

PLANNING COMMITTEE

AGENDA



Wednesday 29 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 1 November 2017 *(to follow)*.

4. ITEMS REQUIRING DECISION

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

1. H/2017/0456 – MOT Centre AJ's Catcote Road, Hartlepool (page 1)
2. H/2017/0504 – 85 Station Lane, Hartlepool. (page 9)
3. H/2017/0479 – Plot 12 Manorside, Phase 2, Wynyard, Billingham. (page 21)
4. H/2017/0483 – Land at Green Street, Hartlepool. (page 33)
5. H/2017/0335 – 12-14 Church Street, Hartlepool. (page 47)
6. H/2017/0469 – Unit 30-34 Navigation Point, Middleton Road, Hartlepool. (page 79)
7. H/2017/0430 – 1A Coniscliffe Road, Hartlepool. (page 89)

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 Enforcement Action – *Assistant Director (Economic Growth and Regeneration)* (para's 5 and 6)
- 8.2 Enforcement Action – *Assistant Director (Economic Growth and Regeneration)* (para's 5 and 6)

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

1st November 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, Brenda Loynes,
Ray Martin-Wells, George Morris and Kaylee Sirs

Officers: Peter Devlin, Chief Solicitor
Jim Ferguson, Planning and Development Manager
Daniel James, Planning Team Leader (DC)
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental
Protection)
Sylvia Pinkney, Head of Public Protection
Steve Wilkie, Landscape Architect Team Leader
Ryan Cowley, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

48. Apologies for Absence

None

49. Declarations of interest by members

Councillor Stephen Akers-Belcher declared a prejudicial interest in item H/2017/0471 (Land at the Front, Seaton Carew) due to his previous involvement in the proposals as Vice-Chair of Regeneration Services Committee and Chair of Coastal Communities and announced his intention to leave the meeting during consideration of this item.

50. Confirmation of the minutes of the meeting held on 4th October 2017

Minutes confirmed

51. Planning Applications *(Director of Regeneration and Neighbourhoods)* **The Vice-Chair left the meeting**

Number: H/2017/0471

Applicant: HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE VICTORIA ROAD HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL MR STEVE WILKIE BUILDING CONSULTANCY CIVIC CENTRE HARTLEPOOL

Date received: 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

The Agent, Steve Wilkie, was present to answer any questions members might have. Members approved the application unanimously.

Decision: **Approved subject to conditions;**

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;

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 7th 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 12th 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 18th September 2017 by the Local Planning Authority; and
 324-30 L011 Rev D (Masterplan Details) received 21st September 2017 by the Local Planning Authority.

For the avoidance of doubt.

3. The development hereby approved shall take place solely in accordance with the construction management details set out within the e-mail and attached Traffic Management Plan received by the Local Planning Authority on 1st November 2017.

To avoid excessive noise and disturbance to the occupants of nearby properties.

4. 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 7th September 2017 by the Local Planning Authority and 324-40 L007 Rev A (Planting Plan 1 - Car Park area) received 12th 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.

5. 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 7th September 2017 by the Local Planning Authority; 324-30 L006 Rev D (Northern Entrance), 324-30 L028 (Car Park Details) received 18th 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.

6. 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 7th September 2017; and 324-30 L029 (Revised Layout - Phases 1 & 2) and 324-30 L006 Rev D (Northern Entrance) received 18th 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.

7. 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 7th 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.

8. 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.

9. 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 7th September 2017 by the Local Planning Authority.

For the avoidance of doubt.

10. Notwithstanding the details shown on plan 324-40 L015 Rev C (Beach Huts), the beach huts hereby approved shall be implemented in accordance with the colour scheme set out in the e-mail received by the Local Planning Authority on 30th October 2017 stipulating the final list of colours to be used on the huts, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

Number: H/2017/0367

Applicant: NIRAMAX GROUP LTD MR KEVIN WANLESS
THOMLINSON ROAD HARTLEPOOL

Agent: AJ RILEY ARCHITECTS MR A RILEY 24
BEDFORD ROAD NUNTHORPE
MIDDLESBROUGH

Date received: 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

Members queried concerns which had been raised around emissions, noise and toxic gasses. The Environmental Health Manager indicated that the application would need to comply with strict emissions limits which would be controlled through the permit. As the site was located in the middle of an industrial site there should be no noise impact on those located outside of the site.

The Applicant, Frank Antrobus, was present to answer any questions members might have.

Members were of the opinion that based on officer advice the application would not be a health risk and would not cause any undue problems. They hoped this professional advice would reassure objectors. It would also bring economic benefits.

Members approved the application unanimously.

Decision: **Approved subject to conditions;**

CONDITIONS AND REASONS

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

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|-----------------------|---|
| Number: | H/2017/0456 |
| Applicant: | MR JACKSON CATCOTE ROAD HARTLEPOOL |
| Agent: | K BAKER DESIGN AND DEVELOPMENT LTD MR KEVIN BAKER 14 CHAMOMILE DRIVE STOCKTON |
| Date received: | 09/08/2017 |
| Development: | Siting of secure container |
| Location: | MOT CENTRE AJS CATCOTE ROAD HARTLEPOOL |
| Decision: | Application deferred to next committee |
| Number: | H/2017/0426 |
| Applicant: | MR M CURRELL ROSTHWAITE CLOSE HARTLEPOOL |
| Agent: | MR M CURRELL 52 ROSTHWAITE CLOSE HARTLEPOOL |
| Date received: | 25/09/2017 |
| Development: | Erection of boundary fence (retrospective application) |
| Location: | 52 ROSTHWAITE CLOSE HARTLEPOOL |

Members referred to similar retrospective applications which had been approved recently. As with those they asked that in this case the fence be stained a dark oak colour to reduce its visual impact. Members considered that with this amendment the fence would have an acceptable impact on visual amenity and recorded this as the reason for deviating from the officer recommendation. They suggested that guidelines on the height and type of fences which were considered acceptable should be produced for homeowners in order to give uniformity. The Planning and Development Manager agreed that this would be the preferable option but was obviously not possible in the case of retrospective applications.

Members approved the application unanimously.

Decision: **Approved subject to condition(s);**

CONDITIONS AND REASONS

1. The fence and gate hereby approved shall be stained in a 'dark oak' colour within three months from the date of the decision notice. The development shall be completed to the satisfaction of the Local Planning Authority.
In the interests of visual amenity.
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52. Update on Current Complaints (*Assistant Director (Economic Growth and Regeneration)*)

Members were given information regarding on 9 ongoing investigations into complaints received and 10 completed investigations

Decision

That the report be noted

53. Local Government (Access to Information) (Variation Order) 2006

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

Minute 54 – (Unauthorised Change of Use) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 55 – (Complaint Cases to be closed) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a

notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 56 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 57 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 58 – (Non-compliance with Conditions linked to Planning Approvals) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

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

Members were asked whether they wished officers to issue an Enforcement Notice in respect of an unauthorised change of use. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes

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

Member authority was requested to close an outstanding complaint case. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes

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

This item was withdrawn from the agenda

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

This item was withdrawn from the agenda

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

direction under any enactment

Members were asked whether they wished officers to issue a Breach of Condition Notice in respect of non-compliance with conditions. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes

59. 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.

The Chair reminded members that as per the Planning Code of Practice any future site visits would need to be requested during the meeting and voted upon by members. Material planning reasons would need to be given to justify any request and it would need to be minuted. He urged members to make their request as soon as possible during the meeting, preferably before the debating stage of proceedings. He also confirmed that in the case of the planning applications currently under consideration at High Tunstall & Quarry Farm site visits would be convened automatically as agreed at the previous meeting. The Planning and Development Manager did not anticipate at the time the applications being brought before Committee this calendar year.

The meeting concluded at 10:45am.

CHAIR

No: 1
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

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. (NB: This application was deferred from the previous planning committee of 1st November 2017).

BACKGROUND

1.2 The application site has been the subject of the following planning applications which are considered relevant to the consideration of this application:

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

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

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

PROPOSAL

1.6 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.

1.7 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).

1.8 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.

1.9 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

1.10 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

1.11 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.

1.12 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.

1.13 The period for publicity has expired.

CONSULTATIONS

1.14 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

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

Local Policy

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

GEP1: General Environmental Principles

GN3: Protection of Key Green Space Areas

Emerging Local Plan

1.17 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.

1.18 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

1.19 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

1.20 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.

1.21 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

1.22 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.

1.23 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.

1.24 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

1.25 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.

1.26 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

1.27 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.

1.28 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

1.29 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

1.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.31 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.

1.32 There are no Section 17 implications.

REASON FOR DECISION

1.33 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

1.34 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

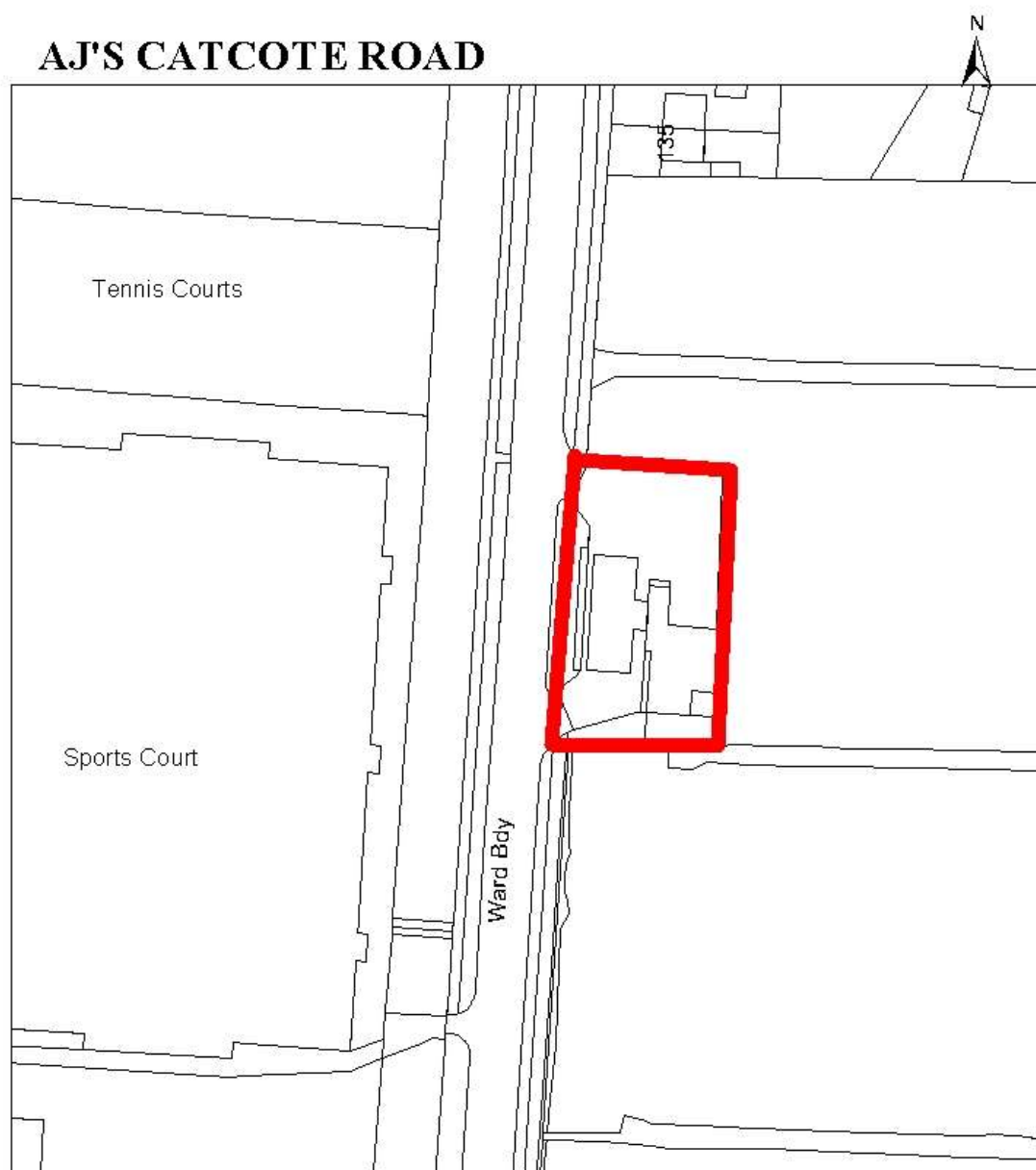
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2
Number: H/2017/0504
Applicant: DR JKB PATEL STATION LANE SEATON CAREW
HARTLEPOOL TS25 1AX
Agent: HOWARTH LICHFIELD PARTNERSHIP MR DAVID
MCKEAG 4 OLD ELVET DURHAM DH1 3HL
Date valid: 19/09/2017
Development: Change of use to doctor's surgery (Use Class D1) at
ground floor and three x one bedroom flats (Use Class
C3) at first floor level
Location: 85 STATION LANE HARTLEPOOL

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 The following application is relevant to this application;

2.3 H/2012/0491 – Change of use of existing building and erection of extension to provide nine self contained apartments – Refused 13th February 2013 for the following two reasons:

1. *It is considered that the proposed development would be served by an inadequate vehicular access to the detriment of highway safety, the free flow of traffic and the amenities of the occupiers of houses adjoining or near the application site contrary to policies GEP1, Hsg7 and Hsg9 of the adopted Hartlepool Local Plan 2006.*
2. *It is considered that the proposed development could engender a fear of crime contrary to policy GEP3 and Hsg7 of the adopted Hartlepool Local Plan 2006.*

PROPOSAL

2.4 Planning permission is sought for the change of use to a doctor's surgery (Use Class D1) at ground floor and three one bedroom flats (use Class C3) on the first floor. The proposal includes the demolition of a garage and exterior staircase to provide access to the rear/side of the premises for car parking. The existing car parking area which is to the front of the building is to be upgraded and formalised along with landscaping.

2.5 The application has been brought to Committee in view of the number of objections received.

SITE CONTEXT

2.6 The site to which this application relates is a vacant two storey and single storey building previously used by Hartlepool Borough Council Social Services as office accommodation. The building has been vacant since 2012 and has become a target for antisocial behaviour and is in a state of disrepair.

2.7 The area is predominately residential with a mix of dwellinghouses and bungalows. The site is accessed from Bylands Grove, which is off Castleton Road and Elizabeth Way respectfully.

2.8 The site has an existing car park to the front of the building, with incidental open space beyond this. The area is predominately residential in character. The site is close to public transport and is within walking distance of local services including Seaton Carew sea front.

PUBLICITY

2.9 The application has been advertised by site notice and neighbour letters (30). To date, there have been 4 letters of objection.

2.10 The concerns raised are:

- Volume of traffic using Byland Grove and Castleton Road
- Increase in traffic
- Byland Grove is quiet Cul-de-Sac
- Excess traffic – dangerous to children and residents
- Already busy and congested road
- If the surgery is accessed into Byland Grove from Castleton Road there will be a large increase in traffic travelling in from Elizabeth Way and Farndale Road. Farndale Road is already a very busy and congested road.

2.11 1 Letter of no objection has been received.

2.12 Copy Letters **A**

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Traffic and Transportation: The HBC design guide and specification recommends that the maximum level of parking for a Doctors Surgery is 10 car parking spaces per doctor / practitioner and 1 space per 2 members of staff. From the details provided it would look like the practice will be served by 2 Doctors and a Nurse + several admin and reception staff. The flats would require 1.5 spaces per property. The maximum number of spaces required would be in the region of 35.

The development provides a total of 17 parking spaces this is substantially below the maximum number. There are concerns that this will lead to parking overflowing onto Station Lane and nearby streets. The carriageway on Station Lane is wide enough to accommodate parked vehicles, however these would block an advisory cycle lane which is located on both sides of the carriageway. This already occurs on Station Lane in the vicinity of Danby Grove. Vehicles may also park in nearby residential streets to the inconvenience of residents. In general the roads leading to the site are quiet during the day with few parked vehicles. The site is located on a bus route and lies relatively centrally within Seaton Carew, this will provide some reduction in the parking demand.

It would be difficult to argue that the development would have a severe impact on road safety and traffic flows, it would therefore be difficult to sustain an objection if this went to appeal.

HBC Arborist: The two trees in the rear garden are Leyland Cypress and are mentioned in the Design and Access statement as being retained. They are not trees that I would attach high importance to however. As part of the application I would want to see some trees planted appropriate to the location on the Station Lane aspect to continue the tree cover in this area. (Policy GEP1 of the adopted Local Plan) otherwise I have no objections to the proposal.

HBC Engineering Consultancy: No objection.

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

Due to nearby residential properties works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

HBC Ecology: No comments.

HBC Economic Development: No comments.

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

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

Cleveland Police: We would encourage the developer to make contact in order that we can work with them to design out crime at the earliest opportunity.

PLANNING POLICY

2.15 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

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

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
HSG1: New Housing Provision
Hsg5: Management of Housing Land Supply
Hsg7: Conversions for Residential Uses
Tra16: Car Parking Standards

Emerging Local Plan

2.17 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:

SUS1: The presumption in Favour of Sustainable Development
LS1: Locational Strategy
CC1: Minimising and adapting to Climate Change
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency

National Policy

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

previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 002: Primacy of Development Plan
 Paragraph 006: Contribute to the achievement of sustainable development
 Paragraph 007: 3 dimensions of sustainable development
 Paragraph 009: Sustainable development
 Paragraph 011: Planning law and development plan
 Paragraph 012: Statutory status of development plan
 Paragraph 013: NPPF is material consideration
 Paragraph 014: Presumption in favour of sustainable development
 Paragraph 017: Role of planning system
 Paragraph 048: Windfall sites
 Paragraph 049: Housing applications and sustainable development
 Paragraph 051: Approval of planning applications
 Paragraph 056: Design of built environment
 Paragraph 057: High quality and inclusive design
 Paragraph 070: Community Facilities
 Paragraph 196: Primacy of the Development Plan
 Paragraph 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.19 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 impacts of the proposal on visual amenity, impacts of the proposal on neighbouring amenity and highway safety. These and any other matters are considered as follows;

PRINCIPLE OF DEVELOPMENT

2.20 In terms of the principle of development, the proposal is considered to be both appropriate and acceptable. The proposal brings back into use a vacant commercial building. The development includes both a commercial element and residential use.

2.21 In respect of the commercial element of the development this is to provide a doctor's surgery which will be of a social benefit to the local community. In respect of the residential element this is to provide three flats. It is considered given the established nature of the surrounding area that this element is acceptable. The application site is located within the development limits and within proximity of shops, services and public transport routes.

2.22 The proposal is considered to be in accordance with current and emerging Council policy and with the overall objectives of the NPPF of providing sustainable development.

IMPACT OF THE PROPOSAL ON RESIDENTIAL AMENITY

2.23 The building was previously used by social services as office accommodation for outreach social workers who visited the building at various times, this included early evenings for meeting etc. The building has been vacant since January/February 2012 and in that time has come into a state of disrepair. The building was originally a purpose built residential children's home and nursery.

2.24 Currently the site includes a garage and external stair case which are to be removed to allow access to the rear for parking. There is an existing timber fence along the rear shared boundary with the residential properties on Danby Grove, the side boundary treatment along the shared boundary with 1 Byland Grove is currently a post and mesh fence. It has been confirmed by the agent that a more substantial boundary treatment can be accommodated along this boundary to mitigate against possible 'light spill' from vehicles entering or leaving with headlights on. This can be secured by condition.

2.25 The closest residential dwelling to the front parking area is 1 Byland Grove which sits forward of the site. The dwelling has a front and side low boundary wall, with the side element linking into mesh fencing. This property has a secondary lounge window which looks onto the parking area. It is considered that the impact will not significantly worsen from that of the existing relationship that exists between this property and the parking area.

2.26 With respect to the residential development at first floor level, these will utilise existing window openings. It is understood that the upper floor was used as living accommodation when the building was used as a children's home.

2.27 It is considered that the development achieves the recommended separation distances for residential development in accordance with supplementary Note 4 of the adopted Hartlepool Local Plan (2006) and will therefore not result in an adverse loss of amenity and privacy for neighbouring properties or future occupiers.

2.28 It is acknowledged that this building was a purpose built children's residential home/nursery and later used as office accommodation. However, it would appear that the use was never formally changed and unless the more recent use was in excess of 10 years (and confirmed through the requisite Certificate of Lawful Development/use application), the premises could hypothetically revert back to a residential institution which includes children's homes, nursing homes, boarding schools, residential colleges and training centres without requiring formal planning permission.

2.29 It is considered that the previous use has the potential to have a more significant impact upon residential properties than the proposed use as a doctors surgery with residential development above in terms of comings and goings. The area to the rear of the building could also be used as an outside play area without restrictions.

2.30 It is considered that the above mentioned uses which could be implemented without prior planning consent, could give rise to a more increased level of noise and

disturbance to that proposed. Moreover the Local Planning Authority has the power to impose planning conditions on the current proposals. The Council's Public Protection team have been consulted and raised no objection to the proposal subject to hours of construction and deliveries being limited and the doctor's surgery hours of use being limited as per submitted information (0800-1800 hours, Monday to Friday), both of which are secured by separate planning conditions. It is therefore considered that the proposal would be acceptable in this location.

IMPACT OF THE PROPOSAL ON VISUAL AMENITY

2.31 The proposal includes the change of use of the ground floor to a doctor's surgery, with three one bedroom residential units at first floor. The proposal includes formalising the existing parking area to the front of the building and the addition of further parking to the side/rear of the development with an element of landscaping being provided. The Council's Arborist has been consulted and raises no objection to the proposed landscaping subject to conditions securing the details.

2.32 The proposed external alterations to the building including the formalising of the parking areas and provision of landscaping are considered to be of a modest scale and design, the works are considered to be proportionate to the existing established commercial building which is of limited architectural merit.

2.33 It is considered that the proposed development will improve the visual amenity of the area and street scene by bringing a disused and distressed building back into use.

HIGHWAYS

2.34 A number of objectors refer to issues of parking and the additional comings and goings to the property which could impact on highway safety.

2.35 The proposal includes the formalising of the existing car park at the front of the building and the provision of additional parking within the site.

2.36 The Council's Traffic and Transport Section has commented that the proposal provides a total of 17 parking spaces which is substantially below the maximum level of parking required for a doctor's surgery. There are concerns that this could lead to parking overflowing onto Station Lane and nearby streets. The carriageway on Station Lane is wide enough to accommodate parked vehicles. However the parking of vehicles in this location would block an advisory cycle lane which is located on both sides of the carriageway. This is an existing occurrence on Station Lane in the vicinity of Danby Grove. The site is located on a bus route and lies relatively central within Seaton Carew; this will provide some reduction in the parking demand.

2.37 HBC Traffic and Transport Section has advised that it would be difficult to sustain an objection on the grounds that the development would have a 'severe' impact on road safety and traffic flows. In view of this it is considered on balance that the identified impacts would not warrant a refusal of the application in this instance.

DRAINAGE

2.38 The Council's Engineering Consultancy and Northumbrian Water have been consulted on the proposal and raise no objection. It is considered the development is acceptable in this respect.

CONCLUSION

2.39 The proposed development is considered to be acceptable in terms of national and local planning policy, amenity of neighbouring land users, character of the surrounding area and highway safety. It is considered that the proposal will bring a disused building back in to use and have a positive impact upon the visual amenity of the area. It is considered that the proposal will have a significant social and economic benefit. As such the proposal is recommended for approval subject to appropriate conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.41 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

2.42 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) 15089-2011 Rev P01 (ground and first floor plans as proposed), 15089-2010 Rev P02 (elevations as proposed) and details received by the Local Planning Authority on the 13th September 2017 and Dwg No: 15089-2012 Rev P01 (site and location plan as proposed) received by the Local Planning Authority on the 18th September 2017.
For the avoidance of doubt.
3. 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.

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

In the interests of visual amenity.

5. Prior to the commencement of development details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any part of the building 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.

In the interests of visual amenity.

6. Notwithstanding the submitted information and plans, details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of any part of the building hereby approved.

In the interests of visual amenity of the surrounding area.

7. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a medical centre within Use Class D1 and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).

To enable the Local Planning Authority to retain control over the development in order to protect the amenities of the occupants of neighbouring properties.

8. The residential use hereby approved shall be used as 3no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.

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

9. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays.

To avoid excessive noise and disturbance to the occupants of nearby properties.

10. The development hereby approved shall operate solely in accordance with the working layout as set out on Dwg No: 15089-2011 Rev P01 (ground and first floor plans as proposed) received by the Local Planning Authority on 13th September 2017.

For the avoidance of doubt.

11. Prior to the occupation of the doctors surgery and the residential flats, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development.

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

12. The doctors surgery use hereby approved shall only be open to the public between the hours of 08:00 and 18:00 Mondays to Friday.

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

BACKGROUND PAPERS

2.43 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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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 06/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0504 | REV |

No: 3
Number: H/2017/0479
Applicant: MR I CRAGGS MANORSIDE PHASE 2 WYNYARD
BILLINGHAM TS25 5NW
Agent: WHITEBOX ARCHITECTURE LTD MR I SMITS 8
CHURCH HILL KNUTSFORD WA16 6DH
Date valid: 06/09/2017
Development: Approval of reserved matters of H/2015/0270 in respect of
erection of a single dwelling over basement with
associated access, landscaping and boundary treatments
Location: PLOT 12 MANORSIDE PHASE 2 WYNYARD
BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following planning approvals are relevant to the consideration of this application:-

3.3 H/2014/0581 – Outline planning permission for residential development comprising 15 dwellings (self build) Manorside Phase 1 approved 11 January 2016.

3.4 H/2015/0270 – Outline planning permission for residential development comprising 12 dwellings (self build) Manorside Phase 2 approved 12 April 2016.

PROPOSAL

3.5 This application seeks approval for the reserved matters (appearance and layout) of plot 12 of approved outline application for 12 dwellings (H/2015/02780).

3.6 Planning Permission is sought for the erection of a large detached dwelling which includes a full basement and accommodation within the roof space. The dwelling will sit centrally within the plot. The plot is an unusual shape insofar that it is a 'wedge' with adjacent plots sitting at an angle to the proposed development.

3.7 The proposed basement will provide a pool and gym area, garage accommodation, games room, cinema, study and lift shaft. The ground floor provides living accommodation with a central staircase to the bedroom accommodation on the first floor, with a master suite and loft accommodation within the roof space. A recessed terrace is provided for the master suite within the roof space.

3.8 The application has been brought to Committee in view of the number of objections received.

SITE CONTEXT

3.9 The application site relates to Plot 12 within an area of land known as Manorside and is situated to the north of the A689 and to the west of the A19 and Wynyard Park. The site is accessed from the A689 via the existing road network which serves the residential development being undertaken by Taylor Wimpey to the north of the site, known as The Pentagon.

3.10 The site is part of a two phased development of self build plots, this being phase two. Phase two of the Manorside development was granted outline planning permission on 12 April 2016 for 12 self build dwellings.

PUBLICITY

3.11 The application has been advertised by site notice and neighbour letters (3). To date, there have been 3 letters of objection. Following the receipt of additional information regarding construction method further consultation letters were sent with a further 3 letters of objection being received.

3.12 The concerns raised are:

- Do not object to the house but have concerns with basement construction
- During construction water transfer/displacement onto adjacent plots
- Water table effected
- Concerns with construction for basement pile driven sheets
- Out foundations are vulnerable
- What measures for drainage being taken
- Third party insurance
- Noise
- Dust pollution
- Potential for structural damage to adjacent properties
- Party wall act
- Lack of privacy
- Rainwater run off from the sloping roof onto plot 14
- Property exceeds 25% ratio permitted for development at Wynyard
- Concerns 3 metre boundary will be breached by the construction of the basement

3.13 Copy Letters **B**

3.14 Further consultation carried out on additional plan submitted. The period for publicity expires before the meeting with any additional comments received being tabled.

CONSULTATIONS

3.15 The following consultation replies have been received:

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

HBC Engineering Consultancy: I need to request a surface water condition to ensure that surface water is not going to run down the proposed slope and into the neighbouring property.

HBC Public Protection: No objection.

Northumbrian Water: Having assessed the proposed development against the context outlined above we have the following comments to make:

We note that the plans submitted with the application include an element of basement development. Due to the additional considerations that are required when designing drainage systems for basement storeys, we would request that drainage plans for the proposed development are submitted to Northumbrian Water for approval. The submission of a satisfactory scheme for the disposal of foul flows from the proposed basement development will ensure the development does not increase the risk of sewer flooding to the property, in accordance with the NPPF.

As the planning application does not provide sufficient detail with regards to the management of foul water from the basement development for Northumbrian Water to be able to assess that an appropriate method of connection to the sewerage network is proposed, we would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul water from the basement development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

HBC Countryside Access Officer: No comments.

HBC Arboricultural Officer: Details of landscaping is required as part of this application which is common to all plots on Manorside.

Elwick Parish Council: No objections.

Grindon Parish Council: No comments received.

PLANNING POLICY

3.16 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

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

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP12: Trees, Hedgerows and Development
Hsg5: Management of Housing Land Supply
Hsg9: New Residential Layout – Design and Other Requirements

Emerging Local Plan

3.18 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:

LS1 – Locational Strategy
SUS1 – The Presumption in Favour of Sustainable Development
QP3 – Location, Accessibility, Highway Safety and Parking
QP4 – Layout and Design of Development
HSG6 – Wynyard Housing Developments

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:

Paragraph 002: Primacy of development plan
Paragraph 011: Planning law and development Plan
Paragraph 012: Statutory status of development plan
Paragraph 013: NPPF is material consideration
Paragraph 014: Presumption in favour of sustainable development

Paragraph 017: Role of planning system

Paragraph 056: Design of built environment and its contribution to sustainable development

Paragraph 057: High quality and inclusive design

Paragraph 063: Innovative design

Paragraph 064: Improving the character and quality of an area

Paragraph 196: Planning system is plan led

Paragraph 197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

3.20 The main considerations in regard to this application are the principle of the development, impacts of the proposal on visual amenity, impacts of the proposal on neighbouring amenity, highways and drainage.

PRINCIPLE OF DEVELOPMENT

3.21 As set out above, the application site is part of Manorside Phase 2 self build residential plots. The principle of residential development in this location has been established by the granting of the outline planning application H/2015/0270 for 12 residential plots.

IMPACT OF THE PROPOSAL ON VISUAL AMENITY

3.22 The surrounding area is dense woodland which partially obscures the view of the wider area of the residential developments within the northern and southern areas of Wynyard.

3.23 The Manorside developments are a self build development which enables the developers of the plots to create a variety of dwellings. Many of the dwellings are large properties of an innovative design, but do not appear incongruous within the area.

3.24 The proposed scheme is a contemporary design using a modern palate of materials which include brickwork, render, glazing and grassed mounding which includes glazed panels to allow natural light to part of the basement development. The property has been designed and orientated within the plot to create cohesive functional spaces, with defined areas. Paragraph 63 of the NPPF supports innovative designs which help raise the standard of design more generally in the area.

3.25 Whilst this is a large property it is considered that it is in keeping with existing properties within the Wynyard estate. It is not considered that this property will have a detrimental impact and appear incongruous.

3.26 It is considered that overall the impact upon visual amenity would be acceptable and there are no significant detrimental impacts on the character of the area. The proposal is considered to be in accordance with saved policies GEP1 and HSG9 of the Hartlepool Local Plan 2006 and paragraphs 56 of the NPPF.

IMPACTS OF THE PROPOSAL ON RESIDENTIAL AMENITY

3.27 Concerns have been raised with regard to dust and noise from the development. It is acknowledged that Manorside is a development site with properties under various stages of construction. The Council's Public Protection team have been consulted and raised no objection to the development including matters of dust and noise.

3.28 Concerns have been raised from a neighbouring resident with regard to privacy issues from the development. Supplementary Note 4 appended to the Hartlepool Local Plan sets out specific guidance for minimum separation distances between residential properties. A minimum of 20m should be achieved where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property. The proposal shows a bedroom window at first floor facing the side elevation of plot 11. This plot (11) has a kitchen and utility window and a side window of a garden room at ground floor. Part of the rear elevation of plot 12 is approximately 12m from the side elevation of plot 11, the windows in the side elevation of plot 11 are not considered principle windows and on balance the relationship is considered to be acceptable.

3.29 The proposal includes a raised grassed area which covers the pool area and gym accommodation which forms part of the basement development. This element of the proposal sits close to plot 14. This property has secondary windows close to the shared boundary. To enable a better view of how the proposed development will sit in relation to plot 14 a cross section plan was requested which illustrated the relationship between plot 12 and 14. The relationship between these two properties is considered acceptable. However it would be prudent to request by condition finished floor and ground levels.

3.30 Plot 13 sits at an angle to plot 12 with the side elevation sitting close to the shared boundary. This elevation has no principle windows, although there are windows at ground floor which serve a utility and games room it is not considered that the proposed development at plot 12 would have a detrimental impact. It is considered that the relationship is acceptable.

3.31 Overall, it is considered that the siting of the proposed dwelling in relation to the application site and the adjacent plots and the wider area would not unduly dominate the plot and would have an acceptable impact on the amenity and privacy of future occupiers of adjacent plots.

3.32 It is considered that the scheme is acceptable and in accordance with saved policies and those of the NPPF.

HIGHWAYS

3.33 The Council's Traffic and Transport section have been consulted on the application and have raised no objections to the proposed development in terms of highway safety, access or parking. It is therefore considered the proposal is acceptable in this respect.

DRAINAGE

3.34 Concerns have been raised from residents relating to the basement development of the proposal and possible water transfer from the site and the impact on the water table. The Council's Engineering Consultancy has been consulted on the proposal and raises no objection subject to surface water condition to ensure that there will be no run-off onto adjacent plots. It is considered given the scale of the development the water table would not be affected. Northumbrian Water have also been consulted and have requested foul water details to be conditioned to ensure the development does not increase the risk of sewer flooding to the property, in accordance with the NPPF.

RESIDUAL MATTERS

3.35 Concerns have been raised with regard to construction methods, in particular the basement. Supporting information has been provided which explains the construction method for the basement. The construction of the development will be addressed through the associated Building Regulations application. The proposal is therefore considered to be acceptable in this respect.

3.36 Reference has been made to the Party Wall Act, this is separate legislation and is not a material planning consideration.

3.37 Concerns have been raised with regard to the development not being in compliance with the ratio permitted within the plot for the development. Wynyard Park Development who were the owners of the Manorside site as a whole produced a design code, which is a private contract between Wynyard Park and the respective buyers/developers and was not considered as part of the outline applications.

CONCLUSION

3.38 The proposed development is considered to be of an appropriate scale for its setting and achieves adequate spacing from surrounding plots and is therefore considered not to result in any unacceptable impacts on privacy or amenity associated with other dwellings. The design is considered acceptable. Adequate provision for access and parking has been made.

3.39 In view of the above it is considered that the proposal accords with the identified saved policies within the Hartlepool Local Plan (2006), and the provisions of the NPPF. The proposal is therefore recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.41 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.

3.42 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 2330-99 (site plan), 2330-1000 (basement and ground floor plan), 2330-1001 (first and second floor plans), 2330-1005 (proposed elevations) and 2330-1006 (proposed elevations and CGIs) and details received by the Local Planning Authority on the 6th September 2017 and Dwg No: 2330-1007 (plot 14 section and elevation) received by the Local Planning Authority on the 14th November 2017.
For the avoidance of doubt.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. 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.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. Prior to the occupation of the dwellinghouse hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first

submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwelling 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.

7. Notwithstanding the submitted levels details and prior to the commencement of development of the dwellinghouse hereby approved, details of the existing and proposed levels of the site (including the finished floor levels of the building(s) to be erected, any proposed mounding and or earth retention measures, details of decking, steps, and levels of the adjacent properties/boundaries/garden levels) 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 impact on adjacent properties.

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

To ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

9. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

BACKGROUND PAPERS

3.44 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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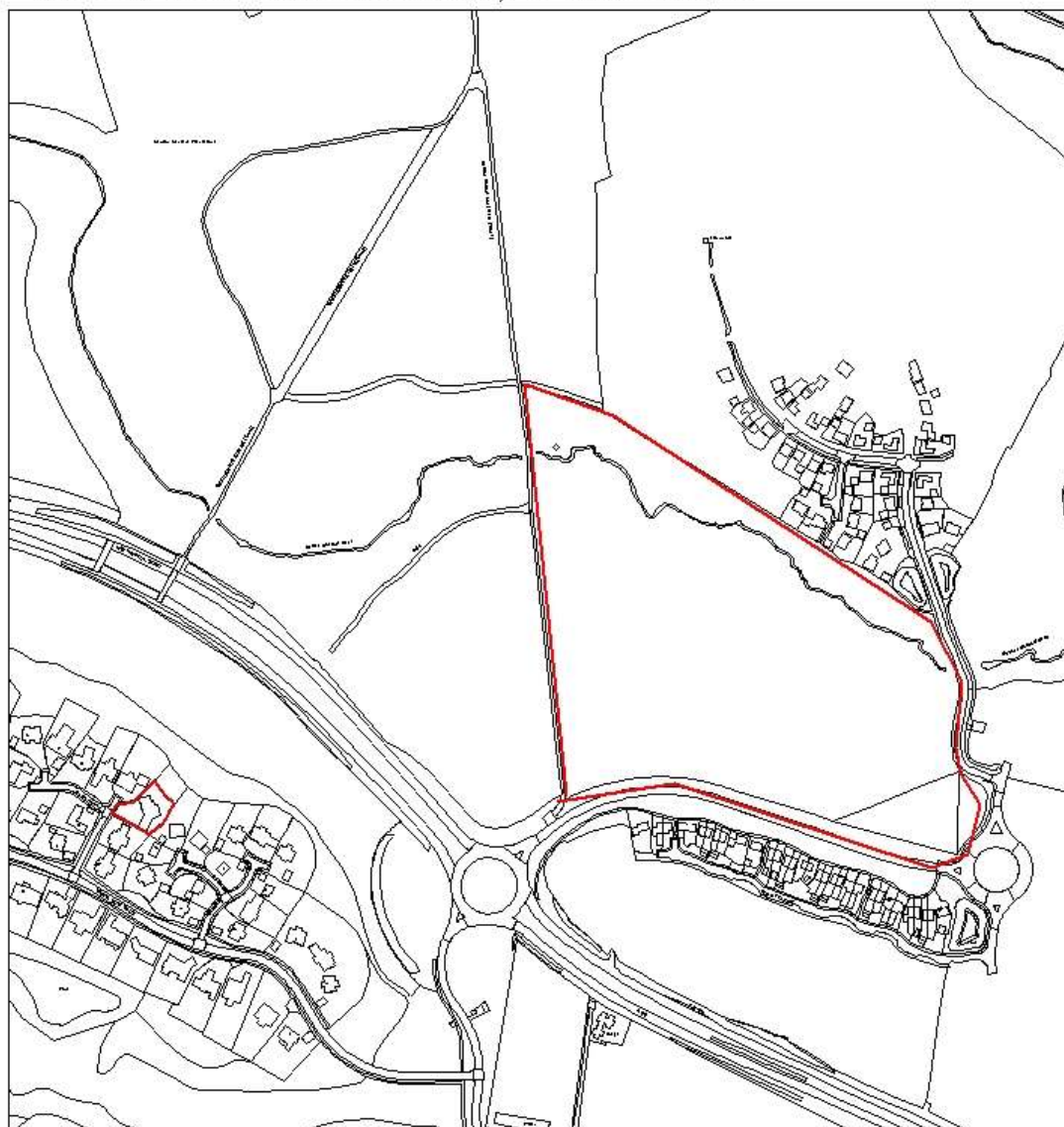
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PLOT 12 MANORSIDE, WYNYARD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 17/11/17 |
| | SCALE 1:5000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0479 | REV |

No: 4
Number: H/2017/0483
Applicant: Mr Burney
Agent: Dovetail Architects Ltd Mr Andrew Cooke Suite 4, First Floor Clock Tower House Horndon Industrial Estate West Horndon CM13 3XL
Date valid: 12/09/2017
Development: Erection of a single storey drive through coffee outlet including car parking, landscaping and associated works
Location: LAND AT GREEN STREET GREEN STREET HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following applications are of relevance.

4.3 H/2014/0424 - Erection of a two storey commercial development with central tower block to provide 11 self contained units with central courtyard and internal balcony – withdrawn.

4.4 H/2016/0219 - Erection of five industrial units with offices above including parking area and landscaping – approved 25th August 2016.

PROPOSAL

4.5 Approval is sought for the erection of a single storey A3 use with drive through facility. The proposed building will measure approximately 17 metres by 10 metres with a mono pitched roof with a maximum height of 5 metres sloping down to 3 metres. There is also a design feature proposed which will be a further 3 metre above the proposed roof.

4.6 The proposal includes seating inside with some outside seating proposed adjacent to the main building. There is car parking for twenty vehicles including two accessible spaces and cycle store.

4.7 The application has been brought to Committee in view of the number of objections received.

SITE CONTEXT

4.8 The application site is currently a vacant plot with the previous building completely destroyed by fire. Planning permission was given for a two storey building to provide five industrial units with offices above including parking area and landscaping on August 2016. This permission is valid and could be implemented subject to discharge of relevant conditions.

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

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

PUBLICITY

4.11 The application has been advertised by way of site notice and neighbour letters (36). To date, there have been 4 letters of objection raising the following concerns:

- Access onto Burn Road from Green Street is difficult
- Similar outlets at Teesbay and the Marina
- Doubtful whether there is demand for this site
- Site overly used by traffic and Burn Road access is dangerous
- Concerns on traffic at Green Street Burn Road junction
- Additional traffic will cause greater risk

4.12 1 letter of no objection of no objection has been received.

4.13 Copy Letters **C**

4.14 The period for publicity has expired.

CONSULTATIONS

4.15 The following consultation responses were received;

HBC Public Protection: No objection

HBC Landscaping: The proposed design incorporates some soft landscaping to enhance the amenities of the area and is shown on document 13894188 proposed site plan Option 5 and is also referred to within the Design and Access Statement. Details of landscaping will be required by condition.

HBC Conservation: The application site is located outside the boundary of Stranton Conservation Area, a designated heritage asset. Also located on the opposite side

of the road is All Saints Church, a grade II* listed building, also a designated heritage asset.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

The adopted Local Plan, policy HE3, is relevant this states, The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas. Attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the assets conservation (para 132, NPPF).

Stranton is situated to the south of the town centre. The conservation area comprises All Saints Church to the east of the area, a group of commercial buildings of varying architectural styles, an industrial area where the brewery is located and a small terrace of residential properties. The area is bound on its eastern, southern and northern sides by busy roads. To the west of the area the commercial buildings merge with residential properties.

The proposal is the erection of a single storey drive through coffee outlet including car parking, landscaping and associated works.

The site is separated from the designated heritage assets by the A689, a busy four lane road. The proposal will not impact on the designated heritage asset; no objections.

HBC Engineering Consultancy: Given the classification of the proposed development I consider it suitable for development within the flood zone. We would need to condition the surface water drainage and ensure that the mitigation measures within the FRA are implemented, this could be dealt with via condition.

HBC Traffic and Transportation: The site is located in an existing commercial area and would be accessed via Burn Road or Clark Street.

The Burn Road / Green Street junction is an uncontrolled junction located close to the Burn Road / A689 roundabout. This junction can at times be difficult to negotiate due to the close proximity of the roundabout and the large volumes of traffic. The

accident record at the junction is relatively good with the last injury accident recorded over 5 years ago. It would suggest that motorists take extreme caution when using this junction or avoid right turn manoeuvres.

The number of vehicles expected to use the drive through does not give cause for concern and it is expected that impact on local junctions would not be classed as severe.

The proposed car park layout and size is appropriate for a restaurant of this size.

A construction management plan would be required prior the commencement of any works.

The developer should contact the Councils Highways Section to discuss temporary traffic management and licensing requirements for works on the highway prior to commencement.

Considering that the site is located in an area with similar business and that the impact on the surrounding highway network is not considered to be severe, I would have no objections to this application.

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

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

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

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

PLANNING POLICY

4.16 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

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

Com9: Main Town Centre Uses

Com10: Retailing in Industrial Areas
 Com12: Food and Drink
 GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP9: Developers' Contributions
 Ind5: Industrial Areas
 Ind8: Industrial Improvement Areas
 Tra16: Car Parking Standards
 Tra20: Travel Plans
 Tra7: Pedestrian Linkages: Town Centre / Headland / Seaton Carew

Emerging Local Plan

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

CC1: Minimising and adapting to Climate Change
 CC2: Reducing and Mitigating Flood Risk
 EMP3: General Employment Land
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 NE2: Green Infrastructure
 QP1: Planning Obligations
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC19: Main Town Centre Uses on Employment Land

National Policy

4.19 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:

Paragraph 002: Primacy of Development Plan
 Paragraph 006: Contribute to the achievement of sustainable development
 Paragraph 007: 3 dimensions of sustainable development
 Paragraph 009: Sustainable development
 Paragraph 011: Planning law and development plan
 Paragraph 012: Statutory status of development plan
 Paragraph 013: NPPF is material consideration
 Paragraph 014: Presumption in favour of sustainable development
 Paragraph 017: Role of planning system
 Paragraph 018: Economic growth
 Paragraph 021: Investment in Business
 Paragraph 034: Developments generating significant movements
 Paragraph 035: Practical location of development
 Paragraph 036: Travel Plans
 Paragraph 037: Balance land uses
 Paragraph 056: Design of built environment
 Paragraph 057: High quality and inclusive design
 Paragraph 061: Architecture of individual buildings
 Paragraph 064: Refusal for development of poor design
 Paragraph 069: Social interaction and creating healthy, inclusive communities
 Paragraph 096: New development
 Paragraph 111: Brownfield Land
 Paragraph 196: Primacy of the Development Plan
 Paragraph 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

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

4.22 The site is situated in an area allocated for industrial development by virtue of saved policy IND5 of the Hartlepool Local Plan (2006). The site is also located within an industrial improvement area as identified by saved policy IND8 of the Hartlepool Local Plan (2006). Policy IND5 of the Hartlepool Local Plan supports development for business uses in this area but seeks a particularly high quality of design and landscaping for development fronting the main approach roads and estate roads. The proposal is therefore contrary to the saved policies.

4.23 Within the Emerging Local Plan the site is however identified as employment land which supports this type of development.

4.24 As such, it is considered that the proposed development would be acceptable in principle in this location furthermore no objections were received from HBC Planning Policy. As the site will incorporate landscaping, developer contributions for green infrastructure are not required.

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

IMPACT ON THE AMENITY OF NEIGHBOURS

4.26 The site is located on the edge of the Longhill/Sandgate industrial area though there are residential properties some 130m to the north east of the site, beyond existing industrial units, which is considered to be a satisfactory relationship/distance.

4.27 HBC Public Protection has been consulted and raised no objection to the proposal. It is not considered that the proposal will significantly affect the amenity of any neighbours, taking into account the above considerations.

IMPACT ON THE VISUAL AMENITY OF THE AREA

4.28 The site is located within an established industrial area with existing commercial/industrial buildings adjacent. The site sits lower than the adjacent road and is separated by a wall and railing detail. It is considered that the design and appearance of the building is acceptable in this context.

4.29 The proposed design incorporates soft landscaping which will enhance the amenity of the area. HBC Arborist has been consulted and raised no objection subject to a detailed landscaping scheme being provided. This can be secured by condition.

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

IMPACT ON THE CONSERVATION AREA/LISTED BUILDING

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

4.32 The HBC Heritage and Countryside Manager has been consulted and has raised no objection to the proposal. It is considered that given the significant separation distance from the Conservation Area and Listed Building the proposal will

not have a detrimental impact on the setting of the Conservation Area or Listed Building.

HIGHWAYS

4.33 The site is adjacent to an on street car parking area which serves several other businesses in the immediate area. This parking area has a capacity of approximately 20 spaces. A limited amount of Business Parking and restricted parking is available in Burbank Street. Town Centre car parks are located within walking distance. The proposed development provides parking provision for 20 spaces which include 2 accessible space and bike storage. It is considered that this provision is acceptable for this type of development.

4.34 Objections have been raised with regard to the current access onto Burn Road from Green Street, and the intensification of this junction. The Councils Traffic and Transport section have been consulted on the proposal. Whilst it is acknowledged that this junction can at times be difficult to negotiate due to the close proximity of the roundabout and the large volumes of traffic, the number of vehicles expected to use the drive through does not give cause for concern and it is expected that impact on local junctions would not be classed as 'severe'. In highway terms the proposal is, on balance considered to be acceptable, a view which is supported by HBC Traffic and Transport Section.

DRAINAGE

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

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

4.37 The Council's Engineer raises no objection to the scheme but requests that a surface water drainage condition be imposed.

4.38 In drainage terms, the proposal is considered acceptable.

RESIDUAL MATTERS

4.39 Concerns raised with regards to the 'demand' and 'need' for this type of development is not a material planning consideration.

CONCLUSION

4.40 It is considered that the proposal is acceptable and in accordance with relevant saved policies contained within the Hartlepool Local Plan 2006 and those of the Emerging Plan (2016) and paragraphs of the NPPF.

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

EQUALITY AND DIVERSITY CONSIDERATIONS

4.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

4.44 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) 3671_PL05 (proposed elevations) and 3671_PL04A (proposed floor plan) and details received by the Local Planning Authority on the 25 August 2017 and 3671_PL01A (location plan) and 3671_PL03F (proposed site plan - option 5) received by the Local Planning Authority on 8 November 2017.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and

maintained for the lifetime of the development in accordance with the agreed details.

To prevent increased risk of flooding from any sources in accordance with the NPPF.

5. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) '3671 - FRA' and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels are set no lower than 6.17m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

6. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.

7. Prior to the commencement of development, a detailed scheme of soft landscaping, including, tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. 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 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 and highway safety.

9. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Restaurant and Cafe Use within the A3 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).

To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall not be extended in any way (including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent commercial properties and in the interests of the vitality and viability of the town centre and local centres.

11. In the event that this permission is implemented the earlier planning permission (H/2016/0219) shall not be implemented on the application site.

For the avoidance of doubt.

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

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

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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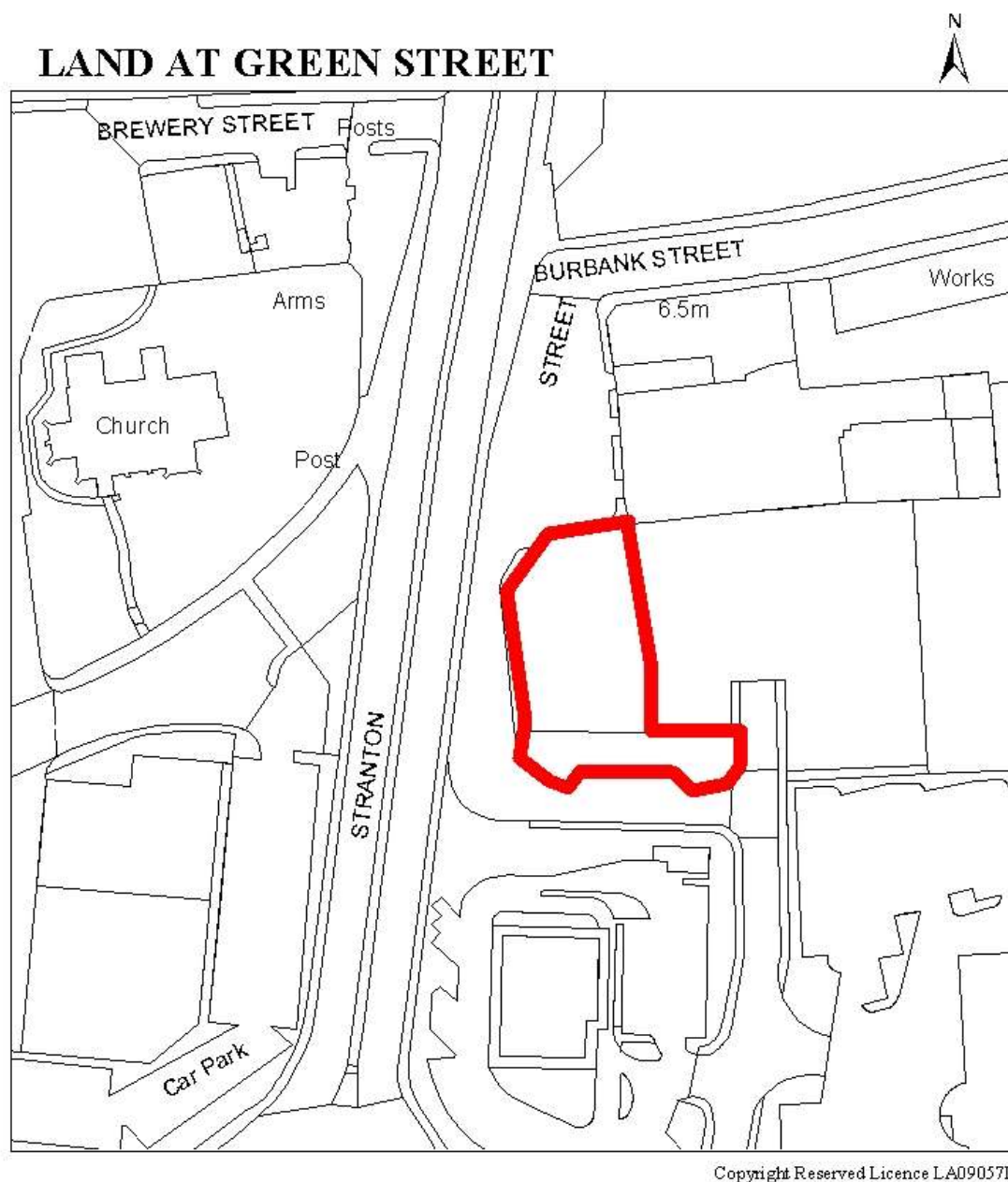
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 06/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0483 | REV |

No: 5.
Number: H/2017/0335
Applicant: MR H KANDOLA
Agent: SJD ARCHITECTS LTD MR STEVE DODDS TANNERS
BANK DESIGN STUDIO AISLABY ROAD
EAGLESCLIFFE STOCKTON ON TEES TS16 0JJ
Date valid: 09/06/2017
Development: Change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation (Amended plans to retain partial commercial use at ground floor).
Location: 12 14 CHURCH STREET HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following planning applications and history are considered to be relevant to the current application site:

5.3 HHDC/1985/0395 – Planning permission was granted in 1985 for change of use from shop, showroom and offices to Information Technology Centre.

5.4 HFUL/1986/0493 – Planning permission was granted in 1986 for the erection of a two-storey rear extension to provide kitchen and bathroom facilities.

5.5 HHDC/1990/0216 – Planning permission was granted in 1990 for the erection of a two storey extension to the rear.

PROPOSAL

5.6 Planning permission is sought for change of use of the existing building to 3 no. houses in multiple occupation (HMO) with partial demolition to rear, alterations to the front elevation and partial retention of the existing commercial use (last known use D1, non-residential institutions) at ground floor.

5.7 The application initially comprised the use of all of the building as HMO however in view of concerns with respect to the loss of an active ground floor frontage onto Church Street, the proposal was amended to part retain the existing use at ground floor.

5.8 The applicant has indicated in their submission that the proposal is for use as student accommodation and the applicant anticipates that the retained ground floor units would be attractive as start-up/incubator units to be compatible with HBC aspirations for an innovations and skills quarter.

5.9 The application has been referred to the Planning Committee in view of the number of objections received.

SITE CONTEXT

5.10 The application site relates to 12-14 Church Street, Hartlepool. The properties were previously (c. 1985) converted to accommodate the Council's former Information Technology Centre (ITeC) and it is understood that it has periodically accommodated similar uses (training centres) since then. This is the last known use of the building (use class D1 - non-residential institutions). The properties are adjoined to the west by 15 Church Street and to the east by 11 Church Street. To the rear (south) of the properties lies adopted highway (John Street) with the car park of the Church Street campus of Cleveland College of Art and Design (CCAD) beyond. To front (north) of the properties lies the adopted highway on Church Street with 66-82 Church Street beyond.

PUBLICITY

5.11 The application has been advertised by way of neighbour letters (31), site notice and a press notice. To date, 3 letters of objection have been received with the following concerns:

- Need for more business in area not Housing/HMOs
- Not beneficial for Church Street
- Replacing shop fronts is detrimental to the character of the Conservation Area
- Not in accordance with regeneration plans and Innovation and Skills Quarter
- Student accommodation would be detrimental to public realm and investment
- HMOs have previously brought crime to street
- No demand for HMOs
- Impact on access/parking at rear of premises

5.12 1 letter of support has been received with the following comments:

- CCAD welcomes private investment in the development of Church Street following our own significant investment in new facilities at 1 Church Street. As the college grows there will be greater demand for quality student accommodation of the type detailed in this application.

5.13 Copy Letters **D**

5.14 The period for publicity has now expired.

CONSULTATIONS

5.15 The following consultation responses have been received;

HBC Public Protection

07/08/2017: I have no objections to the amended plans.

UPDATE 16/11/2017: Further to our conversation concerning the application for the conversion of 12-14 Church Street to an HMO with retention of commercial units to the ground floor. It is likely that the party walls to these premises are only 4.5” single skin party walls. I would therefore require a sound insulation condition to the party walls with neighbouring premises.

HBC Housing Services

19/07/2017: I have reviewed the above planning application and have the following comments to make:

Housing Services would have no objections in principle to the proposed development, however the applicant needs to be aware that the premises will be subject to mandatory HMO licensing under the provisions of the Housing Act 2004. A licence would be required for each of the three Houses in Multiple Occupation.

Broadly speaking, the accommodation as detailed in the plans appears to comply with our minimum room size requirements and the minimum standards that are required for facilities for bathing and toilet facilities and the preparation, cooking and consumption of food.

It would also appear that there are adequate facilities to store and dispose of refuse.

HMO licences are issued with a set of mandatory conditions and depending on the property (and following consultation with relevant agencies, such as the Fire Authority), there may be additional discretionary conditions attached. In particular, conditions will relate to the management of the property, referencing of prospective tenants and anti-social behaviour.

We would recommend that, if approved, the applicant consults directly with Housing Services about the requirements of mandatory licensing.

UPDATE 21/07/2017: I have reviewed the amended application and whilst I do not have any objections in principle to the proposed development, the reconfiguration has resulted in a reduction in the size of the kitchens which would mean that the number of occupants would be restricted by the HMO licence. I have attached our minimum space and amenities standards which set out the requirements.

For the purpose of this planning application, I have referred to the Category A (Bedsitting) standards. These require that a minimum kitchen space of 3sqm per person or 21sqm per unit. This could be achieved by providing kitchen facilities in the rooms shown as living/dining rooms in the two end properties. As the living/dining room and kitchen is a combined space in the middle unit, we would accept that configuration. In the case of all three units, dining facilities must be provided on the same floor or adjacent floor to the kitchen. If these changes are made, then the number of occupants would be only restricted by the number of lettings/bedsits.

UPDATE 31/07/2017: If the HMOs are going to be occupied on a shared house basis, this would be acceptable but the licence will need to include a condition to restrict the use as such.

UPDATE 15/11/2017: My comments still apply. There are different room sizes depending on whether the property is a shared house or occupied as bedsits. Typically a shared house will have common rooms (as you would expect when people are living as a 'family' unit) and the bedroom sizes may be smaller where shared common rooms are provided. Room sizes are locally adopted standards and are used as guidelines although bedrooms always need to meet the minimum requirement as currently set out in part X of the Housing Act 1985.

As I have set out below, the properties would be required to be licensed and this will limit total number of households and individuals. In the case of student accommodation, this would be one household with the number of individuals being determined by the amenities and space available. If it were bedsits, the number of households would generally be the same as the number of individuals, reflecting that the occupants tend to live independently of each other and would occupy the accommodation on individual tenancy agreements.

In terms of the licence, we could stipulate that the property is occupied on a shared house basis (restricting the household number implies this anyway) but I'm not sure that we could restrict it specifically for student use as this would be unduly restrictive, e.g. students could continue to occupy the property when their course of study ends.

HBC Heritage and Countryside

26/06/2017: The application site is 12 – 14 Church Street which is within Church Street Conservation Area, a designated heritage asset. The buildings adjacent (8 – 11 Church Street), are locally listed buildings and therefore considered to be heritage assets.

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

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

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

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. 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 the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF).

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

Policy HE6 of the recently submitted Local Plan supports the retention of historic shop fronts in Church Street, stating ‘Replacement shop fronts should be of high quality design responding to the local context.’ The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style.

This is supported by the ‘Shop Front and Commercial Frontages Design Guide Supplementary Planning Document’ which provides advice on the development; of relevance are the following guidelines,

- Replacement shop fronts should respond to the context, reinforcing or improving the wider appearance of the street.
- The age and architecture of the building should be taken into consideration in any new design or alterations.
- The street scene and the design solutions adopted at adjoining buildings should be noted so that the new shop front fits into the street scene.
- The finishing materials should be chosen to complement the design of the host building and surrounding property.
- Where a shop front occupies the ground floor of more than one building, the design and proportions of each shop front should relate to each individual building. A single shop front that spans two or more buildings disregarding architectural detail and decoration will not be acceptable.

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

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period

have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. This is due to the high number of vacant properties in the area and deterioration of buildings. Policy HE7 of the recently submitted Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The significance of the conservation area lies in the following values;

- Aesthetic value derived from the architectural detailing within the area.
- Historic value of the development of the Church Street area as one of the principal roads in the development of West Hartlepool, and
- Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

Church Street was one of the main streets in West Hartlepool. The Heritage Statement suggests that the buildings were originally houses which were later converted to shops however early photographs of the street would indicate that the properties were constructed as commercial buildings, with the Ward Directories confirming this showing in 1898 12 – 14 were respectively occupied by, a tobacconist, solicitors and ironmonger.

The Heritage Statement also suggested that the shop fronts are replacements. This may be the case as investment in the street in the early 1990s under the City Challenge Scheme resulted in the repair and replacement of a number of frontages. The shop fronts that feature on the buildings are appropriate to the properties in scale and proportion. In particular the existing shop fronts follow the guidelines found in the Shop Front Design Guide which states, 'For a shop front design to be successful three elements, the stallriser, fascia and shop window should be in proportion.'

The proposed shop fronts are inappropriate and contrary to the guidance in the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document'. The style does not reflect the design and architectural detailing found in the wider area. Large, fixed display windows can be seen throughout this conservation area; when the buildings are occupied they provided animation to the streetscene. The loss of these windows and their replacement with smaller sash windows would have a detrimental impact on the conservation area due to the loss of architectural detail with an alternative design which creates dead frontages giving the street the feeling of being closed for business.

Aside from the main shop windows the detailing to the properties does not reflect that of a traditional shop front. The stallriser appears taller than those generally found in this area and the pilasters are wider. Overall the effect reduces the amount of glazing within the frontage and does not present the appearance of a traditional shop front.

These three buildings sit adjacent to four locally listed buildings, 8 – 11 Church Street. These buildings have retained many of their traditional detailing and neighbouring property in the block provides the wider setting for these. The buildings currently sit together harmoniously and, although not identical in design, have common features such as large display windows, low stallrisers and narrow pilasters and frames to the glazing. The introduction of three shop fronts which are not of an appropriate design would disrupt this resulting in harm to the setting of these locally listed buildings.

The Design and Access Statement and Heritage Statement state, 'ground floor rear infill extensions are to be removed, to recreate the yards'. The description of the works does not adequately describe the proposal and it appears that it is a two storey extension which is being demolished. The extension to be demolished appears to be more contemporary to the building than that at No. 14 which appears to be a more recent addition. It is however acknowledged that extensions to the buildings would not have covered the whole of the yard area, and this effort to provide some space to the rear of the building is noted, and therefore in principle there would be no objections to this element of the works.

With regard to the use of the building, it is acknowledged that there is a requirement to find appropriate uses for the upper floors of properties in the area in order to ensure that there is a mix of activities throughout Church Street, both during the day and on an evening. It is, however, considered that the introduction of a residential use to the ground floor of these buildings would be detrimental to the character of the conservation area, in particular due to the loss of the commercial space and the alterations to the buildings which would be required to facilitate this scheme.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset (Church Street Conservation Area) and the heritage assets (8 – 11 Church Street). This is due to the alterations to the shop fronts which are of a design which is out of keeping with the wider area and would therefore harm the character of the conservation area and the setting of the locally listed buildings. In addition it is considered that a residential use on the ground floor of the buildings would harm the conservation area as the removal of commercial space reduces the active frontages in the area thereby harming the character of the conservation area which is that of a commercial thoroughfare. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 26/07/2017: In principle I have no objection to the revised scheme and welcome the introduction of the commercial space to provide activity to the ground floor. In considering the spaces shown on the plans these do provide quite limited space and it is not clear how these facilities will be serviced. Further information should be considered to ensure that these units would be viable.

In relation to the amendments to the shop fronts in principle there would be no objection to the insertion of doors into the frontages however it is considered that the detailing requires some refinement. Should the applicant be progressed in this form it is request that this element of the work is conditioned in order to ensure that the detailing is appropriate to the conservation area.

Historic England

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

Tees Archaeology

29/06/2017: Thank you for the consultation on this planning application.

12-14 Church Street are part of a nineteenth century terrace and would originally have been used for a mixture of commercial and residential purposes. They are within the Church Street Conservation Area and were built during the early stages of the development of West Hartlepool.

Although the buildings are of historic interest I have no objection in principle to the proposed alterations, however it would be reasonable to request that the developer provides a historic building survey as a record of the buildings prior to any alterations. This would involve a suitably qualified professional carrying out a photographic, written and drawn survey of the buildings and producing a report which presents the results alongside historical research. This should be made publicly accessible in line with the advice given in NPPF para 141.

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

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

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

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

C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of

Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

I would be happy to provide a brief for the historic building recording along with a list of contractors who are able to tender for such projects in the area.

UPDATE 25/07/2017: My previous comments of 29/06/2017 remain valid.

HBC Arboricultural Officer

Not object

HBC Traffic and Transport

11/07/2017: The impact on parking would not be severe therefore I do not want to object.

UPDATE 03/08/2017: There's no off street parking proposed as part of the development. The on street parking is predominantly business parking and limited waiting. There are pay and display car parks in the vicinity. There's some unregulated parking to the rear of the property however this is subject to complaints regarding access for business.

There are generally low rates of car ownership for this type of dwelling. However the number of dwellings proposed will create demand for parking. This type of dwelling would normally require 1 space per 6 occupants therefore 4/5 spaces would normally be provided.

I would not consider that the impact severe if no parking was provided. Parking to the rear of the property would be on a first come first served basis, otherwise residents would have to purchase a business permit to guarantee a parking space. I therefore do not wish to object to this application.

HBC Engineering Consultancy

30/08/2017: Guidance states that you don't need to do a sequential test if your development involves a change of use (eg from commercial to residential) unless your development is a caravan, camping chalet, mobile home or park home site.

You also don't need to do a sequential test if one has already been carried out for a development of the type you're planning (eg a residential development) for your site. Planning Policy has recently undertaken one as part of the local plan work so we are covered on both fronts.

Environment Agency

06/09/2017: In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

UPDATE 06/10/2017: Based upon the additional submitted information and the findings of the Royal Haskoning report highlighted in the submitted Flood Risk Assessment (FRA), we now wish to withdraw our previous objection of 6 September 2017.

The FRA states the development is in Flood Zone 1 based upon the Royal Haskoning report. We understand that the defended scenario shows the land to be within Flood Zone 1. However, we wish to note that our Flood Map presents the undefended risk only and as such, does not take into account existing defences.

We also have the following advice to offer in respect of the proposal.

Flood Proofing

Advice to LPA/applicant

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

Flood warning and emergency response

Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

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

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

HBC Economic Regeneration

13/06/2017: The Council is set to spend circa £7m on a regeneration programme focused within the Innovation and Skills Quarter (ISQ) which includes Whitby Street. The Grade II listed former General Post Office at 13-17 Whitby Street is set to undergo a major refurbishment and new-build extension starting in August/September 2017 with the aim of creating a business start up centre for graduates in the creative industries. The whole area is to be revitalised through Council and Combined Authority funding to enable a change in focus within the area to encourage day time business and educational uses. Therefore, from a regeneration perspective there is clear need from the adopted Regeneration Masterplan to encourage the use of buildings within the area that will support the regeneration of the ISQ. A HMO next to the new facility at 13-17 Whitby Street will not be the most appropriate use of buildings around a centre that will be trying draw in business tenants and their clients to use it.

The Cleveland College of Art & Design has also just opened a £11m educational campus at the bottom of Church Street with the aim of drawing students to study there from around the region and the Council aims to support CCAD's development through appropriate regeneration within the ISQ.

UPDATE 01/08/2017: The application is located in a prominent position within Church Street which has been identified within the Hartlepool Vision and Hartlepool Regeneration Masterplan as a key regeneration priority. The proposals comprise developing an "Innovation and Skills Quarter" to support the growth of a cluster of businesses, including those within the creative and digital industries sector, supported by graduates from Cleveland College of Art and Design.

A major programme of public realm improvements is planned for Church Street and Church Square to improve the environment, enhancing links between the Cleveland College of Art and Design's new campus and their existing buildings in Church Square, the town centre and Hartlepool College of Further Education. The programme of public realm works will be complemented by a Heritage Lottery Fund Townscape Heritage Scheme targeted at improving the historic buildings within Church Street.

The regeneration proposals aim to create a new role for the area, diversifying the business offer. It is important that all applications within the area support the regeneration objectives of the Innovation and Skills Quarter which are outlined within the Hartlepool Vision, Hartlepool Regeneration Masterplan and Church Street Creative Industries Strategy.

The revised proposal to include commercial units (although limited) on the ground floor of the property is welcomed as it will provide much needed commercial floorspace to contribute to the viability of the street. It is important that the units created are viable and kept as commercial units.

Protecting and enhancing the heritage of Church Street is a key regeneration priority with the aim of making the area attractive to creative businesses and private sector investment. Particular emphasis should therefore be given to ensuring that the shopfronts are of a high quality design and construction.

Robust and effective management arrangements are required for all residential uses within the area given the regeneration aims and the neighbouring campus of Cleveland College of Art and Design.

HBC Countryside Access Officer: No comments.

HBC Building Control: In relation to the above application I can confirm a Building Regulation application will be required and there will be significant work required to the building to ensure compliance with fire safety legislation, sound resistance / reverberation and accessibility to name a few.

Cleveland Fire Brigade

25/07/2017: Cleveland fire Brigade offers no representations regarding the development as proposed.

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

Further comments may be made through the building regulation consultation process as required.

UPDATE 31/07/2017: With regards to the above referenced planning application, can I confirm that a building regulations application is going to be required? If so I will consult on this but if not then it must be ensured that 60 minutes of fire resistance is maintained separating commercial and residential areas.

HBC Waste Management

10/11/2017: I have been out to see this and can confirm that the bins can be emptied from here. We have two trade bins here and they are done early before the cars arrive from the businesses.

Therefore, we have no issues, subject to the following conditions:

- That the access to the back street remains in place; and
- That the back street remains open only for business parking, because if residents are allowed to park there, we will not be able to get in and access the street first thing.

We can service bins from the front. That would actually be easier for us than the rear, which gets tight. However, one concern might be that the bins at the front would interfere with the image of the area?

But in terms of us emptying them, that will be fine.

UPDATE 13/11/2017: Two 770L bins should be sufficient for 7 domestic units, especially given the nature of the units here (ie probably mainly single person occupancy, or two maximum). This would leave one 770L bin for the commercial unit.

However, the trade waste would need to be kept separate from domestic, unless they have taken the decision to take out a trade waste contract for the entire building. This is because we would, if required, provide a free waste service for the domestic units, but cannot do this for the businesses.

It would be acceptable for one of the three bins to be trade and 2 to be domestic, but the amount of waste generated by the business will dictate the size of bin required.

Despite the finer logistics of it all, above, in answer to your question, three 770L bins should be sufficient.

HBC Community Safety and Engagement (summarised) -

14/11/2017: Please find the attached document which contains community safety information to assist with the decision making in relation to the above planning application.

Please note:

Some of the data contained in this document relates to incomplete financial years (April – October 2017). As such, this data is unaudited and maybe subject to change. Therefore the information contained in this document is restricted and cannot be shared in the Public Domain.

Contents of document summarised (figures omitted):

Analysis to ascertain the levels of crime and anti-social behaviour in Church Street has been conducted for the period 1st April 2016 to 31st October 2017 and data sources that have been researched include:

- Cleveland Police – recorded crime and incidents
- Vulnerable Localities Index

Located in the Headland and Harbour ward, Church Street is one of the main night-time economy areas in the town and as such, much of the crime and disorder in this area is linked to alcohol (approx. 28%).

Incidents in this area are predominantly reported on a Saturday and Sunday where two thirds of these incidents occur between midnight and 5am.

Approx. 0.98% of anti-social behaviour in Hartlepool and approx. 6.7% of anti-social behaviour in the Headland and Harbour ward occurred within the research area.

Anti-social behaviour incidents linked to existing residential dwellings in Church Street equate to approx. 17.5% of all incidents in this area during the reporting period.

Violent crime in the research area equates to almost half of all crime recorded in the area. Key days for the occurrence of violent crime are Saturday and Sunday with more than half of offences occurring between 10pm and 4am. Many of these violence offences are alcohol related with approx. 85% of offences occurring on weekend recorded as “under the influence” or as “occurred at licensed premises”.

Other crime types recoded within the research area include burglary, theft and handling stolen goods, criminal damage and drug offences.

Approx. 0.68% of crime in Hartlepool and approx. 5% of crime in the Headland and Harbour ward occurred within the research area.

Crimes linked to existing residential dwellings in Church Street equate to approx. 22.5% of all recorded crime in this area during the reporting period.

The Vulnerable Localities Index is a composite measure that brings together data on crime, with indicators on social exclusion, datasets used include deprivation, low educational attainment and qualifications, young person population (15-24 yrs) and, crime and disorder information. As defined by the Jill Dando Institute of Crime Science a vulnerable community displays two core attributes; it is an area that experiences problems that relate to community breakdown and fragmentation, and it is an area where the trends indicate continual problems, recurring problems or an increasing problem.

The identification of vulnerable localities allows the direction of crime reduction resources into those areas with the greatest need. As such each one of the 313 Census Output Areas in Hartlepool has been given a Vulnerable Localities Index score based upon their crime, deprivation and demographic make-up. Any area with a score over 200 is deemed as a vulnerable locality. As such there are 22 areas in Hartlepool that have been identified as vulnerable localities; these are located in the Jesmond, Victoria, Headland & Harbour, Burn Valley, Foggy Furze and Manor House wards .

Within the Headland and Harbour ward, there is a vulnerable locality in the Church Street area.

Cleveland Police

11/07/2017: National Planning Guidance

National Building Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

Secured by Design

Secured by Design is a Police initiative to guide and encourage those engaged with the specification, design and build of new homes and commercial premises to adopt crime prevention measures in these new developments.

The principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance.

These types of premises have the potential to be vulnerable to criminal activity I would therefore recommend that measures are put in place to reduce the opportunities for crime and ensure the safety of residents. I would recommend that the following seeks to be implemented with a view to achieve the Secured by Design award.

Access Control

Main communal doors have an access control system which will include an integral camera with both audio and colour visual communication between occupant and visitor. Images of persons using the door entry system should be recorded and stored for 30days. Unrestricted access from the building should be available in event of emergency or power failure.

Access to all areas and floors should be restricted to help curtail anti-social behaviour within the building any internal access controlled doors require a release mechanism for Fire Service in event of emergency this should be clearly identified and agreed with Fire Service.

Lighting

All door entrances fitted with dusk/dawn lighting. 24 hour lighting using a photoelectric cell should be provided to communal areas, stairwells, corridors.

Door Security

Main communal or shared entrances will be subject to greater use and will need to be of robust construction able to withstand day to day use of a communal application. To ensure the door is fit for purpose it is recommended that the door complies with the requirements of BS6375. In relation to security certification to one of the following standards STS202 Issue 3 (2011) Burglary Rating 2, LPS1175 Issue 7.2(2014) Security Rating 2+(minimum) or PAS 24:2014 tested BS EN 1627 Resistance Class 3 will also demonstrate that that the door set is suitable for purpose. Any glazing to door sets within 400mm must incorporate one pane of laminated glazing meeting or exceeding the requirements of BS EN 356:2000classPIA

All primary internal flat entrances doors certified to PAS 24:2014 with non-key locking internal face PAS 8621 with a door viewer or vision panel would also be recommended. These doors shall be of robust construction and fire rated (FD30).

Mail Delivery

Secure mail delivery facilities should be provided the following should be incorporated located at the primary entrance of the building within view with the internal area covered by CCTV or located in a secure airlock with access controlled entrance hall Letter boxes certified to TS009 Door&Hardware Federation Technical Specification. Letter boxes should have anti fishing properties and fire retardation where considered necessary.

Cycle Storage/Refuge Areas

Secure area should be provided with CCTV coverage of cycle storage area. Cycle Stands should be provided preferably under cover to enable locking of wheels and cross bar and be certified to Sold Secure Silver Standard.

Emergency Exit doors

These can be vulnerable to attack require to be to be certified to PAS 24 :2012 or PAS24:2016.

UPDATE 11/07/2017: The main issues in relation to security and safety issues are regards physical security and access control. I believe the internal layout does not allow full circulation of the building which is advisable. Obviously Fire Service will require to be satisfied re Fire Safety.

UPDATE 03/08/2017: The only comments I would make would be to ask the developer to consider the principles of Secured by Design, particularly for the cycle storage.

PLANNING POLICY

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

Local Policy

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

- GEP1 - General Environmental Principles
- GEP2 - Access for All
- GEP3 - Crime Prevention by Planning and Design
- GEP9 - Developers' Contributions
- Com1- Development in the Town Centre
- Com2 – Primary Shopping Area
- Tra16 - Car Parking Standards
- 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

5.18 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.

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

SUS1 - Presumption in Favour of Sustainable Development

LS1 - The Locational Strategy

CC1 - Minimising and adapting to Climate Change

CC2 - Reducing and Mitigating Flood Risk

RC2 - The Town Centre

RC3 - Innovation and Skills Quarter

HSG1 – New Housing Provision

HE1 - Heritage Assets

HE3 - Conservation Areas

HE5 - Locally Listed Buildings and Structures

HE7 - Heritage at Risk

QP1 - Planning Obligations

QP3 - Location, Accessibility, Highway Safety and Parking

QP4 - Layout and Design of Development

QP5 - Safety and Security

QP6 - Technical Matters

National Policy

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

strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 2 - Application of planning law
 Paragraph 6 - Purpose of the planning system – creation of sustainable development
 Paragraph 7 - Three dimensions to sustainable development
 Paragraph 9 - Pursuing sustainable development
 Paragraph 11 - Determination in accordance with the development plan
 Paragraph 12 - Status of the development plan
 Paragraph 13 - The National Planning Policy Framework constitutes guidance
 Paragraph 14 - Presumption in favour of sustainable development
 Paragraph 17 - Core planning principles
 Paragraph 56 - Design of the built environment
 Paragraph 57 - High quality inclusive design
 Paragraph 60 - Promotion or reinforcement of local distinctiveness
 Paragraph 64 - Improving the character and quality of an area
 Paragraph 99 - Managing climate change risks in vulnerable areas
 Paragraph 103 - Ensuring that flood risk is not increased elsewhere
 Paragraph 111 - Use of previously developed land
 Paragraph 128 - Significance of a heritage asset
 Paragraph 129 - Impact upon a heritage asset
 Paragraph 131 - Positive contribution towards local character and distinctiveness
 Paragraph 132 - Significance of a heritage asset and its setting
 Paragraph 134 - Less than substantial harm to a heritage asset
 Paragraph 137 - Positive contribution to a heritage asset
 Paragraph 196 - Determination in accordance with the development plan
 Paragraph 197 - Presumption in favour of sustainable development
 Paragraph 203 - Conditions or planning obligations
 Paragraph 206 - Weight given to Emerging Plans

5.21 HBC Planning Policy (summarised): There are no planning policy objections in principle to the proposal subject to the consideration of the relevant material planning considerations in accordance with the provisions of the relevant saved policies of the adopted Hartlepool Local Plan (2006) and the emerging Hartlepool Local Plan (2016).

PLANNING CONSIDERATIONS

5.22 The main material planning considerations when considering this application are the principle of the development, planning obligations, the impact on the character, appearance and setting of designated and non-designated heritage assets (including the surrounding Conservation Area), the amenity of neighbouring land users, highway and pedestrian safety, safety and security, waste management, flood risk and archaeology. These and all other planning and residual matters are considered in full below.

PRINCIPLE OF DEVELOPMENT

5.23 Paragraph 6 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social

and environmental. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-taking (NPPF paragraph 14).

5.24 The core planning principles are set out at Paragraph 17 of the NPPF. These include 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (4th core planning principle) and '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' (8th core principle).

5.25 Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

5.26 The site is within the boundary of saved policy Com1 (The Development of the Town Centre) of the adopted Hartlepool Local Plan 2006. Saved policy Com1 cross-references to other policies including saved policy Com2 (Primary Shopping Area). Saved policy Com2 permits proposals for the residential use of upper floors of properties provided that the further development of commercial activities is not prejudiced and subject to the installation of appropriate noise insulation.

5.27 The site is also within the boundary of the Church Street Conservation Area. Saved policy HE1 (Protection and Enhancement of Conservation Areas) states that 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 the appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.

5.28 The Council's emerging Local Plan (2016) is at an advanced stage of preparation (The Examination Hearings having taken place in September 2017) and as such weight can now also be given to policies within this document subject to the extent to which there are unresolved objections to those policies. The extent to which there are unresolved objections to the following policies is very limited and the policies are consistent with the NPPF. Therefore, it is considered that great weight can be attached to these policies.

5.29 The site is within the boundary of emerging policy RC2 (The Town Centre). The policy identifies residential uses as one of the uses that is permissible as part of the mix to diversify, support and protect the town centre. The site is also within the boundary of the proposed Innovation and Skills Quarter (ISQ) as set out in emerging policy RC3 and outlined on the emerging proposals map. Emerging policy RC3 states that the provision of small scale starter units will be encouraged within the ISQ.

5.30 Emerging policy HE3 (Conservation Areas) states that the Borough Council will seek to ensure that the distinctive character of the Borough will be conserved or enhanced through a constructive conservation approach. Emerging policy HE3 sets

out a number of criteria to which particular regard will be given when determining applications within Conservation Areas. These include 'The scale and nature of the development in terms of appropriateness to the character of the particular conservation area'. Emerging policy HE3 also states that proposals for demolition within Conservation Areas will be carefully assessed and sets out criteria against which such proposals must be assessed.

5.31 Emerging policy QP4 (Layout and Design of Development) 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 criteria for the policy includes the requirement that new development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook'. The policy also states that most development should blend seamlessly with its surroundings.

5.32 The Council's Economic Regeneration team have commented that the revised proposal to include/retain commercial units (although limited) on the ground floor of the property is welcomed as it will provide much needed commercial floorspace to contribute to the viability of the street, however it is important that the units created are viable and kept as commercial units. The units to be retained/sub-divided currently fall within the D1 use class (non-residential institution) and as such any change of this use is likely to require planning permission. It has also been advised that robust and effective management arrangements are required for all residential uses within the area given the regeneration aims and the neighbouring campus of Cleveland College of Art and Design.

5.33 The proposal comprises the reuse of an existing building that is currently vacant. The application site is within a sustainable location within the urban core of the town and close to amenities. The proposal is for student accommodation and is located within walking distance of both Cleveland College of Art and Design (CCAD) and Hartlepool College of Further Education. The proposed residential use of the upper floors and ground floor commercial use are consistent with the saved policies of the Hartlepool Local Plan (2006) and emerging policies of the emerging Hartlepool Local Plan (2016). The principle of the development is therefore considered to be acceptable, subject to the detailed consideration of the relevant material planning considerations as set out in full below.

PLANNING OBLIGATIONS

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

5.35 In line with the saved policies of the Hartlepool Local Plan 2006 and the adopted Planning Obligations Supplementary Planning Document (SPD), provision of or contribution towards play and sports facilities will be required for housing

developments comprising of five dwellings or more. The development comprises 21 new bedroom spaces (supporting a minimum of 21 adults) and as such the Council considers that the contributions should be calculated on the basis of 21 x the standard rate contribution. These requirements are set out in detail below.

5.36 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide new built sports facility on site. However, it is considered necessary to assist in improving the Built Sports Facilities which residents are likely to use. A sum of £5,250 (£250 per bedroom) should therefore be provided for the improvement of fitness facilities at Mill House Leisure Centre.

5.37 A contribution of £5,250 (£250 per dwelling) has been sought towards Green Infrastructure (GI) in the interests of ensuring that residents have access to adequate public amenity space. The Council's Planning Policy team recommend that GI contributions should go towards the access improvements to the England Coast Path in the area just south of the Marina, close to the Yacht Club.

5.38 No contributions are sought for children's play facilities or education. This is because the proposal is unlikely to generate these types of requirements.

5.39 The applicant has agreed to pay the requisite developer contributions in full and as such the recommendation is subject to the signing of an appropriate Section 106 Legal Agreement to secure these.

CHARACTER, APPEARANCE AND SETTING OF DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS (INCLUDING THE CONSERVATION AREA)

5.40 The application site is within Church Street Conservation Area, a designated heritage asset. The buildings adjacent (8 – 11 Church Street), are locally listed buildings and therefore considered to be heritage assets.

5.41 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).

5.42 Emerging policy HE6 of the emerging Local Plan supports the retention of historic shop fronts in Church Street. The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style. This is supported by the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document' which provides advice on such development.

5.43 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. This is due to the high number of vacant properties in the area and deterioration of buildings. Emerging policy HE7 of the emerging Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

5.44 Both Historic England and the Council's Heritage and Countryside Manager have been consulted on the application. Historic England have offered no comments on the application.

5.45 The Council's Heritage and Countryside Manager has advised that, with regard to the use of the building, it is acknowledged that there is a requirement to find appropriate uses for the upper floors of properties in the area in order to ensure that there is a mix of activities throughout Church Street, both during the day and on an evening.

5.46 The extension to be demolished to the rear of the site appears to be more contemporary to the building than that at No. 14 which appears to be a more recent addition. It is however acknowledged that extensions to the buildings would not have covered the whole of the yard area, and this effort to provide some space to the rear of the building is noted, and therefore in principle there would be no objections to this element of the works.

5.47 The Council's Heritage and Countryside Manager had however initially raised concerns with respect to the loss of the existing uses and associated shop fronts at ground floor and the resulting impact on the character of the Conservation Area. Similar concerns have also been received from objectors. In view of these concerns, the proposal has been amended to partially retain the existing use at ground floor and associated shop fronts, albeit with the insertion of additional doors in the front elevations.

5.48 Following the submission of amended plans, the Council's Heritage and Countryside Manager has since advised that the introduction of commercial space to provide activity at ground floor is welcome and there are no objections in principle to this, subject to a suitable planning condition requiring further details with respect to the proposed shop frontage amendments, and this is recommended accordingly. The Council's Heritage and Countryside Manager has however queried the viability of the units given their small size and servicing arrangements. The agent for the application has responded to these comments, indicating that they view the units as start-up/incubator units to be compatible with HBC aspirations for an innovation and skills quarter and that units these sizes would be more attractive to start-up businesses, albeit it should be noted the last known use class is D1 (non-residential institution) and as such planning permission is likely to be required to change this use.

5.49 In view of the above, the application is considered to be acceptable with respect to the impact of the proposal on the character, setting and appearance of designated and non-designated Heritage Assets (including the Conservation Area) subject to the abovementioned planning condition.

AMENITY OF NEIGHBOURING LAND USERS

5.50 The proposal is located within a mixed use area with a variety of commercial uses and residential flats along Church Street within the vicinity of the site. The application site is adjoined to the east and west by existing commercial buildings. The proposal comprises the conversion of an existing mid-terrace building within the Church Street and the demolition of part of an existing rear offshoot to create a rear yard area. The proposal does not include any extensions to the existing buildings.

5.51 To the north (front), there are satisfactory separation distances of approximately 20 metres between the first and second floor front elevation windows and the properties on the opposite side of Church Street, in accordance with guideline separation distances for principal-to-principal elevations as set out within Supplementary Note 4 of the Hartlepool Local Plan 2006. As such it is considered there would be no significant impact on the amenity and privacy of existing or future occupants of the host property or neighbouring properties to the north in terms of loss of privacy or amenity.

5.52 To the east, the proposal is adjoined to 11 Church Street and does not extend beyond the southern elevation of this property. There are therefore no windows facing in this direction. It is therefore considered there would be no appreciable impact on the amenity of this neighbour in terms of loss of privacy or amenity.

5.53 To the south, whilst the proposal incorporates a number of new windows in the southern (rear) elevations of the properties, the buildings overlook the car park of the Church Street campus of Cleveland College of Art and Design. It is therefore considered there are no implications for the amenity of neighbouring properties to the south.

5.54 To the west, the application site is adjoined to 15 Church Street. Whilst the host property currently features windows in the western elevation of the existing rear offshoot (facing the rear offshoot of this adjoining property), this adjoining property does not feature any windows in its eastern elevation facing the application site and as such it is considered there would be no impact on neighbour amenity or the amenity of future occupiers resulting from overlooking/loss of privacy from the properties to the west.

5.55 With respect to the internal configuration of the development, the proposal includes a number of new windows that are to overlook the newly created rear yard area to the rear of 13 Church Street. Whilst there are to be bedroom windows located in both the side (west) elevation of 12 Church Street and rear (south) elevations of 13 Church Street, given that these are at a perpendicular angle to one another with only oblique views between, it is considered there would not be a significant detrimental impact on the amenity of future occupiers through lack of privacy/overlooking. Whilst there is only minimal separation distances between the bedroom windows in the side (west) elevations of the rear offshoots and the blank side (east) elevations of the rear offshoots at 13 Church Street and 15 Church Street opposite, there are no windows that directly face one another and this relationship is considered to be characteristic of the relatively dense urban grain in this area. It is

therefore considered that there would be no significant detrimental impact on the amenity of future occupiers of the property in terms of overshadowing, any overbearing effect or lack of privacy or amenity as to warrant refusal of the application.

5.56 Furthermore, the Council's Public Protection section has been consulted on the application and have confirmed that they have no objections to the proposal subject to a planning condition securing details of appropriate sound insulation in the interests of the amenities of future occupiers and neighbouring properties and this is recommended accordingly.

5.57 The application is therefore considered to be acceptable with respect to the impact on the amenity of existing and future occupiers of the host dwellings and neighbouring properties.

HIGHWAY AND PEDESTRIAN SAFETY

5.58 The Council's Highways, Traffic and Transport section has been consulted on the application and has advised that, whilst there is no off-street parking proposed as part of the development and only limited/restricted on-street parking at this location, there are pay and display car parks in the vicinity and unregulated parking to the rear of the property.

5.59 Whilst there are generally low rates of car ownership for this type of dwelling, it has been advised that the development would typically require 1 space per 6 occupants and therefore 4/5 spaces would normally be provided. However, the Council's Highways, Traffic and Transport section has commented that it is considered that the impact of no parking provision would not be severe.

5.60 In view of the above comments, it is considered, on balance, that the application is acceptable with respect to the impact on highway and pedestrian safety.

FLOOD RISK AND DRAINAGE

5.61 The application site is located within Flood Zone 1. The application has therefore been accompanied by a Flood Risk Assessment (FRA). The Council's Engineering section and the Environment Agency have been consulted on the application.

5.62 The Council's Engineering section has raised no concerns with respect to the application. Whilst the Environment Agency (EA) initially submitted an objection to the application on the basis of the content of the submitted FRA, following further correspondence from the agent for the application with respect to this that was subsequently forwarded to the EA, the EA have now withdrawn their objection. The EA have also provided advice for the applicant with respect to flood proofing measures and as such a suitable informative note to this effect is recommended.

5.63 Northumbrian Water has also been consulted on the application and has advised that at this stage they would have no comments to make.

5.64 In view of the above, the application is considered to be acceptable with respect to matters of flood risk.

ARCHAEOLOGY

5.65 Tees Archaeology have been consulted on the application and have advised that, whilst they have no objections in principle to the proposal, the site is of archaeological interest and it is therefore considered reasonable to request that the developer provides a historic building survey as a record of the buildings prior to any alterations. An appropriate planning condition is therefore recommended accordingly.

5.66 The proposal is therefore considered acceptable with respect to matters of archaeology subject to the abovementioned planning condition.

SAFETY AND SECURITY

5.67 An objection has been received commenting that HMOs in this area have previously resulted in greater levels of crime.

5.68 The Council's Community Safety and Engagement Unit have been consulted and provided details of ASB and crime analysis. The unit has advised that the area is considered a vulnerable locality with respect to crime and anti-social behaviour and have provided details of crime and anti-social behaviour within the area. It has been advised that, as Church Street is one of the main night-time economy areas in the town, much of the crime and disorder in this area is linked to alcohol. Incidents in this area are predominantly reported on a Saturday and Sunday where two thirds of these incidents occur between midnight and 5am.

5.69 Anti-social behaviour incidents linked to existing residential dwellings in Church Street equate to approx. 17.5% of all incidents in this area during the reporting period. Crimes linked to existing residential dwellings in Church Street equate to approx. 22.5% of all recorded crime in this area during the reporting period.

5.70 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines. It has been advised that the main issues with respect to safety and security relate to physical security and access control and Cleveland Police have provided advice for the applicant on Secured by Design principles and measures to improve safety and security for future occupants. A suitable informative note to this effect is therefore recommended accordingly.

5.71 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that suggest the scheme will lead to an increase in crime/anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the

Police Service or the Community Safety and Engagement team. Furthermore and as set out above, both Cleveland Police's Architectural Liaison Officer and the Council's Community Safety and Engagement team have raised no objections to the application.

5.72 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to saved Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

WASTE MANAGEMENT

5.73 With respect to the waste management, the submitted details demonstrate capacity for 3x 770L waste bins within the rear yard areas of each property. Whilst the proposed ground floor commercial units do not have any direct access through the buildings to the rear yard areas, the agent for the application has advised that these units will have access to the bin storage in the rear yards through the rear access (via Lynn St/John St).

5.74 The Council's Waste Management team has been consulted with respect to this and has advised the proposed bin storage arrangements are sufficient to service both the domestic and commercial units within each property and have raised no concerns with respect to the storage and collection of waste. However, given the regeneration aspirations for Church Street and in the interests of visual amenity, planning conditions are recommended to ensure the waste storage arrangements set out in the submitted details are implemented prior to the use(s) coming into effect and also to prevent the storage of waste to the front of the properties.

5.75 In view of the above, the application is considered to be acceptable with respect to waste management subject to the abovementioned planning condition.

RESIDUAL MATTERS

5.76 The Council's Housing Services section has advised that they have no objections in principle to the proposal and the proposals are acceptable with respect to the requirements of the HMO licence provided the HMOs are occupied on a shared house basis. The applicant will be subject to mandatory HMO licensing under the provisions of the Housing Act 2004 and as such a suitable informative note is recommended to this effect.

5.77 Cleveland Fire Brigade have offered no representation regarding the development proposed however have advised the proposals will need to meet the requirements of the building regulations. The Council's Building Control section has confirmed a building regulations application will be required and as such these matters will be considered through that process. Nevertheless, a suitable informative note is recommended to make the applicant aware of this.

5.78 Objections have been received with respect to the proposal that have cited a lack of need/demand for this type of accommodation on Church Street and a need for more business uses instead. However, need and potential alternative uses are not material planning considerations and as such have not been taken into account in reaching a recommendation.

CONCLUSION

5.79 In conclusion, it is considered on balance that the application is acceptable with respect to the abovementioned relevant material planning considerations, and in accordance with the relevant saved policies of the adopted Hartlepool Local Plan 2006, relevant emerging policies of the emerging Hartlepool Local Plan (2016) and relevant paragraphs of the NPPF. The application is therefore recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.80 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.82 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement securing contributions towards built sport facilities (£5,250) and green infrastructure (£5,250), and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; 1694-17-100 (Location Plans), 1694-17-101 (Existing Ground Floor Plan), 1694-17-102 (Existing First Floor Plan), 1694-17-103 (Existing Second Floor Plan), 1694-17-104 (Existing Elevations), 1694-17-107 (Proposed Second Floor) received 7th June 2017 by the Local Planning Authority; and amended plans 1694-17-105 Revision B (Proposed Ground Floor Plan) received 24th July 2017 by the Local Planning Authority; and 1694-17-106 Revision A (Proposed First Floor Plan), 1694-17-108 Revision C (Proposed Elevations Sheet 1), 1694-17-109 Revision B (Proposed

Elevations Sheet 2) and 1694-17-110 Revision A (Proposed Elevations Sheet 3) received 15th November 2017 by the Local Planning Authority.
For the avoidance of doubt.

3. Notwithstanding the details submitted with the application and prior to the commencement of the development, large scale details, including cross sections, of the proposed alterations and new doorways to the ground floor shop fronts on Church Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
To protect the character of the conservation area and in the interests of visual amenity.
4. Notwithstanding the requirements of condition no. 3, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Details of all walls, fences, gates and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

The site is of archaeological interest.

7. Prior to the commencement of development details of noise insulation measures shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the residential units and neighbouring properties. The noise insulation scheme, as approved, shall be implemented in full prior to the residential units (3no. Houses in Multiple Occupation) hereby approved being occupied and shall be retained thereafter for the lifetime of the development.
In the interests of the amenities of future occupiers and neighbouring properties.
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, the 3no. Houses in Multiple Occupation (HMOs) hereby approved shall be used solely for the purposes of accommodation of students undertaking full time educational courses, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the potential adverse impact of an unrestricted consent on the use of the site and the surrounding area.
9. The proposed waste storage provisions that are to serve the use(s) hereby approved shall be implemented in accordance with the layout and details shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan received 24th July 2017) and shall be provided prior to the development hereby approved being brought into use and shall thereafter be retained for the lifetime of the development.
For the avoidance of doubt and in the interests of visual amenity.
10. No waste storage facilities shall be positioned to the front of the properties (on Church Street).
For the avoidance of doubt and in the interests of visual amenity.
11. The commercial units hereby retained and subdivided at ground floor as shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan, received 24th July 2017) shall be solely used within their existing D1 use class (non-residential institutions) unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt.

BACKGROUND PAPERS

5.84 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

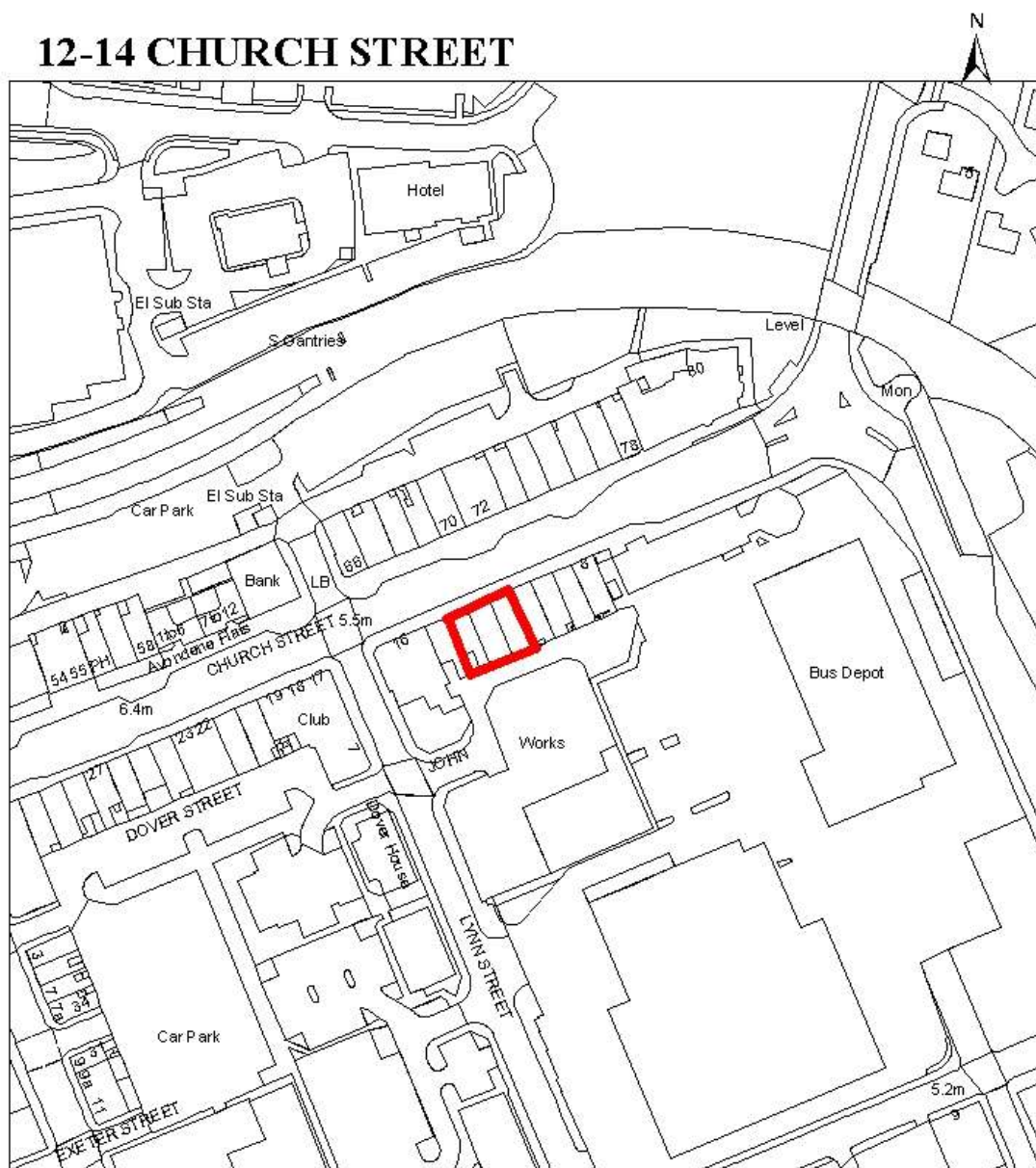
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12-14 CHURCH STREET

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 14/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0335 | REV |

No: 6.
Number: H/2017/0469
Applicant: MR J DARRAGH
Agent: ELG PLANNING GATEWAY HOUSE 55 CONISCLIFFE ROAD DARLINGTON DL3 7EH
Date valid: 29/08/2017
Development: Change of use of car parking area to external seating area and associated works (retrospective application)
Location: UNIT 30-34 NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

6.3 H/2017/0121 – Planning permission was granted on 22nd May 2017 for the sub-division of units, change of use to create five separate units in A3 and A4 uses and external alterations to shop fronts and rear elevation.

PROPOSAL

6.4 Retrospective planning permission is sought for the change of use of car parking bays to an external seating area and associated works.

6.5 The works have included the infilling of 10 car parking bays (an area of approximately 24m x 5m), the relocation of the curb line and the provision of hard standing to sit flush with the existing pavement level. The application includes the change of use of this area and the existing pavement adjacent (stretching from Units 30-34 Navigation Point) to an external seating area to serve existing food and drink uses.

6.6 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

6.7 The application site comprises the paved area to the front of units 30-34 Navigation Point, adjacent to the junctions of Navigation Point, Harbour Walk and

Middleton Road, within the Marina Edge of Town Centre Area. The area is predominantly commercial units at ground floor with residential flats above. To the west of the application site is a further row of parking and beyond this the marina. The application site is bound to the north by Middleton Road and to the south by the existing footpath.

PUBLICITY

6.8 The application has been advertised by way of neighbour letters (27) and a site notice. To date, 1 objection and 1 letter commenting on the proposal have been received with the following concerns (summarised):

- Detrimental impact on parking
- Existing parking offences not acted upon
- Loud and rowdy behaviour has increased
- When visitors are to be encouraged to visit the Marina the number of car parking spaces is being reduced. It is important a balance should be struck.

6.9 Copy Letters E

6.10 The period for publicity has expired.

CONSULTATIONS

6.11 The following consultation responses have been received;

HBC Traffic & Transport – I would like to raise serious concerns with respect to this proposal for the following reasons. Informal observations indicate at times this car park is very busy and the loss of these spaces exacerbates the congestion. We are also concerned that this would lead to other business's wanting to carry out similar action. A large quantity of vehicles now park on Middleton Road to avoid parking charges within the Marina area. We have received requests for this section of carriageway to have parking restrictions implemented on both sides of the carriageway. So far we have not considered this necessary however the further loss of parking on the Marina may lead to further parking issues on Middleton Road.

HBC Public Protection – This proposal is located in close proximity to residential property located at Navigation Point. The outdoor seating area is currently located under the outdoor canopy affixed to the commercial premises, which provides the residential premises above with some protection from noise and disturbance. The extension of the outdoor seating area and an increase in the number of seats available to customers frequenting the bars and restaurants would have a considerable impact on the amenity of the residents due to increased noise and disturbance from customers throughout the day and late into the evening.

Restricting the hours of use of the outdoor area for customers is not appropriate as it is our opinion that the commercial premises would not be in a position to enforce such restriction due to the seating being of a permanent nature. In addition the location of the seating could encourage customers to remain in the vicinity of the

bars and restaurants in excess of the current restricted opening hours increasing the potential for noise and disturbance to the residents in the area.

HBC Engineering Consultancy – No objection to this application.

HBC Property Services – No representation received.

HBC Waste Management – No representation received.

HBC Economic Development – No representation received.

HBC Public Health – No representation received.

HBC Countryside Access Officer – Just a reminder that the England Coast Path National Trail runs along the pedestrian footway and needs to be protected at all times. It runs all the way through Navigation Point, from the locks to its exit onto Marina Way. At no time can it be obstructed as it is a National Trail.

Cleveland Police - The only thing I would ask the applicant to consider would be a 'Chelsea Clip' arrangement, to allow visitors to secure their handbags etc in the seating area. More specific advice can be provided on request.

Environment Agency – No representation received.

PLANNING POLICY

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

Local Policy

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

Com4: Edge of Town Centre Areas
 Com9: Main Town Centre Uses
 GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 To1: Tourism Development in the Marina

Emerging Local Plan

6.14 The Council's emerging Local Plan is now at an advanced stage of development 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.

6.15 The following policies in the emerging Hartlepool Local Plan (2016) are relevant to the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

LT1: Leisure and Tourism

LT2: Tourism Development in the Marina

SUS1: Contribute to the achievement of sustainable development

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

RC12: The Marina and Leisure Park

National Policy

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

PARA 001 : Apply Policy

PARA 002 : Primacy of Development Plan

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 056 : Design of built environment

PARA 196 : Planning system is plan led

PARA 197 : Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

6.17 The main issues for consideration when assessing the application are the principle of development in relation to the policies within the adopted and emerging Local Plan(s), the impact on the character of the area, the impact on the amenity of neighbouring land users and highway and pedestrian safety. These and any other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

6.18 The application site is in a mixed use area including flatted properties as well as retail units. The principle issues raised by this use are the potential impact on the general amenity of the area. The potential impact on the vitality and viability of the centre as a whole should also be considered.

6.19 Paragraph 17 of the NPPF lists the core planning principles. These include that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 of the NPPF attaches great importance to the design of the built environment and indicates that good design should contribute positively to making places better for people.

6.20 With respect to the adopted Hartlepool Local Plan (2006), the application site is located within the boundary of an area identified as Com4/10 Edge of Town Centre Areas - Marina. The policy states that proposals for a range of uses will be permitted within edge of town centre areas provided they do not adversely affect the character (appearance/function) and amenity of the area.

6.21 With respect to the emerging Hartlepool Local Plan (2016), the application site is located within the boundary of an area identified as RC12 (The Marina Retail and Leisure Park). The policy identifies uses that are appropriate within the Marina Retail and Leisure Park however again stipulates these, and other uses, will only be permitted provided that they do not adversely affect the character, appearance, function and amenity of the area.

6.22 Emerging policy QP3 (Location, Accessibility, Highway Safety and Parking), states that when considering the design of development, developers will be expected to have regard to the provision of adequate, safe, secure and conveniently located car and cycle parking having regard to the possible movement of residents and visitors.

6.23 It is considered that the loss of parking spaces could have a detrimental impact on the provision of adequate car parking for the Navigation Point development. Emerging policy LT2 (Tourism Development in the Marina) states that the Marina will continue to be developed as a major tourist and leisure attraction. The Council's Planning Policy team therefore consider that a reduction in the quantum of car parking spaces could impact detrimentally on the fundamental aim of the policy, which is considered in further detail below.

6.24 Whilst the principle of external seating to serve the existing uses is, on balance, considered to be acceptable, this is subject to the relevant material planning

considerations as set out in detail below and, whilst each application is considered on its own merits, it should also be noted that the cumulative effects of similar schemes in this area may have a detrimental impact on the vitality and viability of the Marina.

CHARACTER OF THE AREA

6.25 In terms of the impact on the character of the area, the proposal is located in a prominent location immediately adjacent to the junction of Middleton Road/Navigation Point which forms the primary entrance to the Marina. The site previously incorporated a row of parking bays as can be found to the front of the majority of the units at Navigation Point.

6.26 Whilst the block paving used appears to be largely in keeping with the existing paving in this area, the development has resulted in a large swathe of unbroken hard standing to the front of the units and allowed for the proliferation of timber picnic tables, high backed benches and tables along this stretch of Navigation Point, which are prominent on entering the area.

6.27 It is therefore considered that the development has a detrimental impact on the visual amenity of the area, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP4 of the emerging Hartlepool Local Plan (2016).

AMENITY OF NEIGHBOURING LAND USERS

6.28 To the east of the site lie the commercial units at Navigation Point at ground floor with two floors of residential flats above. To the west of the application site lies the highway (not adopted), further parking, the marina and a bin store (at the northern end of the site), with no further residential properties in this direction within the vicinity of the site.

6.29 With respect to the impact on neighbouring land users and residential amenity, an objection has been received from a neighbouring resident at Navigation Point citing an increase in “loud and rowdy behaviour” in this area.

6.30 The Council’s Public Protection section has advised that the existing outdoor seating area is currently located under the outdoor canopy affixed to the commercial premises, which provides the residential premises above with some protection from noise and disturbance. It is therefore considered the extension of the outdoor seating area and an increase in the number of seats available to customers frequenting the bars and restaurants would have a considerable impact on the amenity of the residents due to increased noise and disturbance from customers throughout the day and late into the evening.

6.31 The Council’s Public Protection section has also commented that they consider restricting the hours of use of the outdoor area for customers is not appropriate as the commercial premises would not be in a position to enforce such restriction due to the seating being of a permanent nature/not easily removed. In addition, the location of the seating could encourage customers to remain in the vicinity of the bars and

restaurants in excess of the current restricted opening hours, increasing the potential for noise and disturbance to the residents in the area.

6.32 In view of the above, whilst it is acknowledged that the proposed seating area serves the existing ground floor uses at Navigation Point (which already feature limited external seating) given the proximity of the proposal to the existing residential properties, the extension of the external seating areas beyond the existing canopy and the intensification of the use of the external areas, it is considered that the proposal would have a significant detrimental impact on the amenity of neighbouring occupiers in terms of noise and disturbance, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP4 of the emerging Hartlepool Local Plan (2016).

HIGHWAY AND PEDESTRIAN SAFETY

6.33 With respect to highway and pedestrian safety, concerns have been raised from a neighbouring resident with respect to the impact on parking. The Council's Highways, Traffic and Transport section has also raised serious concerns with respect to the proposal and has comments that the car park is very busy at times and the loss of these spaces exacerbates the congestion. Furthermore, concerns have also been raised with respect to the potential for the application to lead to other businesses wanting to carry out similar action which would further exacerbate this issue.

6.34 The Council's Highways, Traffic and Transport section has also advised that a large quantity of vehicles now park on Middleton Road to avoid parking charges within the Marina area and requests have been received for this section of carriageway to have parking restrictions implemented on both sides. So far this has not been considered necessary however it has been advised that the further loss of parking on the Marina may lead to further parking issues on Middleton Road.

6.35 In view of the above, it is considered that the impact of the development on parking and highway safety in combination with the other factors as set out above, further adds to the unacceptable nature of the development and contributes to the overall detrimental impact of the development on the general amenity of the area.

OTHER PLANNING MATTERS

6.36 Cleveland Police has raised no concerns with respect to the proposal however have requested that the applicant consider a 'Chelsea Clip' arrangement for the seating, to allow visitors to secure their handbags etc. in the seating area. Had the application been considered acceptable in all other respects, a suitable informative note to this effect would have been recommended.

6.37 With respect to flood risk, drainage, contaminated land and public health, no comments or objections have been received from technical consultees and the application is therefore considered to be acceptable with respect to these matters.

6.38 The Council's Countryside Access Officer has commented that the England Coast Path National Trail runs along the pedestrian footway and needs to be

protected at all times. This matter is covered by separate legislation. Nevertheless, had the application been considered acceptable in all other respects, a suitable informative note to this effect would have been recommended.

CONCLUSION

6.39 It is considered that, in view of the above material planning considerations, the application constitutes an unacceptable form of development that would, by virtue of its visual impact, the resulting intensification of the use of external areas and associated impact on neighbouring residents and the loss of parking provision, would have a detrimental impact on the general amenity of the area, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016).

EQUALITY AND DIVERSITY CONSIDERATIONS

6.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.41 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.

6.42 There are no Section 17 implications.

REASON FOR DECISION

6.43 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 proposal constitutes an unacceptable form of development that would have a detrimental impact on the general amenity of the area by virtue of its nature, scale, design and siting, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016).

BACKGROUND PAPERS

6.44 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

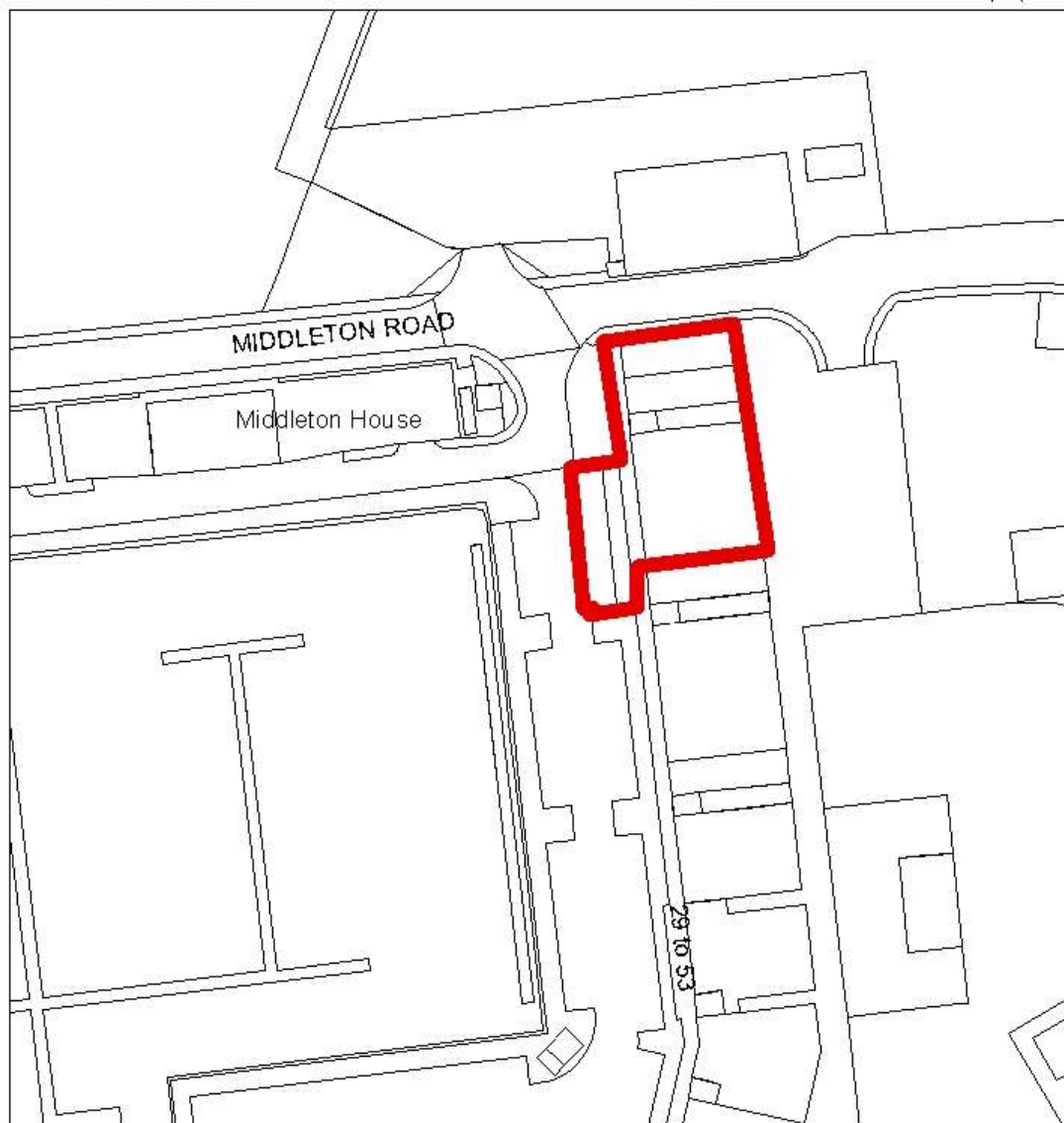
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UNIT 30-34 NAVIGATION POINT

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 14/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0469 | REV |

No: 7
Number: H/2017/0430
Applicant: Mr Gavin Wright Coniscliffe Road HARTLEPOOL TS26 0BS
Agent: Mr Eklas Bradwell unit 10 Enterprise House Thomlinson Road HARTLEPOOL TS25 1NS
Date valid: 03/08/2017
Development: Alterations to raise roof height, including first floor rear extension, 2 no. dormer windows to front and 1 no. dormer window to rear to form additional living accommodation at first floor; two storey glazed projection to front.
Location: 1A CONISCLIFFE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 The application site has been the subject of the following planning approvals which are considered to be relevant to the consideration of this application:

H/OUT/0457/85 – Outline application for the erection of detached bungalow with integral garage, Approved, 13th November 1985

H/RES/0472/87 – Approval of reserved matters for the erection of a detached bungalow with integral garage, Approved, 4th November 1987

PROPOSAL

7.3 In The application seeks permission for the raising of the roof height, erection of 2no. flat roofed dormer windows to front, 1no. flat roof dormer to rear and first floor extension to rear, and two storey glazed projection to front.

7.4 The total roof height is proposed to be raised from 4.40m to 6.90m with hip to gable extensions.

7.5 The proposed first floor extension to rear will raise the existing roof height by 1.90m to a height of approximately 6.0m, to provide additional bedroom accommodation; the extension will have a gabled roof design finished with hanging tiles and a single window with the gable and 2no. roof lights (1no. to each roof slope).

7.6 The rear dormer will consist of a large flat roof construction with hanging tiles and 3no. windows measuring approximately 2.40m by 9.60m.

7.7 The 2no. dormer windows to front are of a relatively small scale measuring 1.50m in height and 2.40 and 3.00m respectively, set back from the eaves by 1.10m.

7.8 The two storey glazed front projection will have a height of 6.0m and project forward of the front elevation by approx. 0.5m with a dual pitched roof design.

7.9 The application has been referred to Committee following the receipt of 3 valid objections to the proposal.

SITE CONTEXT

7.10 The application site is a detached bungalow infill development constructed within the former garden space of an adjoining plot (3 West Park). This has resulted in a constrained site with gardens to the front and rear, and a property to a much lower scale than the surrounding dwellings.

7.11 The boundary treatments between neighbouring properties are a mix of open boarded 1.80m high timber fencing, and an external wall of the adjacent 1.5 storey former stable block that has now been converted to additional accommodation for 1 Coniscliffe Road.

PUBLICITY

7.12 The application has been publicised by way of neighbour notification letters (10 in total to the neighbouring properties), along with the local ward members. To date, there have been three letters of objection received.

The concerns raised are:

- Visual appearance and dominance,
- Proximity to neighbouring properties,
- Design,
- Loss of privacy,
- Loss of light

Copy Letters **F**

7.13 At the time of writing the report, the application was still within a period of re-consultation, which expires 25 November 2017. Any additional comments received will be tabled on the day at planning committee.

CONSULTATIONS

7.14 The following consultation replies have been received:

HBC Engineering Consultancy – No objection

HBC Traffic and Transportation – Verbally confirmed no objections providing bedroom numbers not increasing.

HBC Heritage and Countryside - The application site is adjacent to a locally listed building (heritage asset).

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

The proposal will not impact on the significance of the heritage asset; no objections to this proposal.

Environment Agency - We have no comments to make in respect of application.

PLANNING POLICY

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

Local Plan (2006)

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

GEP1: General Environmental Principles
HSG10: Residential Extensions

Emerging Local Plan

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

HE1 : Heritage Assets
HSG11: Extensions and alterations to Existing Dwellings

Supplementary Planning Note 4: Guidelines For House Extensions (SN4)

7.18 The following sections of the supplementary planning note 4: Guidelines For House Extensions are relevant to the determination of this application

Para 4 –Principles
Para 5 – Base Guidelines
Para 6-9 - Single storey rear extensions
Para 19 - Separation distances 10m and 20m

National Policy

7.19 In March 2012 the Government consolidated all planning policy statements, circulars In March 2012 the Government consolidated all planning policy statements,

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

Paragraph 002 : Primacy of Development Plan
 Paragraph 011 : Planning law and development plan
 Paragraph 012 : Statutory status of development plan
 Paragraph 013 : NPPF is material consideration
 Paragraph 014 : Presumption in favour of sustainable development
 Paragraph 017 : Role of planning system
 Paragraph 056 : Design of built environment
 Paragraph 060 : Not to impose architectural styles
 Paragraph 135 : Significance of non-designated heritage asset
 Paragraph 196: Primacy of the Development Plan
 Paragraph 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

7.20 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 whether the impacts of the proposal on the non-designated heritage assets, visual amenity of the area and neighbour amenity, in addition to highway and flooding are sufficiently detrimental to warrant refusal in line with the ‘presumption in favour of sustainable developments’ as advocated within paragraph 14 of the NPPF.

IMPACT ON NON-DESIGNATED HERITAGE ASSET

7.21 The application site is located adjacent to a locally listed building (3 West Park) which is defined in the NPPF as a Heritage asset.

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

7.23 In addition to the above, saved policy HE1 of the emerging Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

7.24 The Council's Heritage and Countryside Manager has assessed the proposal in relation to the potential impact on the adjacent heritage asset and has advised that the proposal will not impact on the significance of the heritage asset.

7.25 Therefore, it is considered that the application is acceptable in regards to local and national policy considerations.

IMPACT ON VISUAL AMENITY

7.26 The application site is situated behind substantial mature landscaping to the front (Coniscliffe Road), with limited views of the property being available. The dwelling is set back from the public highway by approximately 13.0m.

7.27 It is considered that the designs of the dormer windows and glazed two storey projection to front are acceptable when taken in context to the design aspirations of the development, and given the limited visibility of the dwelling from the public realm. Additionally, it is considered that the design of the dormers as proposed allows their appearance to have an inconspicuous appearance within the roofscape, whilst aiding in reducing the potential bulk, and dominance of the roofscape on the streetscene and the adjacent dwellings.

7.28 The raising of the roof height is not considered to impact the character of the streetscene due to the scale and variety in design of the surrounding dwellings.

7.29 Furthermore, the development works to the rear are not visible from the streetscene and therefore not considered to adversely impact the character or appearance of the streetscene.

7.30 It is therefore considered that the proposed developments to accord with the provisions of saved Policies GEP1 and HG10 and Supplementary Note 4 as the proposed development is considered to be of a design and scale that respects the character and appearance of the existing dwelling and application site as a whole. Furthermore, the development will not result in an adverse impact on the street scene. The proposal is considered to be acceptable in this respect.

7.31 Subject to the use of appropriate materials, the design of the proposal is considered to not have a detrimental impact on the character or appearance of the area, and will not appear as an incongruence feature within the streetscene.

7.32 Therefore, subject to the use of suitable materials the proposal will be acceptable in terms of its impact on the character of the host property and the surrounding area.

7.33 The proposal is considered to be in accordance with saved policies GEP1 and HSG10 of the Hartlepool Local Plan 2006, policy HSG11 of the emerging Hartlepool Local Plan and paragraphs 56 and 60 of the NPPF.

IMPACT ON NEIGHBOUR AMENITY

7.34 The host dwelling is situated within a constrained plot with a small rear garden (approx. 5.0m in depth). The existing dwelling is of a relatively low scale with a low pitched roof, that when viewed from the neighbouring property to the rear (24 Egerton Road) creates an inconspicuous appearance and partially screened behind a 1.8m (approx.) boundary fence.

7.35 It is considered that the proposed developments (raising of the roof height, dormer window and first floor extension) to the rear of the property will result in a greater scale to the property that will have more of a conspicuous appearance when viewed from the property to the rear. This is further compounded by the specifics of the site with high trees and vegetation to the side boundaries which results in drawing attention to the dwelling by framing the development giving a greater visual appearance when viewed from the rear.

7.36 Concerns were raised to the original scheme from the owners of the property to the rear 24 Egerton Road to the South in relation to the overbearing impact of the development, and the perception of loss of amenity to their previously private amenity space due to the addition of first floor windows in such close proximity to the boundary fence. This potential impact was also noted during the case officer site visit.

7.37 However, whilst it is considered that the increase in the scale of the dwelling will alter the outlook from the dwelling to the rear, the applicant has sought to minimise the impact through amending the scheme by the addition of hanging tiles and a reduction in the heights of the proposed first floor extension. In addition, the inclusion of obscure glazing to the proposed rear first floor windows will assist in projecting the amenity and privacy of the dwelling to the rear.

7.38 As a result of the amended scheme as detailed above in paragraph 7.37, these amendments resulted in the removal of the objection from the property to rear, subject to level 5 obscure glazing being installed to the windows.

7.39 However, the applicant was only willing to install level 4 obscure glazing as the 4 no. windows include serving 2 no. bedrooms, and also cited the remaining separation distances involved between the two sites.

7.40 On balance, it is considered that the installation of level 4 obscure glazing would provide sufficient privacy to maintain the amenity and privacy of the occupiers of the neighbouring dwellings to the rear. Furthermore the Government technical guidance suggests that level 3 obscure glazing is sufficient to protect privacy of neighbours from being overlooked (in the instances of new windows being installed in upper floor side elevations of dwellings).

7.41 It is therefore considered that the proposed amendments to the scheme at the rear along with the remaining, satisfactory separation distance between the proposed windows and the rear of 24 Egerton Road (approx. 27.0m) would protect the amenity and privacy of the neighbouring property to the rear (and other properties to the rear/south). This distance also exceeds the 20m recommended in SN4.

7.42 The occupiers of 3 West Park have objected to the development due to the proximity of the gable (and increase in roof height) to their property (being situated on the boundary) and the access issues related to the construction. Issues relating to the construction and access were passed to the agent, who confirmed that the development could be completed from within the site. Notwithstanding these comments, this is a civil matter and is not a material planning consideration.

7.43 In relation to the comments of the proximity of the gable in relation to 3 West Park, it is considered that the gable would be largely obscured from the view of the dwelling and its amenity space due to the large 1.5 storey detached garage at 3 West Park, that is situated directly adjacent to the gable of the host dwelling. It is therefore considered that the proposals would not result in an adverse impact on the amenity of this property in terms of overbearing and overshadowing.

7.44 No windows are proposed to the first floor side elevations of the newly created gable ends, and although there are roof windows within the roof slope of the first floor extension, these are not considered to impact the amenities or privacy of the property to the west (1 Coniscliffe Road) due to these windows primarily having an aspect on to the adjacent two storey former stable block building (understood to be now converted to residential accommodation) and to the east (3 West Park) due to the remaining satisfactory separation distance (approx. 23.0m).

7.45 There are no perceived concerns in relation to the amenity or privacy of the properties to the north (3a West Park and 2 Coniscliffe Road) due to the remaining satisfactory separation distance (approx. 34.0m) and the existing mature landscaping to the front.

7.46 Therefore there are no perceived amenity concerns in relation to the development and the surrounding dwellings given the location of the proposed extensions and alterations, and the remaining separation distances. It is considered that the occupants' privacy and amenity will not be adversely impacted and there are no concerns of a significant impact on neighbouring properties in terms of overshadowing or an overbearing effect.

7.47 The proposals more than adequately exceeds the separation distances as set out in Supplementary Note 4 of the adopted Local Plan in respect of the properties to the front, rear and side as detailed above.

7.48 For the reasons outlined above, it is considered that the proposals would not create any significant overshadowing or overbearing effect to neighbouring properties, or create any significant loss of privacy. The proposals are considered to be in accordance with saved policies GEP1 and HSG10 of the Hartlepool Local Plan 2006 and policy HSG11 of the emerging Hartlepool Local Plan.

IMPACT ON HIGHWAY SAFETY

7.49 At the time of writing the report, formal comments from HBC Traffic and Transportation had not been received but they have verbally confirmed no objections subject to no increase in bedroom numbers. It is considered that that given there will be no net increase in the total number of bedrooms within the host dwelling, and the property has an existing in-curtilage parking area to front that can accommodate the requisite number of vehicle parking spaces in accordance with the Tees Valley highway design guide and specification, that the development would not create any detrimental impact on the highway to a level sufficient to warrant refusal.

DRAINAGE AND FLOODING

7.50 The application site is located within an identified flood zone; therefore the applicant has submitted a food risk assessment to support the application. This has been assessed by the Council's Engineering Consultancy and the Environment Agency, who have registered no objection to the proposal. Therefore, it is considered that the application is acceptable in drainage and flooding terms.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

7.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.54 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

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

2. The development hereby approved shall be carried out in accordance with plans, Location Plan at 1:1250 and Block Plan at 1:500 received by the Local Planning Authority on 13th September 2017, and amended drawing Proposed Elevations Rev. C received by the Local Planning Authority on 12th October 2017.
For the avoidance of doubt.
3. Prior to the commencement of the development hereby approved, the 4no. upper floor windows to be installed within the first floor rear elevation (serving en-suite, bathroom and 2no. bedrooms as detailed on Proposed Elevations Rev. C received by the Local Planning Authority on 12th October 2017) of the proposed dwellinghouse facing onto the adjacent boundaries, shall be restricted to a 35 degree top hung opening and shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent, details of which shall first be submitted to and agreed in writing with the Local Planning Authority prior to the installation of the windows. The agreed scheme shall thereafter be installed in accordance with the agreed details prior to the use of the extensions hereby approved and shall remain for lifetime of the development hereby approved.
In the interests of the amenities of the occupants of neighbouring properties.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

BACKGROUND PAPERS

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

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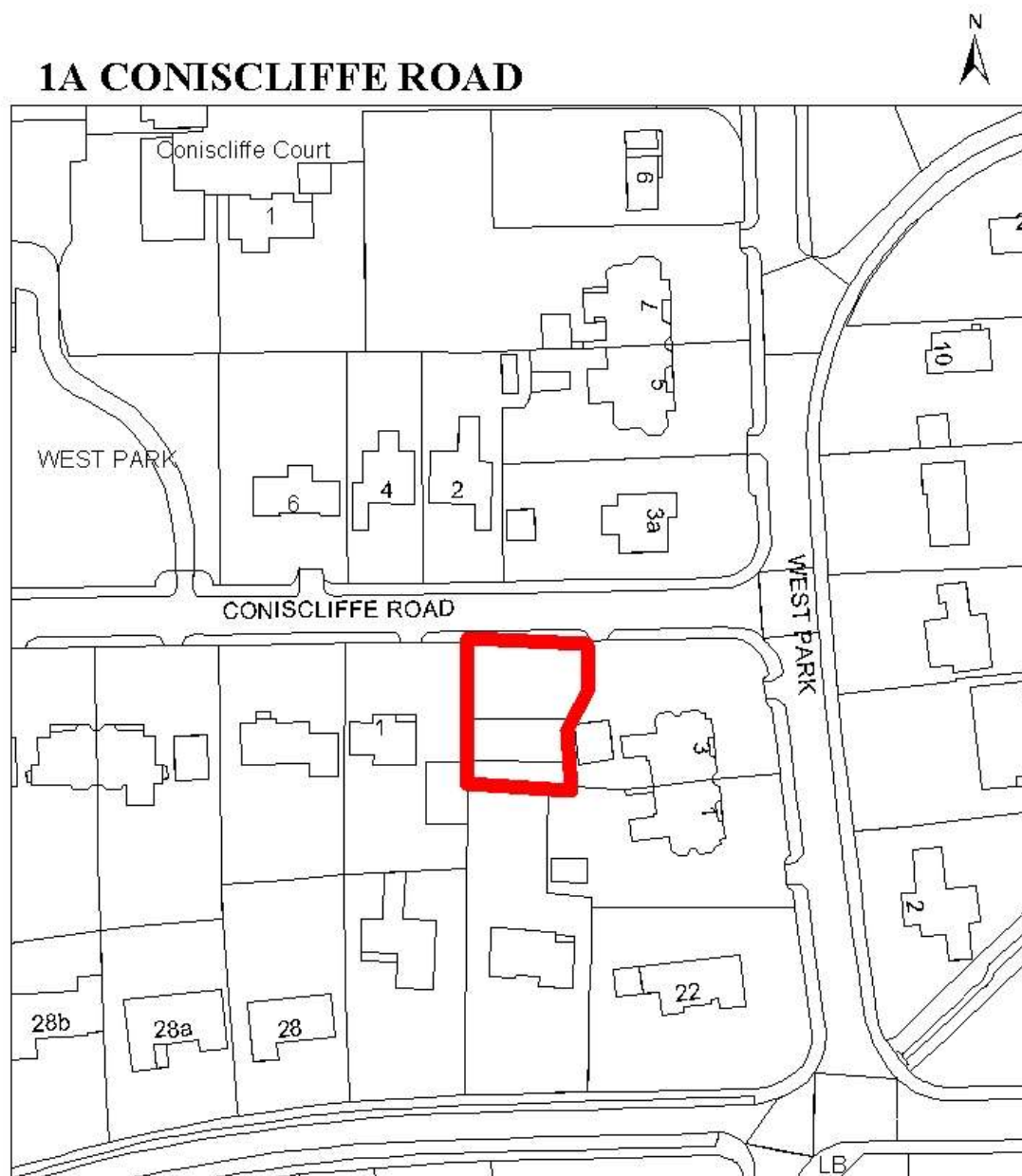
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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 15/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0430 | REV |

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

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

Com10 (Retailing in Industrial Areas) - States that retail development which would be suitable in the town centre will not be permitted in identified industrial areas. The policy also lists the types of retailing which may be acceptable in industrial areas.

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

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

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

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

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

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

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

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

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.

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.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

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

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.

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

35. Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

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

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

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

51. Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

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

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

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

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

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

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.

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.

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

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.

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

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

Policy LS1: Locational Strategy

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

Policy CC1: Minimising and adapting to Climate Change

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

Policy CC2: Reducing and Mitigating Flood Risk

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

Policy INF1: Sustainable Transport Network

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

Policy INF2: Improving Connectivity in Hartlepool

INF2: Delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures that seek to maximise the level of sustainable access to areas of development, through good quality public transport services, pedestrian and cycle routes, and develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough. The Local Infrastructure Plan provides details of improvements

needed to the bus network and rail services, as well as improvements to pedestrian and cycle routes to provide sustainable transport opportunities to new and existing developments. No permanent development will be permitted within land corridors shown on the Proposals Map that are reserved for the following road and rail schemes.

Policy QP1: Planning Obligations

QP1: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

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

Policy QP3: Location, Accessibility, Highway Safety and Parking

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

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

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

Policy QP4: Layout and Design of Development

QP4: The policy states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. The policy sets out how developments should achieve this.

Policy QP5: Safety and Security

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

Policy QP6: Technical Matters

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

Policy QP7: Energy Efficiency

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

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

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

Policy HSG6: Wynyard Housing Developments

HSG6: The policy sets out that the the following sites at Wynyard are allocated for a total of approximately 732 dwellings as illustrated on the proposals map:

- a) North Pentagon – 8.82ha - approximately 100 dwellings.
- b) Wynyard Park North – 25.8ha - approximately 400 dwellings.
- c) Wynyard Park South – 11.1ha – approximately 232 dwellings.

Development will be phased over the plan period, with site A available prior to any of the off site road infrastructure improvements. Sites B and C are linked to the provision of off-site road infrastructure improvements, as identified in the Local Infrastructure Plan and as agreed with Highways England, and will not be permitted to commence prior to the installation of the highway improvements. The policy sets out development criteria for the sites.

Policy HSG11: Extensions to Existing Dwellings

Hsg11: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved. Proposals should also be in line with the Residential Design SPD.

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 RC19: Main Town Centre Uses on Employment Land

RC19: To help protect the Town Centre, the policy seeks to ensure that main town centre uses are only permitted on industrial land where the criteria set out in the policy can be met.

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.

PLANNING COMMITTEE

29 November 2017



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of a timber outbuilding in the rear garden of a residential property in Clifton Avenue.
2. The erection of a high fence to the rear of a residential property in Rossmere Way.
3. Alterations to boundary railings at a listed residential property on South Crescent.
4. The untidy and overgrown condition of an area of land west of Clark Street and North of Burbank Street.
5. The siting of a hot food takeaway unit at a car wash premises on Catcote Road.
6. The erection of a high boundary fence to the side of a residential property in Queensland Road.
7. The installation of a replacement shop front at commercial premises in Whitby Street.
8. An area of untidy land at the corner of Teesdale Avenue and Linden Grove.
9. Non-compliance with planning conditions relating to working hours at a housing development site in Elwick Road.
10. The installation of ANPR apparatus and associated signage at a sports ground in Elizabeth Way.
11. The unauthorised display of advertisements at various sites including Stockton Road and Brenda Road.
12. An area of untidy land at Green Street.

13. An area of untidy land at Young Street.
14. An unauthorised advertisement at 11 York Road.

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

1. Development not in accordance with approved plans relating to the location of footpaths within a landscaped area at a housing development site at land off Valley Drive. It was found that the location of the footpaths was in accordance with the approved plans.
2. Non-compliance with conditions relating to hours of operation at a shooting ground in Brierton Lane. Conclusive evidence of a breach could not be established in this case, therefore the complaint was closed.
3. The erection of boundary fencing at a housing development site at land off Valley Drive. A valid planning application seeking to regularise the development has since been received.
4. The erection of a close boarded timber fence to the front and side of a residential property in Clavering Road. As a result of the helpful co-operation of the property owner, the fence has been reduced in height and is now within the dimensions allowed under permitted development.
5. Running a construction business from a residential property in Bolton Grove. It was found that the activity did not lead to a material change of use of the property as a residential dwellinghouse.

2. RECOMMENDATION

- 2.1 Members note this report.

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