017/0471 | Land at the Front, Seaton Carew ( <i>page 1</i> ) |
| 2. | H/2017/0367 | Niramax, Thomlinson Road ( <i>page 25</i> )       |
| 3. | H/2017/0456 | MOT Centre, AJs, Catcote Road ( <i>page 35</i> )  |
| 4. | H/2017/0426 | 52 Rosthwaite Close ( <i>page 43</i> )            |

### 5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

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

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



## EXEMPT ITEMS

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

### 8 ITEMS REQUIRING DECISION

- 8.1 Unauthorised Change of Use (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Complaint Cases to be Closed (paras 5 and 6) – *Director of Regeneration and Neighbourhoods*
- 8.3 Enforcement Action (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*
- 8.4 Enforcement Action (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*
- 8.5 Non-Compliance with Conditions linked to Planning Approvals (paras 5 and 6) – *Assistant Director (Economic Growth and Regeneration)*

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

### **4<sup>th</sup> October 2017**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Sandra Belcher, Bob Buchan,  
Tim Fleming, Marjorie James, Ray Martin-Wells,  
George Morris and Kaylee Sirs

Officers: Peter Devlin, Chief Solicitor  
Sarah Scarr, Heritage and Countryside Manager  
Sylvia Pinkney, Head of Public Protection  
Adrian Hurst, Environmental Health Manager (Environmental  
Protection)  
Peter Frost, Highways, Traffic and Transport Team Leader  
Daniel James, Planning Team Leader (DC)  
Ryan Cowley, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

#### **40. Apologies for Absence**

Apologies were submitted by Councillor Brenda Loynes.

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

Councillor Ray Martin-Wells declared a personal non-prejudicial interest in application H/2017/0310 (Former Smiths Arms)

#### **42. Confirmation of the minutes of the meeting held on 6<sup>th</sup> September 2017**

Minutes approved

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

**Number:** H/2017/0310

**Applicant:** MR T BATES MOORHOUSE LEISURE LTD  
WESTBOURNE ROAD HARTLEPOOL

**Agent:** DAVIS PLANNING PARTNERSHIP MRS JILL DAVIS 17A  
POST HOUSE WYND DARLINGTON

**Date received:** 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

The Applicant, Terry Bates, urged members to go against their officers' recommendation and support his application. He had made a number of changes to the original design following meetings with Greatham Parish Council and comments from the Heritage and Countryside Manager but felt that some of the alterations requested were unnecessary and would be cost prohibitive. To refuse the application on the basis of these would be illogical and unfair. The public house had been closed for over 6 months due to safety concerns and the proposed dwellings would provide an attractive entrance into the village.

Members felt that by approving the application they would prevent the property from becoming an eyesore and that on balance the reasons to approve were more compelling than those put forward to refuse. They approved the application by a majority on the grounds of positive environmental and economic benefits bringing of a disused building back into use and addressing safety/fear of crime issues.

**Decision:** **Planning Permission Approved subject to conditions  
delegated to HBC Planning and Development Manager  
in conjunction with Chair of Planning Committee**

### **CONDITIONS AND REASONS – TO FOLLOW**

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0287

**Applicant:** CLEARSTONE ENERGY C/O AGENT

**Agent:** DLP (PLANNING) LTD MR B MITCHELL GROUND  
FLOOR V1 VELOCITY TENTER STREET  
SHEFFIELD

**Date received:** 18/05/2017

**Development:** Gas powered electricity generator and related infrastructure (Amended Plans and Technical Details)

**Location:** LAND TO THE EAST OF WORSET LANE  
HARTLEPOOL

Ben Pratt spoke on behalf of the applicant, Clearstone Energy. He urged members to approve the application saying it would help to support the government's carbon saving energy policy. In the event of an energy blackout it would provide power to 50 thousand homes and businesses. The location had been chosen based on its closeness to an existing substation and the units would be housed in an agricultural building screened by fencing and trees. A member noted that they had requested permission to operate for 2 thousand hours per annum but the proposed hours of operation fell far short of this. Mr Pratt explained that 2 thousand hours was a maximum not a target and they expected to fall far short of this. However they needed to know they could safely operate outside of their targeted hours should it be necessary.

Parish Councillor Tom Britcliffe spoke against the proposal, saying it was in an unsuitable location and would have a detrimental impact on the local landscape. He commented that there had been limited consultation carried out and very few residents were aware of the application. He queried why a Greenfield site had been selected given the hectares of industrial land available and urged members to support the recommendation to refuse. A member queried whether sufficient consultation had been carried out. The Planning Team Leader confirmed that the appropriate statutory consultation had been carried out although pre-engagement by the applicants with the community is considered to be good planning practise. .

Councillor Kevin Cranney expressed his support for the proposal as Chair of Regeneration Services Committee, describing it as a valuable asset to the area. Over the next 15 years the Council were hoping to grow the town by over 6 thousand homes and this would help provide power to them. The majority of consultees had not objected to the proposal. He questioned the officers' assertion that it would be inappropriate from a visual perspective given that it would be housed in a large agricultural building similar to others in that area. He also felt that the Parish Council objections were unfounded.

Members approved the application by a majority on the grounds of improvements to economic viability in supporting residents and employment, a satisfactory design with any visual impact mitigated through design and landscaping, and a lack of highway safety issues.

**Decision:** **Planning Permission Approved subject to a S106 Agreement (longterm landscape maintenance and management) and the following conditions to be agreed with HBC Planning and Development Manager and the Chair of Planning**

## **Committee**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan (Promap) received 18th May 2017 by the Local Planning Authority; and amended plans HRT-GA-101 TA (General Arrangement of GE Jenbacher 624 Engine Installation), HRT-GA-102 TA (Isometric Views of GE Jenbacher 624 Engine Installation), HRT-GA-103 TA (Elevations of GE Jenbacher 624 Engine Installation), HRT-GA-104 TA (General Arrangement of GE Jenbacher 624 Engine Installation) received 1st August 2017 by the Local Planning Authority.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. Notwithstanding the submitted information and prior to the commencement of the development, full scale plans and details of the proposed radiators and additional ancillary buildings and structures shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall take place in accordance with the approved details.  
In the interests of visual amenity.
5. Notwithstanding the submitted information, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which 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, for the lifetime of the development hereby approved.  
In the interests of visual amenity.

7. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing access, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to commencement of the use of the development 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.
8. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
To take into account the position of the buildings and the impact on the visual amenity of the area.
9. Notwithstanding the submitted information, 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.
10. No development shall take place until a Construction Management Plan has been submitted to and agreed 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, demolition 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
11. 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 neighbouring land users and highway safety.

12. Prior to commencement of the development hereby approved, details of a 4 metre high acoustic fence to be erected around the boundary of the site as indicated on plan HRT-GA-104 TA (date received 1st August 2017), shall be submitted to and agreed in writing with the local planning authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development. In the interests of visual amenity and the amenity of the occupiers of the adjacent land users.
13. Notwithstanding the requirements of condition 12, details of means of all other boundary enclosure shall be submitted to and approved in writing 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.
14. When the land ceases to be used as a gas powered electricity generator or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time scale for decommissioning.  
The application has been assessed in accordance with the details submitted by the applicant therefore at the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2017/0414
<b>Applicant:</b>	HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD HARTLEPOOL
<b>Agent:</b>	HARTLEPOOL BOROUGH COUNCIL S Wilkie CIVIC CENTRE HARTLEPOOL
<b>Date received:</b>	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

The Vice-Chair declared a non-prejudicial interest in this item due to involvement in the process as Vice-Chair of Regeneration Services Committee and a member of Coastal Communities and announced he intended to abstain from voting on this item.

The application was approved by a majority.

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

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with 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.

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**Number:** H/2017/0303

**Applicant:** HARTLEPOOL BOROUGH COUNCIL MR CRAIG  
TEMPLE VICTORIA ROAD HARTLEPOOL

**Agent:** MR CRAIG TEMPLE HARTLEPOOL BOROUGH  
COUNCIL CIVIC CENTRE VICTORIA ROAD  
HARTLEPOOL

**Date received:** 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

The Vice-Chair declared a personal interest in this item due to his involvement with the Showman's Guild of Great Britain.

Members queried the restrictions in terms of times of operation and types of rides. They felt that the operating times should be moved from 8am-6pm to 10am-8pm and this would allow optimum usage during the light nights. They acknowledged concerns around residents putting young children to bed but did not consider 8pm was unduly late. They were also concerned at the proposal to have children's rides only saying this was too restrictive and was not supportive of teenagers. The Environmental Health Manager indicated that this recommendation was due to concerns around potential noise levels from the site including safety announcements and screaming of people on the bigger rides. Members appreciated this but felt that they did not want to place too many restrictions on the operators. Details of specific rides could be agreed each year.

A member criticised the designation of the site under discussion as part of the Seaton Carew Conservation Area given the presence of neon lights and shops selling candy floss. He urged officers to remove this conservation designation. The Chair advised that his comments would be passed to the Heritage and Countryside Manager.

Members approved the application unanimously, subject to the amendment of the operating hours to 10am-8pm and the removal of the phrase "will be limited to children's rides."

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

### **CONDITIONS AND REASONS**

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 10:00 and 20:00 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 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.

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

Members were advised of the outcome of a planning appeal in relation to the 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 at the above property. The appeal was partially allowed and partially dismissed. A copy of the inspector's decision letter was appended for members' attention.

**Decision**

That the outcome of the appeal be noted.

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

Members were given information on 13 complaints that had recently commenced and 10 complaints that had recently been completed.

**Decision**

That the report be noted

**46. 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.

**47. Planning Site Visit Protocols**

The Chief Solicitor referred members to the planning code of practice in relation to site visits which stated *the reasons for a site visit should be clearly stated and minuted*. Previously this had not always happened however following a recent threat of legal action members were advised that the code

must be strictly adhered to with site visits being requested during the Committee meeting and valid material planning reasons given for them. Members noted that this was a situation which had been allowed to happen for a very long time and both members and officers needed to take full responsibility. They foresaw problems in the future whereby applications could be delayed and the public inconvenienced and asked that officers bring a schedule of future planning applications to all Planning Committee meetings. The Planning Team Leader confirmed that this could be done but cautioned that items might be removed or added at short notice and that the list was not binding.

Members queried whether permission to approve site visits could be delegated to the Chair but the Chief Solicitor advised that this would not be possible. They suggested that a sub-committee comprising 3 members might be convened to decide these matters between meetings but The Chief Solicitor felt this would complicate matters and was not practical. He appreciated members concerns around forward planning but not when it came at the risk of legal challenge. Members then suggested that in the case of large planning applications site visits should automatically be scheduled. Members approved this course of action unanimously

The Chair advised members that training on the code of conduct in relation to site visits would take place at 9am on Wednesday 1<sup>st</sup> November, prior to the next Planning Committee. 1-1 training could be scheduled for those members unable to attend and it would be added to future mandatory training. In the event that any site visits for larger applications were needed the training would take place following the meeting.

### **Decision**

1. That site visits automatically take place for large applications immediately prior to the meeting that the application is due to be considered at.
2. That training on the code of conduct in relation to site visits take place at either 9am on 1<sup>st</sup> November or immediately following the Planning Committee meeting on that day, depending on whether any site visits are required.

The meeting concluded at 11:50am

**CHAIR**

**No:** 1  
**Number:** H/2017/0471  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
 VICTORIA ROAD HARTLEPOOL TS2 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR STEVE  
 WILKIE BUILDING CONSULTANCY CIVIC CENTRE  
 HARTLEPOOL TS24 8AY  
**Date valid:** 18/09/2017  
**Development:** Phases 1 and 2 of seafront regeneration scheme  
 including removal of existing paddling pool and provision  
 of play and waterplay facilities, beach huts, boundary  
 railings, earthworks, hard and soft landscaping, street  
 furniture installation, repairs to listed clock tower and bus  
 shelter, extension to existing car park (south of the  
 Longscar Centre) and other associated works.  
**Location:** LAND AT THE FRONT SEATON CAREW  
 HARTLEPOOL

## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The following planning applications are considered to be relevant to the current application site;

1.3 H/2013/0432 - Planning permission was granted on 4<sup>th</sup> December 2013 for a change of use for 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 permission was granted subject to a planning condition restricting the operation of the use between 1st April and 30th September inclusive for a period of three years and the use ceasing by 1st October 2016.

1.4 H/2014/0398 – Planning permission was granted on 15<sup>th</sup> May 2015 for the variation of condition 04 of planning application H/2013/0432 to allow the use of a generator on the site during operational hours.

1.5 H/2015/0396 – Planning permission was granted on 30<sup>th</sup> November 2015 for proposed seafront regeneration development including creation of multi-functional market/events space, play areas and facilities, hard standing and footpaths, lighting, cycle stands, alterations to existing vehicular access (to car park) and other associated works. The development included demolition of the Longscar Centre.

1.6 H/2017/0303 – Retrospective planning permission was granted for a temporary 3 year period on 4th October 2017 for use of land to the east of the front/north of the former fairground site/coach park for events, amusements, rides and catering vehicles. This permission was granted subject to a planning conditions controlling operating hours and the types of rides and noise levels proposed.

## PROPOSAL

1.7 As set out above, planning permission was previously granted (ref: H/2015/0396) for a seafront regeneration scheme across 3 areas of the Front, including the demolition of the Longscar Centre and development of the site as a multi-functional market/events space and other associated works. Following the decision on the Compulsory Purchase Order (CPO) on the Longscar Centre site, the scheme has now been revised to omit the demolition of this building and comprises a number of minor amendments to the proposed layout.

1.8 This application seeks planning permission for phases 1 and 2 of the seafront regeneration scheme, which can be described in detail as follows;

- Land north of the Longscar Centre/paddling pool area – the proposals primarily consist of the removal of the paddling pool and the provision of a water play surface facility, beach huts, soft and hard landscaping areas, soft landscaping buffer/mounding to the highway (west), play equipment, street furniture and boundary railings (Phase 1).
- The car park and land immediately to the south of the Longscar Centre - The scheme includes proposed upgrade works to the existing car park including revisions to the layout of the existing car park, improvements to soft and hard landscaping areas and provision of seating (Phase 2).
- The listed clock tower and bus shelter and land immediately west of this - repairs to the listed clock tower and bus shelter and hard and soft landscaping works (Phase 1).

1.9 The application is accompanied by supporting information that refers to the regeneration scheme as a whole and an indicative phasing masterplan setting out potential later phases of the proposed works, including the provision of soft landscaping areas with connecting footpaths to the east and a piece of public artwork to the west of the listed bus stop/clock tower, however, for the avoidance of doubt, these later phases of development are not included as part of this application.

1.10 The proposals contained within the current application have been screened and, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

1.11 The application has been referred to planning committee in view of the nature of the proposals.

## SITE CONTEXT

1.12 The application site relates to land at The Front, Seaton Carew, Hartlepool. The application site encompasses three parcels of land including public amenity space north of the Longscar Centre; the public car park area south of the Longscar Centre; and the Grade II listed bus station and clock tower including a parcel of land immediately west of this. The total site area is approximately 3.03ha. The site is bounded to the west by adopted highway along The Front with commercial and residential properties beyond. The esplanade and beach lie to the east. The site falls within Seaton Carew Conservation Area.

## PUBLICITY

1.13 The application has been advertised by way of neighbour letters (100), site notices (4) and a press notice. To date, no comments or objections have been received from neighbouring land users.

1.14 The period for publicity expires 26<sup>th</sup> October 2017.

## CONSULTATIONS

1.15 The following consultation responses have been received;

**HBC Heritage and Countryside Manager** - This site is located in Seaton Carew Conservation Area. The boundary of the application also includes Seaton Carew Bus Station, a grade II listed building. Both of these are considered to be designated heritage assets under the definition provided by the NPPF.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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. Proposals for development within Conservation Areas will need to

demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

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

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

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor 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.

Phase 1 of the proposal will include landscaping to the current open expanse of grass opposite 2 – 12 The Front. The works will include the replacement of the paddling pool with a water play area, a new play site and the introduction of beach huts. It is welcomed that the existing features within this area will be upgraded and new features will restore structures that were previously removed from the area, i.e. the beach huts. The introduction of planting in this area and the low grass mound will add interest without blocking the views from the building at The Front to the sea as it is this strong connect of the property facing the coast line which contributes to the one aspect of the significance of the conservation area. It is considered that these works will enhance the conservation area.



The works include new paving around the building to areas which are already paved along with localised repairs to the Clock Tower and Bus Shelters. These works to consolidate the listed building will not impact on the significance of the property but will ensure it is part of a positive scheme of repairs to secure its future and are therefore welcomed.

Phase 2 of the proposal will see the car park remodelled and a soft area of landscaping planted along the promenade which runs adjacent. These works will for the most part have a neutral impact on the character of the conservation area however the planting buffer is welcomed in the interest it will add in breaking up the current hard surfacing in this area.

Phase 3 of the proposal will see further works carried out to enhance the setting of the grade II Seaton Carew Bus Station.

It is noted that indicated on the plan is a proposed future scheme for a public art project to the front of the structures however it is understood that this would be subject to a separate application.

In conclusion it is considered that the three phases of works will enhance the significance of Seaton Carew conservation area by restoring and improving existing structures and facilities such as the bus station and the new water play area, re-introducing features which were lost, i.e. the beach huts and add interest to the current spaces in the form of new play areas and planting.

The scheme is a welcome addition to a conservation area which is currently considered to be 'At Risk'. It is hoped that positive works such as this will go some way to addressing the issues in the area and enable the conservation area to eventually be removed from the 'At Risk' register.

**Historic England** - The application is similar to that proposed in 2015, to which I provided detailed comments and our support for the scheme (I have attached a copy of that letter for your convenience). As such, the advice in that letter is still applicable, but I provide the following comments as an adjunct to those already made.

#### Historic England Advice

Although the origins of Seaton Carew are medieval, the character of the present settlement stems primarily from the 18th to early 20th century buildings and spaces that line the seafront. One of the area's greatest assets is the esplanade that extends the length of the settlement and reinforces the area's strong connection with the sea by creating a powerful intervisibility from the buildings, across the esplanade and to the sea; this relationship is one of the defining characteristics of the conservation area.

The retention of the Longscar building in this most recent version of the scheme is unfortunate but the application still positively addresses the remaining space that lies within the conservation area and this will still be an improvement for the area. That said, there are potentially a couple of ways the proposal could better reference the area's historic form which would not only deliver the urban design improvements it

seeks to achieve but also better reveal the area's history. I'm thinking in particular of the path that used to link the Marine Hotel to the bandstand and beyond. The Marine Hotel is a landmark building in the conservation area and was clearly used as a datum point from which the esplanade was laid out; this helped provide a focus for the front and emphasised the hotel's presence, grandeur and importance in the streetscape. Reintroducing an access route through at this point and aligning the play site to it - à la the old bandstand - would echo this historic form and emphasise the connection between the built environment and the sea, enhancing not only the conservation area but the setting of the grade II listed hotel too. On a similar note, although I understand the desire to shield the esplanade from the road, it is important that the proposed mounds don't diminish the strong visual and physical connection between the street and the sea, which a further access point in front of the hotel may help with.

As with the previous application, I very much welcome this proposal as it seeks to make changes that will enhance the significance of the conservation area and support efforts to get it removed from the Heritage at Risk Register. There are potentially ways to further the benefits for the historic environment and I ask that these are explored by the local authority before determination, but in its current form the application will still be an improvement for the area; consequently, it satisfies the requirements of paragraph 131 of the NPPF by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

The success of the scheme will rely on the close monitoring of the work as it progresses though and to that end I would ask that you liaise with you in-house conservation advisors on conditions that will ensure this.

#### Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph number 131.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**HBC Arboricultural Officer** - My previous comments relating to H/2015/0396 are applicable to this submission and I note that the soft landscaping mainly involves the use of grasses (planting plan 4), bulbs (planting plan 5) and cordylines. yucca and grasses (planting plan 3) and some bunding is incorporated to add height into the scheme.

The scheme appears well thought through and I have no further comments to make.

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

**HBC Engineering Consultancy** - I have no objection to these proposals. This is quite a complex scheme and from what I can gather no changes of level are anticipated to the paving levels etc.

I am going to request a surface water condition, however if the applicant can confirm that the new proposals do not require any new positive drainage then I will happily forgo this condition.

**Environment Agency** - We have assessed the supporting information and can confirm that we have no objection to the planning application as submitted. However, we have the following advice to offer.

#### Flood Risk Advice

We recommend that the applicant signs up to the Environment Agency flood warning service. Further advice can be found on the Gov.UK website at the following link:  
<https://www.gov.uk/sign-up-for-flood-warnings>

**HBC Ecology** - I have studied the various plans and have no ecology requirements or concerns.

The site is adjacent to the proposed extension to the Teesmouth and Cleveland Coast SPA and less than 250m north of the designated T&CC SPA & Ramsar site. I have, therefore, considered whether a Habitat Regulations Assessment is required and have assessed that a stage 1 HRA screening is not required.

**Natural England** - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**Tees Archaeology** - The applicant has submitted an archaeological desk-based assessment which demonstrates that as the area is reclaimed ground the archaeological potential is very low. No further archaeological work is required.

**Northumbrian Water** - We can inform you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

**HBC Economic Regeneration** - The regeneration scheme aims to improve the visitor facilities of Seaton Carew by delivering the Masterplan by creating a gateway into the resort with high quality public realm, an outdoor leisure park, water play areas, beach huts, picnic areas, and associated public artwork. These improvements will broaden the visitor appeal of the Borough of Hartlepool and support the £148m per annum visitor economy. The regeneration scheme is also a main theme within the Council adopted Hartlepool Vision strategy.

The project will create 2 new construction related FTE jobs during the delivery phase, safeguard 35 FTE jobs within existing businesses, and generate 17 new indirect FTE jobs in Seaton Carew's visitor economy by 2022/23. These economic outputs and impacts have been independently validated by expert consultancy Genecon Ltd.

There is an identified need to improve facilities at Seaton Carew in order to attract additional visitors and support local businesses. The scheme received strong public backing at a series of consultation exercises. Central Government is supporting the scheme with £600k of external Coastal Communities Fund because of its impact on economic growth. The scheme will enhance the Conservation Area and respect the openness of The Front.

**HBC Countryside Access Officer** - The England Coast Path National Trail runs from the southern entrance into the proposed phased schemes, at the steps just south of the bus Shelter exit on Tees Road and runs northwards along the promenade, through Seaton Carew and then along the Promenade up to and through Hartlepool Marina and onwards.

This National Trail is a Coastal Right of Way and needs protection from any proposed development, disruption or resurfacing unless agreed between Hartlepool BC Countryside Access, HBC and Natural England. Natural England will need to be consulted due to the impact or potential impact that this application might have on the Trail.

In all likelihood the proposals will be beneficial to the enjoyment of the route but if there is a need to consider a temporary diversion then I would need to agree to its route and length of temporary change.

**HBC Public Protection** - I would have no objections to this application subject to the following conditions;

A Construction and Demolition Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGV movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works. This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

An hours restriction on construction activities to 7:30am to 6:00pm Monday to Friday, 8:00am to 12:30pm on a Saturday and at no time on a Sunday or Bank Holiday.

Suitable shade provision should be given to any outdoor spaces where activities take place on a regular basis, particularly if this is during the times of high Ultra Violet Radiation. Consideration must be given to the type, size and positioning of shade provision.

**Cleveland Police** - Within the Design & Access Statement, I'm pleased to note, at item 9.0, which suggests the type of plants for the development. It's good to see so many of the prickly varieties listed here. Defensive planting can be an effective measure to establish that 'first line of defence'. Also, at 11.0, the architects have included a few lines on the subject of crime prevention.

In addition, the regeneration team should consider.

- The knowledge and expertise within your own community safety department of Hartlepool Borough Council
- CCTV provision – standalone, temporary and/or remotely monitored.
- Work with local schools to adopt the development
- Regular checks around the area of the development, particularly 'bonfire/mischief nights' and remove any combustible materials.
- Ask local residents to keep a watchful eye on the development
- Look at the design of the equipment – could play equipment be installed which is fire resistant?
- Signage asking users to take care of equipment, report suspicious activity - Liaise with the fire service.

**Health and Safety Executive** - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

#### Unidentified Pipelines

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details HSE have on record for these pipelines is as follows:

4469252\_ Wood Group UK LtdCATS pipeline PL774

**HBC Public Health** - The Health Improvement Team in Hartlepool Council's Public Health department support this application in that it will promote and support new physical activity opportunities in the area.

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

**RSPB** – No representations received.

**Tees Valley Wildlife Trust** – No representations received.

**Teesmouth Bird Club** – No representations received.

**Ramblers Association** - This will be a great improvement the esplanade etc. We have no objections except to say that the access along the English Coastal Path should be protected both during the work and after the works are completed. We appreciate that there may be some temporary disruption but this should be kept to a minimum.

## **PLANNING POLICY**

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

### National Planning Policy Framework (NPPF)

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

1.18 The following paragraphs in the NPPF are of particular relevance 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 in accordance with the development plan
12	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 inclusive design
60	Promotion or reinforcement of local distinctiveness
61	The connections between people and places
63	Innovative design
64	Improving the character and quality of an area
69	Healthy, inclusive communities
70	Social, recreational and cultural facilities
75	Public rights of way
96	Minimise energy consumption
99	Managing climate change risks in vulnerable areas
103	Ensuring that flood risk is not increased elsewhere.
109	Enhancing the natural and local environment
111	Use of previously developed land
114	Improve access and enjoyment of the coast
128	Significance of a heritage asset
129	Impact upon a heritage asset
131	Positive contribution towards local character and distinctiveness
132	Significance of a heritage asset and its setting
134	Less than substantial harm to a heritage asset
137	Positive contribution to a heritage asset
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203	Conditions or planning obligations
206	Weight given to Emerging Plans

#### Adopted Hartlepool Local Plan 2006

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
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development

To3	Core Area of Seaton Carew
To4	Commercial Development Sites at Seaton Carew
Tra5	Cycle networks
Tra7	Pedestrian linkages
Tra16	Car Parking Standards
Rec1	Coastal Recreation
Rec9	Recreational Routes
Rec14	Major Leisure Developments
GN1	Enhancement of the green network
GN3	Protection of key green spaces
HE1	Protection and enhancement of the conservation areas
HE2	Environmental improvements in conservation areas
HE3	Development in the vicinity of conservation areas

### Emerging Local Plan – Publication Stage (December 2016)

1.20 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, 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 unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

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

<b>Policy</b>	<b>Subject</b>
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
INF1	Sustainable Travel Network
LT1	Leisure and Tourism
LT3	Development in Seaton Carew
HE1	Heritage Assets
HE3	Conservation Areas
HE4	Listed Buildings and Structures
HE5	Locally Listed Buildings and Structures
HE7	Heritage at Risk
NE2	Green Infrastructure
QP3	Recreational Routes
QP4	Major Leisure Developments
QP5	Enhancement of the green network
QP6	Protection of key green spaces
RC16	Protection and enhancement of the conservation areas

### Planning Policy comments (summarised):

1.22 The Council's Planning Policy section supports this proposal for seafront regeneration development at Seaton Carew and considers that the principle of development is acceptable and would constitute sustainable development.



Other relevant documents:

1.23 Seaton Carew Masterplan Supplementary Planning Document (2015). The SPD was subject to extensive public and professional support resulting from consultation. The masterplan was endorsed by the Council's Regeneration Services Committee report on 28 August 2015 and subsequent Full Council decision on 17.09.2015.

**PLANNING CONSIDERATIONS**

1.24 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the surrounding area, the impact on the setting of heritage assets including the conservation area and listed building, the impact on the amenity of neighbouring land users and the impact on highway and pedestrian safety as well as matters of ecology, flood risk and drainage, archaeology and contaminated land. These and all other planning and residual matters are considered in full below;

**PRINCIPLE OF DEVELOPMENT**

1.25 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development (economic, environmental and social) is the golden thread running through the NPPF.

1.26 It is considered that the proposed development will enhance the leisure and tourism offer of Seaton Carew, having a positive impact on the environment, through the reconfiguration and enhancement of the public realm which will in turn have social benefits for users of the facilities and economic benefits to businesses operating within Seaton Carew.

1.27 The proposals will provide a modern design that is open, attractive, safe and accessible to users that will enhance the environment and directly improve coastal recreation in Seaton Carew, in accordance with the principles of saved policies To3 (Core Area of Seaton Carew), To4 (Commercial Development Sites at Seaton Carew), Rec1 (Coastal Recreation) and Rec9 (Recreational Routes), as well as emerging Local Plan policies LT1 (Leisure and Tourism) and LT3 (Development of Seaton Carew). The regeneration of The Front at Seaton Carew is also supported by the Seaton Carew Supplementary Planning Document (SPD) which was adopted in September 2015.

1.28 Whilst the proposal no longer includes the demolition and regeneration of the Longscar Centre site, emerging Local Plan policy LT3 (Development of Seaton Carew) supports either the re-use of the current building with development appropriate to its beachside and open promenade setting or the demolition and redevelopment of the site to enhance the quality of the environment and visitor experience. As such, it is considered that the amended masterplan of which these works form part, will improve the setting and public realm encompassing the site and will encourage the future redevelopment of the building in line with emerging policy.

1.29 The proposals will enhance pedestrian connectivity throughout the development site, improving integration into the wider area. The Council's Planning Policy section has advised that, in order to encourage sustainable travel through the enhancement of the cycle network and cycle facilities (saved policies Tra5 and Tra6), the provision of cycle stands should be considered on part of the site. A suitable informative note to this effect shall be appended to the decision notice.

1.30 The proposals are also supported by the Council's Economic Regeneration team which has commented that the improvements will broaden the visitor appeal of the Borough of Hartlepool and support the visitor economy, which will attract private sector investment and job creation.

1.31 It is therefore considered that the proposals would represent a sustainable form of development and the principle is accepted in this instance subject to the scheme satisfying other material planning considerations as set out below.

## PLANNING OBLIGATIONS

1.32 The Council's Planning Policy section have advised that given the nature of the proposal, which will significantly improve the green infrastructure links in this area of Seaton Carew along the promenade as well as improve the play provision in the area, there will be no additional requirements for planning obligations from the scheme.

## IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

1.33 The proposed regeneration scheme primarily consists of new hard and soft landscaped areas, play facilities and improved car parking facilities. Other works include repair works to the listed clock tower and bus station, and improvement to the public realm adjacent, whilst the provision of street furniture in the form of seating areas and beach huts will improve the functionality and interest of the site as a whole whilst enhancing the existing provision/offer within the area.

1.34 It is considered that the design of the public space, proposed materials, landscaping and structures will enhance the appearance of the area, as well as improving pedestrian connectivity and views between the commercial core of Seaton Carew and the promenade. These proposals will positively contribute towards the ongoing regeneration of Seaton Carew, helping to achieve the aims of the Seaton Carew Masterplan.

1.35 Whilst in a prominent position on the sea front, the proposed works are considered to be of a design and scale that would not have a significant detrimental impact on the visual amenity of the area and the nature of the proposal and its location on the seafront is considered to be typical of a seaside resort.

1.36 In addition, the Council's Arboricultural Officer has raised no objections to the proposals and has commented that the landscaping of the scheme appears well thought through.

1.37 In view of the above, it is considered that the overall design, scale and siting of the works would assist in improving the overall visual amenity of the surrounding area and the proposal is therefore considered to be in accordance with the relevant saved policies of the Hartlepool Local Plan 2006 and emerging policies of the emerging Hartlepool Local Plan (2016).

#### IMPACT ON SETTING OF HERITAGE ASSETS INCLUDING CHARACTER AND APPEARANCE OF CONSERVATION AREA AND LISTED BUILDINGS

1.38 The majority of the application site falls within the Seaton Carew Conservation Area. The site also includes the Grade II Listed bus station and clock tower. There are also identified heritage assets adjacent to the site including a number of listed buildings along The Front. The application is accompanied by a Heritage Statement.

1.39 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to the desirability of preserving or enhancing the character or appearance of conservation areas.

1.40 Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*.

1.41 The Council’s Heritage and Countryside Manager has commented that the proposed works will enhance the significance of Seaton Carew conservation area by restoring and improving existing structures and facilities, re-introducing features which were lost and adding interest to the current spaces in the form of new play areas and planting.

1.42 The scheme is therefore considered to be a welcome addition to a conservation area which is currently considered to be ‘At Risk’. It is hoped that positive works such as this will go some way to addressing the issues in the area and enable the conservation area to eventually be removed from the ‘At Risk’ register.

1.43 Historic England have also welcomed the proposal as it seeks to make changes that will enhance the significance of the conservation area and support efforts to have it removed from the Heritage at Risk Register which satisfies the requirements of paragraph 131 of the NPPF by celebrating and reinforcing the ‘positive contribution that the conservation of heritage assets can make to sustainable communities’.

1.44 Historic England has however advised there are potentially ways to further the benefits for the historic environment and has recommended that these are explored by the Local Authority. These comments are available for the Council’s consideration

however Historic England has confirmed that, irrespective of this, in its current form the application will be an improvement for the area regardless.

1.45 In view of the above and weighing up any 'harm' of the development, it is considered that the proposals, which are supported by both the Council's Heritage and Conservation Manager and Historic England, are considered to be sympathetic to the historic nature of the area and compliant with saved local plan policies HE1, HE2 and HE3, emerging local plan policies HE1, HE3, HE4, HE5 and HE7 and the provisions of the NPPF and is therefore acceptable in this respect.

#### AMENITY OF NEIGHBOURING LAND USERS

1.46 The proposed works are considered to be of a modest scale and taking into account the established setting of the site where such activity can be reasonably expected, and the remaining separation distances to neighbouring properties, it is considered that the proposed scheme will not result in any significant adverse impact on the amenity and privacy of surrounding neighbouring land users.

1.47 Furthermore, the Council's Public Protection team has raised no objections to the scheme subject to conditions in respect of hours of construction/demolition/deliveries and the requirement for a construction and demolition management plan, which are recommended accordingly.

1.48 Subject to the above, it is considered that the proposal will not result in any significant adverse loss of amenity for neighbouring land users in terms of noise disturbance.

#### HIGHWAY AND PEDESTRIAN SAFETY

1.49 The Council's Traffic and Transport section has advised that there are no highway or traffic concerns. The application is therefore considered to be acceptable with respect to highway and pedestrian safety.

#### ECOLOGY

1.50 The application site is situated close to the European site of Teesmouth & Cleveland Coast Special Protection Area (SPA)/Ramsar site and also notified at a national level as Seaton Dunes and Common Site of Special Scientific Interest (SSSI). The Ramsar site and the European site share a boundary and interest features though the numbers of qualifying birds are lower for the Ramsar site.

1.51 The application is accompanied by a Habitat and Protected Species Risk Assessment.

1.52 The Habitats Regulations Assessment (HRA) accompanying the 2015 Seaton Carew Supplementary Planning Document looked at possible effects associated with increased recreational disturbance on the SPA and concluded that it was anticipated that it would make this part of Seaton Front more attractive to visitors, but it is not introducing any major new attractions which would significantly change the current pattern or numbers of visitor use.

1.53 The application site is considered to lie at sufficient distance from the SPA to avoid direct impacts upon it and the intervening habitat is not considered to comprise high quality supporting habitat for SPA birds. It is also recognised that the application site lies wholly within an area of Seaton Carew sea front that is currently developed.

1.54 A review of the HRA was undertaken through the previously approved application for the wider regeneration scheme at Seaton Front (ref: H/2015/0396) and this concluded that, as the regeneration works would be limited to improvements or amendments to existing facilities, such as parking, works to the paddling pool, landscaping elements (both hard and soft) and the provision of various street furniture, the conclusions of the July 2015 HRA were still valid.

1.55 The Council's Ecologist has reviewed the current application and has advised that a stage 1 HRA screening is not required in this instance and there are no further ecology requirements or concerns. Natural England has also been consulted on the current planning application and has commented that they consider that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

1.56 Therefore it is concluded that the proposals would not have a significant effect on the SPA, SSSI or any other European site. The main part of the site relates to open, landscaped areas. It is considered that in this instance, there are limited opportunities for biodiversity enhancements save for an appropriate landscaping scheme.

1.57 Taking the above considerations into account, it is considered that the proposal is acceptable in respect of ecology and any identified impacts on protected designated sites.

## FLOOD RISK AND DRAINAGE

1.58 Part of the application site falls within flood zones 2 and 3. A flood risk and drainage assessment and addendum document have been submitted which has been considered by the Council's Engineering section who have commented that further details of surface water drainage will be required to ensure that no flood risk will be passed on elsewhere and this can be secured by a planning condition.

1.59 The Environment Agency has also considered the submitted information and has raised no objections to the scheme in this respect.

1.60 Northumbrian Water has raised no objections to the scheme in terms of drainage, including foul sewerage, however has advised that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and therefore have advised that they will contact the developer direct to establish the exact location of these assets and ensure any necessary diversion, relocation or protection measures required are carried out prior to the commencement of the development. These comments have been passed to the applicant for their information and consideration and a suitable informative note to this effect shall also be appended to the decision notice.

1.61 In view of the above and subject to the identified planning condition, the scheme is considered to be acceptable in terms of flooding and drainage related matters.

## ARCHAEOLOGY

1.62 Tees Archaeology has considered the submitted information and has confirmed that archaeological potential at the site is very low. The scheme is therefore considered to be acceptable in this respect.

## CONTAMINATED LAND

1.63 In terms of land contamination, the Council's Engineering section and the Environment Agency have been consulted and have not submitted any comments or concerns with respect to land contamination. The application is therefore considered to be acceptable in this respect.

## RESIDUAL MATTERS

1.64 The Council's Countryside Access Officer has commented that a National Trail runs through the proposed development site and therefore the developer will need to ensure that this is not obstructed or altered. This matter is covered by separate legislation. Nevertheless, a suitable informative note to this effect shall be appended to the decision notice.

1.65 The application has been considered through the Health and Safety Executive's on line Planning Advice tool, the outcome confirms that that the proposed development site does not currently fall within the consultation distance (CD) of a major hazard site or major accident hazard pipeline. The scheme is therefore considered to be acceptable in this respect. The HSE response does make reference to an 'unidentified pipeline' within the Borough (not a specific location). The case officer has checked the Council's GIS records for pipelines and has not identified any within the vicinity of the site. Nevertheless these comments are noted and can be appended as an informative for the applicant's reference.

1.66 The Council's Public Protection section has recommended that suitable shade provision should be given to any outdoor spaces where activities take place on a regular basis, particularly if this is during the times of high Ultra Violet (UV) radiation, and that consideration must be given to the type, size and positioning of shade provision. A suitable informative note to this effect shall be appended to the decision notice.

## CONCLUSION

1.67 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant

paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## **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 acceptable as set out in the Officer's Report.

**RECOMMENDATION – APPROVE** subject to the following planning 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 the following approved plan(s) and details;  
 324-30 L024 Rev A (Location Plan),  
 324-30 L004 Rev D (Waterplay and Family Area Detail),  
 324-30 L005 Rev D (Play Area),  
 324-30 L023 Rev A (Bus Shelter and Setting),  
 324-30 L014 Rev C (Street Furniture),  
 324-40 L015 Rev C (Beach Huts),  
 324-30 L027 (Mounding),  
 324-30 L009 Rev B (Planting Plan 3 – Waterplay and Family Area),  
 324-30 L010 Rev A (Planting Plan 4 – Northern Entrance),  
 324-30 L025 (Planting Plan 5 – Bus Shelter setting)  
     received 7<sup>th</sup> September 2017 by the Local Planning Authority;  
 324-40 L016 Rev A (Car Park Linemarking),  
 324-40 L007 Rev A (Planting Plan 1 – Car Park area)  
     received 12<sup>th</sup> September 2017 by the Local Planning Authority;  
 324-30 L029 (Revised Layout - Phases 1 & 2),  
 324-30 L006 Rev D (Northern Entrance),  
 324-30 L028 (Car Park Details),  
 324-30 L030 (Bus Shelter & Clock Tower Proposed Repairs)  
     received 18<sup>th</sup> September 2017 by the Local Planning Authority; and  
 324-30 L011 Rev D (Masterplan Details)

received 21<sup>st</sup> September 2017 by the Local Planning Authority; and E-mail correspondence containing details of proposed beach hut colours received 19<sup>th</sup> October 2017 by the Local Planning Authority. For the avoidance of doubt.

3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. No development shall take place until a Construction and Demolition Management Plan has been submitted to and agreed 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 and Demolition 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. To avoid excessive noise and disturbance to the occupants of nearby properties.
5. The proposed soft landscaping and planting hereby approved shall be carried out in accordance with the following approved plan(s) and details; 324-30 L027 (Mounding), 324-30 L009 Rev B (Planting Plan 3 – Waterplay and Family Area), 324-30 L010 Rev A (Planting Plan 4 – Northern Entrance), 324-30 L025 (Planting Plan 5 – Bus Shelter setting) received 7<sup>th</sup> September 2017 by the Local Planning Authority and 324-40 L007 Rev A (Planting Plan 1 – Car Park area) received 12<sup>th</sup> September 2017 by the Local Planning Authority, unless a variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or an alternative timescale agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
For the avoidance of doubt and in the interests of visual amenity and to ensure a satisfactory form of development.
6. The proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) hereby approved shall be carried out in accordance with the following approved plan(s) and details; 324-30 L004 Rev D (Waterplay and Family Area Detail), 324-30 L005 Rev D (Play Area), 324-30 L023 Rev A (Bus



Shelter and Setting) received 7<sup>th</sup> September 2017 by the Local Planning Authority; 324-30 L006 Rev D (Northern Entrance), 324-30 L028 (Car Park Details) received 18<sup>th</sup> September 2017 by the Local Planning Authority; and 324-30 L011 Rev D (Masterplan Details) received 21st September 2017 by the Local Planning Authority, unless a variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the operation of the site and/or the site being open to the public. 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.  
For the avoidance of doubt and in the interests of visual amenity of the area.

7. The proposed means of boundary enclosure hereby approved shall be carried out in accordance with the following approved plan(s) and details; 324-30 L004 Rev D (Waterplay and Family Area Detail) received 7<sup>th</sup> September 2017; and 324-30 L029 (Revised Layout - Phases 1 & 2) and 324-30 L006 Rev D (Northern Entrance) received 18<sup>th</sup> September by the Local Planning Authority, unless a variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority.  
For the avoidance of doubt and in the interests of visual amenity.
8. The water play feature hereby approved shall be carried out in accordance with drawing no. 324-30 L004 Rev D (Waterplay and Family Area Detail) received 7<sup>th</sup> September 2017 by the Local Planning Authority, unless a variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory and sustainable form of development.
9. No construction/building or demolition works or deliveries shall be carried out except between the hours of 07.30 am and 06.00 pm on Mondays to Fridays and between 08.00 am and 12.30pm on Saturdays. There shall be no construction or demolition activity including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
10. The approval hereby granted relates solely to phases 1 and 2 of the proposed seafront regeneration scheme as detailed in the approved plan(s) and details set out in Condition 2 and does not grant permission for any further phases of development (including the works to the rear (east) of the bus shelter (Phase 3), the redevelopment of the Longscar Centre as an events area (potential future phase) or the future heritage/public art project feature art-deco relief wall and paving to the front (west) of the bus shelter (potential future phase)) shown on submitted drawing 324-30 L013 Rev D (Phasing Operations) received 7<sup>th</sup> September 2017 by the Local Planning Authority,  
For the avoidance of doubt.

## **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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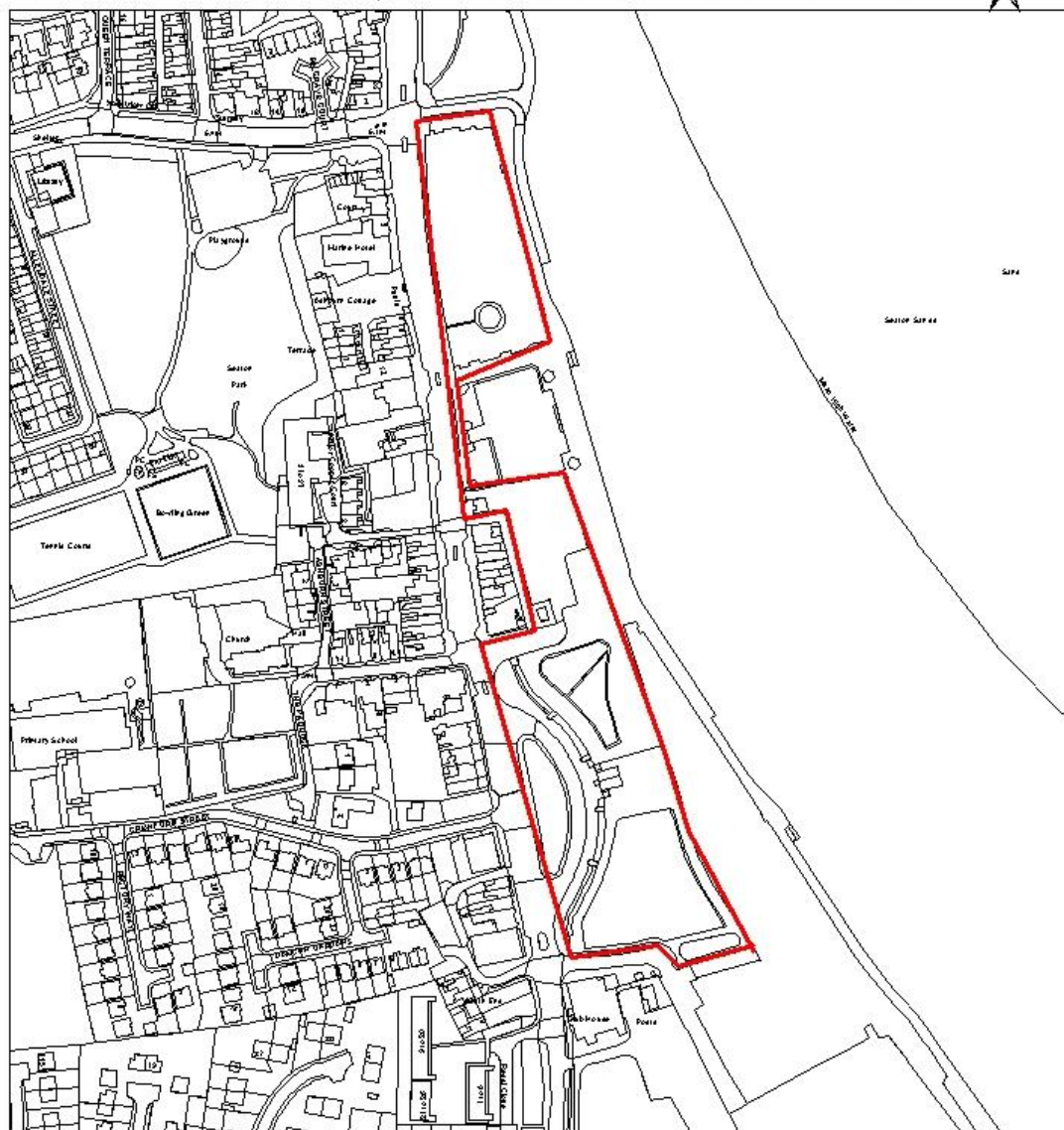
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## **AUTHOR**

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## LAND AT THE FRONT, SEATON CAREW PHASES 1 AND 2



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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>19/10/17</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0471</b>	REV



**No:** 2  
**Number:** H/2017/0367  
**Applicant:** NIRAMAX GROUP LTD THOMLINSON ROAD  
HARTLEPOOL TS25 1NS  
**Agent:** AJ RILEY ARCHITECTS MR A RILEY 24 BEDFORD  
ROAD NUNTHORPE MIDDLESBROUGH TS7 0BZ  
**Date valid:** 29/06/2017  
**Development:** Erection of 22m high 600mm dia metal flue with  
supporting pole (to project approximately 10.7m above  
ridge line of shed) to serve biomass boiler  
**Location:** NIRAMAX LTD THOMLINSON ROAD 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 There is an extensive history associated with this site, the waste processing operation and adjacent landfill;

2.3 CH/1981/0705: Change of use to Waste Transfer/Reclamation Plant – Approved 17/06/1982

2.4 HFUL/1995/0287: Erection of a steel framed building to house paper processing machinery – Approved 13/07/1995

2.5 HFUL/1996/0027: Use of part of site as a material composting station – Approved 10/04/1996

2.6 HFUL/1996/0432: Extraction of soil and clay and landfill of site with inert construction waste 19/03/1997

2.7 HVAR/1998/0166: Renewal of permission for use of part of site as a material composting station – Approved 06/05/1998

2.8 HFUL/1999/0293: Renewal of planning permission for use of part of site as a material composting station – Approved 16/02/2000

2.9 HLA/2001/0451: Application for a Certificate of Lawful Development in respect of use of waste transfer station to process commercial, industrial and construction waste – Approved 19/12/2001

2.10 HFUL/2001/0144: Variation to planning approval CM/H/3/95 to extend the period of tipping works until 31/12/2018 and to include putrescible wastes – Approved 19/12/2001

2.11 HFUL/2002/0221: Extraction of clay to be used to cap existing landfill and infill with inert materials – Approved 24/02/2003

2.12 HFUL/2002/0238: Application to vary condition 5 attached to planning permission CM/H/3/95 in respect of final restoration contours – Approved 24/02/2003

2.13 H/2005/5955: Siting of a steel banded fuel tank – Approved 11/01/2006

2.14 H/2012/0601: Erection of compound containing gas engines and associated equipment for the control of landfill gas and generation electricity – Approved 05/04/2013

2.15 H/2009/0500: Upgrading and extension of existing waste management facilities – Approved 19/02/2010

2.16 H/2014/0582: Erection of a new waste transfer building to improve facilities at existing waste transfer facility – Approved 19/02/2015.

## **SITE CONTEXT**

2.17 The application site is located in an industrial area of the town. To the south is an existing landfill which is no longer operational. To the north and west is land also in the applicant's ownership which incorporates a large warehouse building. To the east is Mainsforth Terrace beyond which are commercial premises.

2.18 To the south west is the applicant's existing waste management facility which has a long standing planning permission. The waste transfer element of the site has been in operation since 1981, as approved by planning permission ref: CH/705/1981, which allowed for paper and metallic waste processing only. A Certificate of Lawful Existing Use or Development (CLEUD) was granted in 2002 for the use of the waste transfer station for the transferring and processing of non-hazardous commercial, industrial and construction waste including incidental quantities of putrescible waste.

2.19 In that instance the Local Planning Authority were satisfied on the evidence presented that on the balance of probability the site had handled those waste streams set out above continuously for a period of ten years or more in accordance with the provisions of Section 191 of the Town and Country Planning Act (1990). An additional waste transfer station sited adjacent to the aforementioned was granted permission in 2002 (H/FUL/0412/2001), allowing for the same waste types as those agreed in the CLEUD.

## **PROPOSAL**

2.20 Full planning permission is sought for the erection of a 22m high 600mm dia stainless steel flue with supporting pole to serve biomass boiler which will be housed

in an existing building. The existing building is approximately 101m x 53m and some 12m to the ridge and some 7m to the eaves, the flue will project 10.7m above the buildings ridge height (overall height of the flue is 22m).

2.21 The aim of the development is to assist the drying of waste material for export. The Niramax site is over a 3 hectares in area and provides a total waste management service for the reduction, reuse, recycling and recovery of waste. One of its major areas of growth has been the production and export of Refuse Derived Fuel (RDF) and Solid Recoverable Fuel (SRF) both of which are used extensively in Europe to fuel power generation. This fuel is made from shredded dehydrated solid combustible waste recovered from household refuse.

2.22 The flue will be 600 diameter stainless steel twin wall flue, similar to those found on a domestic log burner, but on a much larger scale. Its maximum height from the ground floor of the building will be 22 metres. The flue will come through the roof and project 10.7 metres above the buildings ridge height. The flue will be supported by a 300 diameter steel pole fixed to the building structure. The biomass boiler will burn shredded waste wood.

2.23 The application is reported to committee for consideration due to the number of objections received.

## **PUBLICITY**

2.24 The application has been advertised by way of press notice, site notice and neighbour letters (641). To date, there have been 59 letters of objection and 4 letters of no objection.

2.25 The concerns raised are:

- Emissions will be harmful to health
- Insufficient information
- stop using Seaton/Hartlepool as other peoples dumping ground
- unduly large and out of keeping
- blot on landscape
- smells
- noise
- dust
- traffic
- fumes from the flue will be toxic with a repugnant odour
- pollution
- unsightly
- health risks
- devalue the area
- insufficient information about the harmful and toxic gases
- misleading information
- too close to housing
- should be moved to Graythorpe Site

## 2.26 Copy Letters A

2.27 The period for publicity has expired.

## CONSULTATIONS

2.28 The following consultation replies have been received:

**HBC Traffic and Transportation:** There are no highway or traffic concerns with this application.

**HBC Engineering Consultancy:** No Objection.

**HBC Public Protection:** The biomass boiler will require an environmental permit and will be required to meet the strict emission limits of the Industrial Emissions Directive 2010 for a range of pollutants. The submitted D1 chimney height assessment and ADMS dispersion modelling has been undertaken using the maximum emission limits of the directive and the relevant Environment Agency guidance. The assessment demonstrates that the process contribution of all the pollutants are insignificant at the nearest residential receptors and have an insignificant impact on the Air Quality Standards as laid out in the Air Quality Standards (England) Regulations 2010. The limit values set out in the Industrial Emissions Directive and the Air Quality Standards Regulations are set at levels for the protection of human health and the environment.

I would therefore have no objections to this application.

**Environment Agency:** Having assessed the supporting information I can advise that we have no objections to the proposed development and we would recommend parallel tracking planning and Environmental Permit applications to avoid the potential need for amendments to the planning application post-permission. (Permitting advice was also provided to the LPA/Applicant).

## PLANNING POLICY

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

### Local Policy

2.30 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.

GEP 3: Crime Prevention by Planning & Design

Ind 5: Industrial Areas.

Ind 8: Industrial Improvement Areas.



### Emerging Local Plan

2.31 The emerging 2016 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;

EMP3: General Employment Land

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

### Minerals & Waste Core Strategy

2.32 The following policies in the adopted Minerals & Waste Core Strategy 2011 are relevant to the determination of this application;

MWC6 Waste Strategy

### National Policy

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

Paragraph 001: Apply Policy

Paragraph 002: Primacy of Development Plan

Paragraph 011: Planning Law and Development Plan

Paragraph 012: Statutory status of Development Plan

Paragraph 017: Core Principles

Paragraph 098: Determining Planning Applications

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development.

Paragraph 216: Emerging Plans

**HBC Planning Policy (Summarised):** Whilst it is acknowledged that the proposal is contrary to emerging Policy EMP3, the weight that can be attached to this policy is limited. The site is an existing waste transfer station. It is noted that there are no objections from the Environment Agency or HBC Public Protection.

## PLANNING CONSIDERATIONS

2.34 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, impact on the amenity of neighbouring properties, impact of the visual amenity of the area, highways, drainage, and contamination.

2.35 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.

## PRINCIPLE OF DEVELOPMENT

2.36 The application site is within an existing waste management facility which is controlled through permits administered by the Environment Agency. The site is located within an industrial area as identified by policy Ind5 within the Hartlepool Local Plan 2006.

2.37 It is therefore considered that the principal of development in this location is acceptable subject to the scheme satisfying other material considerations as set out below;

## IMPACT ON THE AMENITY OF NEIGHBOURS

2.38 The site is located in a commercial area though there are residential properties some 300m (approx) to the south east of the site beyond the redundant landfill in the Drakes Park development and some 500m (approx) on the west side of Belle Vue Way.

2.39 The day to day regulation of the site in terms of odours, noise, vermin, pests, dust controls and the control of waste streams rests with the Environment Agency (EA) through the permit procedure. The application under consideration is for the provision and installation of a steel flue to serve the biomass boiler, for the process associated with the biomass boiler will be regulated by the EA permit.

2.40 No objections to the proposal have been received from the HBC Public Protection or the Environment Agency.

2.41 It is not considered that the proposal would have an adverse impact upon the amenity of neighbouring properties or land users.

## IMPACT ON THE VISUAL AMENITY OF THE AREA

2.42 The site is located in an established commercial area of the town characterised by large buildings on an industrial scale.

2.43 The building which will house the biomass boiler and flue sits alongside and existing building which is 50m x 60m, 18m high to the ridge and some 11.5m to the eaves (approx). The position of this building will in part screen the flue, especially in relation to residential properties at Intrepid Close and Harvester Close which are south east of the site, as will the intervening landfill.

2.44 In the wider area the flue will be screened by the existing buildings both within the site and the context of the commercial/industrial nature of the immediate area.

2.45 As such it is considered that the appearance of a flue in this location and site context is acceptable and will not result in an unacceptable loss of visual amenity for the surrounding area.

## HIGHWAYS

2.46 The proposal relates to the installation of a steel flue within an existing operation. HBC Highways have been consulted and have raised no objections to the proposal. The proposal is therefore considered to be acceptable in this respect.

## DRAINAGE

2.47 It is not considered that there will be any significant impact upon drainage. HBC Engineering Consultancy has been consulted and have raised no objection to the proposal.

## RESIDUAL MATTERS

2.48 Objectors have raised concerns regarding the publicity of the application and property devaluation. However all publicity (neighbour notifications, site notice and press notice) have taken place in accordance with legal requirements and is considered to be satisfactory in this instance. Property devaluation is not a material planning consideration.

## CONCLUSION

2.49 In view of the above planning considerations and with respect to the relevant national and local planning policy and guidance, it is considered acceptable and is recommended for approval.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.50 There is no evidence of equality or diversity implications.

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

2.51 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

2.52 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 development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) AJR17:33/100 (proposed site layout/flue location), AJR17:33/200 (proposed site location plan) received by the Local Planning Authority on the 22 June 2017, AJR17:33/101 Rev A (existing elevations building A) received by the Local Planning Authority 29 June 2017 and AJR17:33/111 Rev A (proposed north & west elevations building A) and AJR17:33/110 Rev A (proposed south & east elevations building A) details received by the Local Planning Authority on 26 July 2017.  
For the avoidance of doubt.

## BACKGROUND PAPERS

2.53 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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**NIRAMAX, THOMLINSON ROAD**

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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>20/10/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0367</b>	REV

**No:** 3  
**Number:** H/2017/0456  
**Applicant:** MR JACKSON CATCOTE ROAD HARTLEPOOL TS25 4HJ  
**Agent:** K BAKER DESIGN AND DEVELOPMENT LTD MR KEVIN BAKER 14 CHAMOMILE DRIVE STOCKTON TS19 8FJ  
**Date valid:** 09/08/2017  
**Development:** Siting of secure container  
**Location:** MOT CENTRE AJS CATCOTE ROAD 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 application site has been the subject of the following planning applications which are considered relevant to the consideration of this application:

3.3 **H/2012/0538** – Erection of a single storey extension to provide testing bay and store extension - Approved

3.4 **H/2002/0592** – Alterations and extension in association with use of site for MOT/vehicle repairs, shops and hand car wash/valets - Approved

3.5 **HADV/1989/0369** – Erection of an internally illuminated replacement pole sign - Approved

## PROPOSAL

3.6 The application seeks retrospective planning permission for the siting of a metal storage container on the forecourt towards the Southern boundary of the premises. The agent has indicated that the container is required in order to store waste tyres securely and under cover.

3.7 The container measures approximately 9 metres (length) x 2.4 metres (width) x 2.7 metres (height), and consists of a green profiled metal storage container. A number of signs are also attached to the top and front of the container which are likely to require separate advertisement consent (which has not been sought by the applicant).

3.8 It is understood that the storage container was originally sited on land belonging to the allotments. However, following discussions with the applicant it is understood

that it has since been moved to the location as per the submitted 'proposed' plans, i.e. off the adjacent allotment land.

3.9 The application has been brought to the committee in line with the scheme of delegation having regard to the recommendation and the retrospective nature of the application.

## **SITE CONTEXT**

3.10 The application site 'AJ's Mot Centre' is located approximately 140 metres north west of the junction of Brierton Lane and Catcote Road. It is enclosed to the north, east and south by allotments and to the west by Catcote Road and thereafter Brierton Sports Centre. The area is otherwise largely residential in character. The premises are currently used as an Mot Centre and car wash.

## **PUBLICITY**

3.11 Given the location of the site, the application has been advertised by way of site notice and local ward members only in this instance. To date, there have been no representations received.

3.12 One objection was received from a local ward councillor, who raised objections relating to vehicles parking on the grass verges adjoining this site and the removal of the boundary fence adjoining the allotments.

3.13 The period for publicity has expired.

## **CONSULTATIONS**

3.14 The following consultation replies have been received:

**HBC Public Protection** - No objections

**HBC Traffic and Transport** - No objections

**HBC Heritage and Countryside – (Projects Officer)** - No objections to retention of container in its current position but have requested a condition requiring that the boundary fence, that previously separated this site from the allotments to the south, is reinstated.

## **PLANNING POLICY**

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

### Local Policy

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



GEP1: General Environmental Principles  
GN3: Protection of Key Green Space Areas

### Emerging Local Plan

3.17 The Council's emerging Local Plan has recently been through an examination in public 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.

3.18 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process in the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development  
LS1: Locational Strategy  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and design of development  
NE2: Green Infrastructure

### National Policy

3.19 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 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

3.20 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.

3.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the existing character of the site and the surrounding area, the amenity and privacy of the neighbouring land users and highway safety.

## PRINCIPLE OF DEVELOPMENT

3.22 The site is currently allocated within the saved Local Plan (2006) as 'white land', with no specific policy designations. The emerging Local Plan (that is at an advanced stage) currently designates the site as allotments and community gardens (Policy NE2(h)). However, it is understood that this is a drafting error, and will be amended by modification prior to adoption of the emerging Local Plan. Given this is an established use, it is considered that the policy provisions of NE2 are not relevant, or reasonable to apply in this instance.

3.23 Therefore, it is considered justifiable that the site should be considered as 'white land' with no specific policy constraints. In that regard it is considered that the principle of development is acceptable in this location being a development situated within an enclave of existing commercial buildings serving an ancillary purpose for the primary approved host use on the site, which does not create an additional use or intensification of the site.

3.24 Therefore, the crux of the application will be whether the impact on the character and appearance of the existing dwelling and street scene, and the impact on the amenity and privacy of neighbouring land users, are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable development' as advocated within paragraph 14 of the NPPF.

## IMPACT ON EXISTING CHARACTER OF SURROUNDING AREA

3.25 The metal container occupies a prominent position in the street scene fully visible from Catcote Road. It is considered that the container is of a poor design being industrial in nature comprising green colour coated steel sides under a flat roof; and it does not, it is contended, relate particularly well to other buildings on the site, as it largely stands forward of them and next to the highway.

3.26 In view of this, it is considered that the container unduly detracts from the appearance of the street scene, contrary to the provisions of saved policy GEP1 of the Local Plan 2006 and Policy QP4 of the emerging Local Plan 2016 and the

relevant provision of the NPPF. It is therefore considered that this would warrant a refusal of the application.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.27 The site is situated in a relatively isolated location on Catcote Road, surrounded by allotments to the North, East and South and Brierton Community Sports Centre to the West beyond Catcote Road.

3.28 The container is located to the South of the site approximately 100 metres from the nearest dwelling (135 Catcote Road). Consequently it is contended that it does not have any adverse effect upon the level of light currently received by any neighbouring property. In addition the container does not, it is contended, appear unduly overbearing when viewed from the windows of any of the neighbouring properties given the separation distance, nor, is it envisaged that the use of the container for the storage of waste tyres is likely to give rise to significant continuous noise disturbance. This view is supported by the Council's Public Protection team who raise no objections to the development.

#### HIGHWAY SAFETY ISSUES

3.29 The location of the container encroaches approximately 1.8 metres across the vehicular exit point from the site. However, this still leaves a width of approximately 3.5 metres to allow egress on to Catcote Road. Furthermore, the container is set back over five metres from the carriageway edge with Catcote Road. In view of this, and that the proposal has been considered as being acceptable by the Council's Traffic and Transport section it is considered that the scheme will not result in an adverse impact on highway safety.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

3.30 There is no evidence of equality or diversity implications.

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

3.31 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.

3.32 There are no Section 17 implications.

#### REASON FOR DECISION

3.33 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;

01. In the opinion of the Local Planning Authority the development, by virtue of its design, siting and prominent location, would unduly detract from the character and appearance of the street scene. The development is therefore considered to be contrary to those provisions of saved policy GEP1 of the Hartlepool Local Plan, policy QP4 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.

## **BACKGROUND PAPERS**

3.34 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**

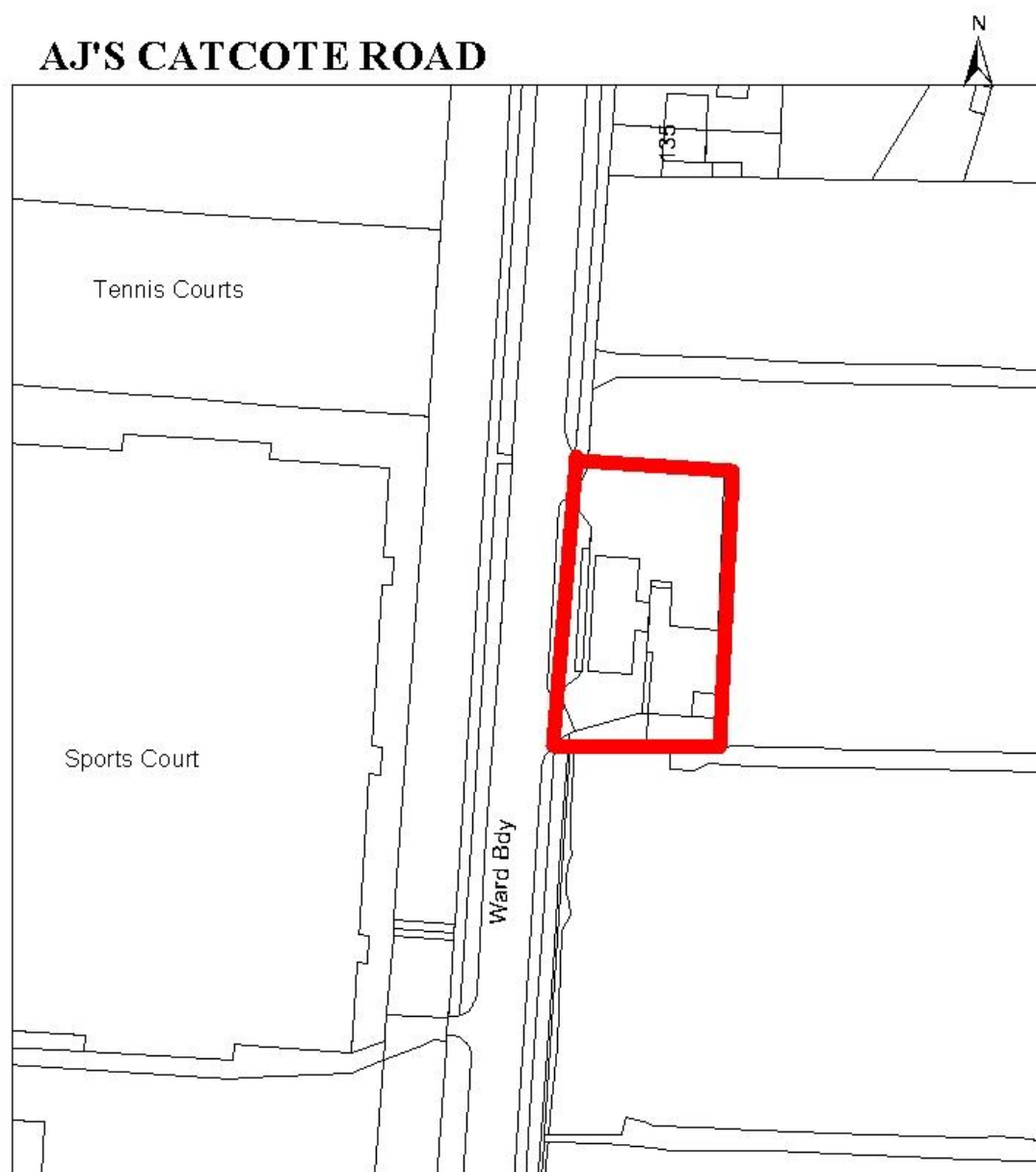
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0456</b>	REV



**No:** 4  
**Number:** H/2017/0426  
**Applicant:** MR M CURRELL 52 ROSTHWAITE CLOSE  
HARTLEPOOL TS24 8RE  
**Agent:** MR M CURRELL 52 ROSTHWAITE CLOSE  
HARTLEPOOL TS24 8RE  
**Date valid:** 25/09/2017  
**Development:** Erection of fence/gate at front of property (retrospective application)  
**Location:** 52 ROSTHWAITE CLOSE HARTLEPOOL  
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 This property has been the subject of the following planning approval which is considered relevant to the consideration of this application:-

4.3 HFUL/1991/0539 – Erection of 226 dwellings (including this property) – Approved 21<sup>st</sup> April 1993. Condition 7 of this approval withdrew the normal ‘permitted development’ rights that would otherwise allow for the erection of walls/fences in between the front of the dwellings and the highway.

## PROPOSAL

4.4 A boundary fence and gate have been erected around the front garden of the property but without the necessary planning permission. This application has therefore been submitted with a view to obtaining retrospective approval for the development. Whilst the fence and gate do not exceed one metre in height, planning permission is required in this instance because ‘permitted development’ rights, that would normally allow a one metre high fence, wall or gate to be constructed without the need for a formal application, were removed when planning permission was granted for the construction of this property (see ‘Background’ section above).

4.5 The applicant has submitted a letter in support of their application in which they state:-

- a) The fence prevents children, who play ball games, entering the applicant’s site.
- b) Provides an area for the applicant’s small dog to exercise without the worry that the dog will run off.

- c) that there are other similar examples of walls and fences in the locality.
- d) that their health has improved following the erection of the fence.

## **SITE CONTEXT**

4.6 52 Rosthwaite Close is a mid-terraced house constructed of brown brick for the external walls, under a red concrete tile roof. It is located approximately 90 metres north east of the junction of Rosthwaite Close and Stonethwaite Close in an area of residential development which is an open plan estate.

## **PUBLICITY**

4.7 Neighbour letters have been sent to two of the neighbouring properties. No responses have been received.

4.8 The period for publicity expired on 16<sup>th</sup> October 2017.

## **CONSULTATIONS**

4.9 The following consultation reply has been received:

**HBC Traffic and Transport:-** No objections

## **PLANNING POLICY**

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

### Local Policy

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

GEP1 – General Environmental Principles

### Emerging Local Plan

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

QP4 – Layout and Design of Development

### National Policy

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



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

Paragraph 17 - High Quality Design

Paragraph 56 – Good Design

Paragraph 60 - Promoting Distinctiveness

Paragraph 64 - Refusing Poor Design

Paragraph 66 – Working with those affected

## **PLANNING CONSIDERATIONS**

4.14 The main issue for consideration in this instance is the appropriateness of the development in terms of the policies and proposals held within the Development Plan. In this instance the key issues are considered to be visual amenity, the amenity of neighbouring properties and highway safety.

### **VISUAL AMENITY ISSUES**

4.15 The fence and gate are not unduly high, standing less than one metre in height. However, they occupy very prominent positions in the street scene, fully visible from Rosthwaite Close. In view of this, and given that the fence and gate wholly enclose the front garden of the property in an area of largely ‘open plan’ residential development, it is considered that collectively they unduly detract from the openness, character and appearance of the locality.

4.16 In coming to this view, consideration has been given to the fact that fences of a similar height and design have been constructed around the front gardens of 10, 12, 48 and 56 Rosthwaite Close, properties that stand next to/directly opposite the application site. However, those erected at 48 and 56 are deemed to be exempt from planning enforcement action terms because of the length of time that they have been ‘in situ’ (understood to be more than 10 years). It is also acknowledged that retrospective applications for fence/gates to the front of both No’s 10 (H/2017/0385) and 12 (H/2017/0375) Rosthwaite Close were considered by Members at Planning Committee in September 2017 and were approved subject to the fence/gates being stained a ‘dark oak’ colour. It is however noted that Members were also minded to refuse a retrospective application for a fence to the front of 30 Wasdale Close (H/2017/0388) at the same committee meeting. Officers remain of the view that the current application is not acceptable for the reasons detailed above. With this in mind it is considered that these above referenced fences do not set a precedent for

allowing the retention of a further similar fence in this location. Indeed, precedent is not a material planning consideration.

## AMENITY ISSUES

4.17 The fence and gate 'sit' wholly below the neighbouring windows and do not therefore adversely affect the level of light that those windows currently receive. For this reason it is also contended that they do not appear unduly overbearing when viewed from the neighbouring properties.

## HIGHWAY SAFETY ISSUES

4.18 It is contended that the fence and gate are not giving rise to any undue highway safety concerns. They do not affect the visibility of vehicles using the adjoining highway (Rosthwaite Close) nor do they impede the flow of pedestrians using the adjoining pavement. The scheme has been assessed by the Council's Traffic and Transport Service who raise no objections.

## Conclusion

4.19 The development is considered to be unacceptable for the visual amenity reasons given above, and that the application is refused for those reasons.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.20 There is no evidence of equality or diversity implications.

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

4.21 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. However, there are no Section 17 implications in this instance.

## REASON FOR DECISION

4.22 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;

- 0.1. In the opinion of the Local Planning Authority the fence and gate, because of their collective design and prominent position, unduly detract 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 policy GEP1 of the Hartlepool Local Plan, policy QP4 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.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

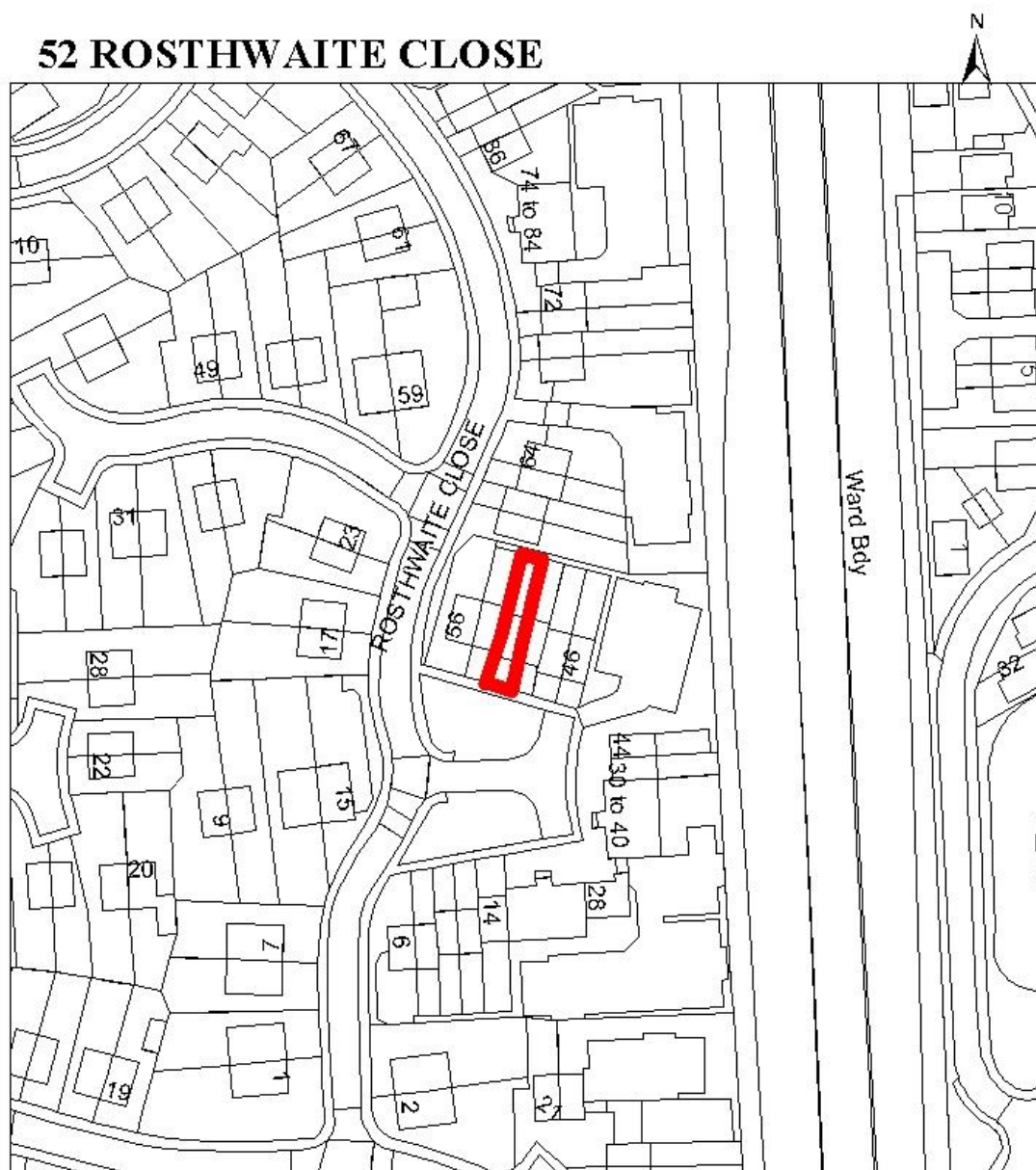
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**52 ROSTHWAITE CLOSE**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0426</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.

**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.

**GN1** (Enhancement of the Green Network) - Seeks the development, protection and enhancement of a network of green spaces in the urban area and linking to the open countryside.

**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.

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

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

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

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

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

**Rec1** (Coastal Recreation) - States that proposals for outdoor recreational developments on this part of the coast will only be approved where the development does not significantly detract from the nature of the surrounding coastal landscape, its effect on nature conservation and on heritage interest and where the development enhances the quiet enjoyment of the coast subject to the provisions of WL1 and WL2. Active pursuits should be located within the Marina, Victoria Harbour and Seaton Carew.

**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.

**Rec14** (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these

areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

**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.

**Tra5** (Cycle Networks) - States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

**Tra7** (Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew) - States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

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

## **MINERALS & WASTE DPD 2011**

### **Policy MWC6: Waste Strategy**

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
  - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
  - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
  - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste,
- e) developing the regional and national role of the Tees Valley for the

management of specialist waste streams.

Proposals should have no adverse impact on the integrity of the SPA, Ramsar and other European sites, either alone or in combination with other plans or programmes. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

## **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.



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

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

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

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

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

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

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**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.

**63.** In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

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

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

**70.** To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

**98.** When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**103.** When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

**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.

**111.** Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

**114.** Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the

creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and

- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

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

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

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

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

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

**134.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal, including securing its optimum viable use.

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

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

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

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

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

**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 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 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 EMP3: General Employment Land**

EMP3: The policy sets allocations for general employment used on industrial areas. The policy sets criteria for proposals for B1 and B8 business development. In addition proposals for B2 general industrial development will only be approved where the Borough Council is satisfied that they will not have detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. High quality landscaping and design will be key for developments on main approaches and on key routes within estates. Proposals for B1a will be subject to a sequential test. Proposals for the development and extension of bad neighbour uses will

only be approved where the development meets the criteria set out in the policy.

### **Policy RC16: The Local Centres**

RC16: This policy seeks to diversify, support and protect local centres in recognition of the important service they provide to their local communities. In accordance with policy RC1 local centres as identified on the proposals map will be the sequentially preferable location for the following uses below 300m2:

- Shops (A1)
  - Financial and Professional Services (A2)
  - Food and Drink (A3)
  - Drinking Establishments (A4)
  - Hot Food Takeaways (A5)
  - Non-residential institutions (D1)
- Residential (C3 and C4) only on upper floors

Such uses will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

In addition, the policy sets out that combining of units will not be supported where the newly combined unit would have a negative impact upon the character, vitality and viability of the Town Centre or the Local Centre. The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

### **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.

# PLANNING COMMITTEE

1 November 2017



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

**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. Erection of a close boarded timber fence to the front and side of a residential property in Clavering Road.
2. Running a construction business from a residential property in Bolton Grove.
3. The storage of a large stockpile of rubble at land at Old Cemetery Road.
4. The erection of a retaining wall to the front of a residential property in Serpentine Gardens.
5. Car repairs and sales at a residential property in Relton Way.
6. Engineering works involving backfilling of a stream/culvert at a residential site in Easington Road.
7. The erection of a side and rear extension at a residential property in The Oval.
8. The erection of an extension above a garage at the rear of a residential property on Moor Terrace.
9. The erection of fencing on the boundary of a housing development site on land at Valley Drive.

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

1. The use of a social club as an indoor shooting club at a licensed premises in Whitby Street. It was found that the activity is small in scale and does not lead to a material change of use of the premises.
2. The use of a residential care home in Jones Road as flats. It was found that the premises was in use as temporary accommodation for staff for a short period. This use has now ceased. No further action necessary.
3. The erection of a close boarded timber fence to the front of a residential property in Rosthwaite Close. A valid planning application seeking to regularise the development has since been received.
4. The change of use of a residential property in Milton Road to a homeless hostel. It was found that no material change of use had occurred in this case, and therefore no further action is necessary.
5. Delivery vehicles reversing into a commercial development off Forester Close. The matter has been redirected to the Council's Traffic and Transport Team for appropriate action.
6. Properties not being constructed in accordance with the approved plans at a residential development on Elwick Road. It was found that the properties are being constructed in accordance with the approved plans.
7. The erection of a side and rear extension at a residential property in Bilsdale Road. It was found that planning approval had recently been granted in respect of the side and rear extension.
8. A single storey extension to the side and rear of a residential property in Dunlin Road not being constructed in accordance with the approved plans. A valid retrospective planning application seeking to regularise the extension as built has since been received.
9. Change of use from hotel to flats at a commercial premises in Park Road. It was found that the manner in which the premises is currently operating does not lead to a material change of use requiring planning permission.
10. The installation of UPVC windows to the rear and re-roofing works at a listed residential property on South Crescent. A valid retrospective planning application seeking to regularise the development has since been received.

## 2. RECOMMENDATION

2.1 Members note this report.

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