

PLANNING COMMITTEE

AGENDA



Wednesday 1 August 2018

at 10.00am

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Brown, Buchan, Cook, Fleming, James, Loynes, Morris and Vacancy

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 20 June 2018 and 4 July 2018.

4. ITEMS REQUIRING DECISION

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

1. H/2018/0156 7 Church Street, Seaton Carew (page 1)
2. H/2018/0017 Land at Merlin Way (page 15)
3. H/2017/0486 Former Schooner PH Warrior Drive (page 41)
4. H/2018/0174 Land to the rear of 10 Tower Street and 23-29 (odds) Church Square and CCAD (Archer Street) (page 60)
5. H/2018/0111 Wilton Grange, 87 Grange Road (page 70)
6. H/2018/0112 Wilton Grange, 87 Grange Road (page 101)
7. H/2017/0611 4 Hartville Road (page 122)

4.2 Appeal at 4 Hawkridge Close – *Assistant Director, Economic Growth and Regeneration*



5. ITEMS FOR CONSIDERATION

- 5.1 Planning Code of Practice – *Interim Chief Solicitor (to follow)*

6. ITEMS FOR INFORMATION

- 6.1 Appeal at 30 Wasdale Close – *Assistant Director, Economic Growth and Regeneration*
- 6.2 Update on Current Complaints – *Assistant Director, Economic Growth and Regeneration*

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

8. 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

9. ITEMS REQUIRING DECISION

- 9.1 Enforcement Notice – *Assistant Director, Economic Growth and Regeneration (paras 5 and 6)*

10. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

11. 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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 5 September 2018.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20th June 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Allan Barclay, Sandra Belcher, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James and George Morris.

Officers: Jim Ferguson, Planning and Development Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning Team Leader (DC)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Laura Chambers, Senior Planning Officer
Beth Graham, Graduate Planning Assistant
Andrew Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

1 Apologies for Absence

Apologies were submitted by Councillor Brenda Loynes.

2. Declarations of interest by members

None

3. Confirmation of the minutes of the meeting held on 9th May 2018

Minutes confirmed

4. **Planning Applications** (*Director of Regeneration and Neighbourhoods*)

Number: H/2017/0627

Applicant: MR MRS DODDS 30 CLIFTON AVENUE HARTLEPOOL

Agent: MR JASON BATES 3 PANMORE WALK
EAGLESCLIFFE

Date received: 15/12/2017

Development: Erection of boundary wall to side and retrospective application for detached pergola to rear

Location: 30 CLIFTON AVENUE HARTLEPOOL

Members had undertaken a site visit to this property prior to the meeting.

The Applicant, Mrs Dodds, urged members to support their application which would provide a strong boundary to their property, prevent rubbish and dog foul from building up outside their property and improving the aesthetics of the area as a whole. It would also provide additional security and prevent strangers from gaining access to the front garden.

Mr Milligan spoke against the application, suggesting that a low wall with railings would be preferable to the solid wall which was proposed. A solid wall would impact negatively on Mr and Mrs Milligan in terms of being able to park on their driveway and being able to use their sitting room to its full capacity in terms of natural light. This was particularly relevant as Mrs Milligan was planning to use this room as a base for a dressmaking business. Should members choose to approve the application Mr Milligan requested that they be given time to remove a Chevrolet from their garage as this would not be possible if a solid wall was in place.

Members queried whether the applicant would be prepared to take on board Mr Milligan's suggestion that a smaller fence with railings be installed as an alternative to the solid wall. Mrs Dodds advised that they would be happy to consider this following discussions with officers. A member had concerns at the impact this application might have on the Milligans specifically the potential loss of income which could result and the potential loss of a fire exit if a vehicle was parked on their driveway.

Members approved the application by a majority. **Councillor Marjorie James asked that her vote against the application be recorded.**

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
 To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan, date received by the Local Planning Authority 14/12/17, drawing number 2017/0082/0002 revision D (Plan and Elevations as Proposed, Pergola and Boundary Wall as Proposed) date received by the Local Planning Authority 20/04/18.
 For the avoidance of doubt.
3. Details of all external finishing materials for the boundary wall to side and the roof of the pergola to rear hereby approved shall be submitted to and approved by the Local Planning Authority before construction 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. The pergola hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. Nor shall it be used as a separate dwelling.
 For the avoidance of doubt and to ensure the use remains ancillary to the existing dwelling.

The Committee considered representations in relation to this matter.

Number: H/2018/0102

Applicant: MR WARD WYNYARD WOODS WYNYARD BILLINGHAM

Agent: JLL MRS BERNADETTE BRODERICK ONE PICADILLY GARDENS MANCHESTER

Date received: 28/03/2018

Development: Continued use of existing temporary school and installation of three additional classroom blocks, associated tarmac and artificial grass play area and an extension to the existing 2m high acoustic fence until the end of March 2019

Location: WYNYARD C OF E PRIMARY SCHOOL WYNYARD WOODS WYNYARD BILLINGHAM

The Head of the school, Roger Ward, urged members to support the application which was needed in order to support a new intake of pupils joining the school in September. The permanent school site was expected to be completed by January 2019 at which time this site would close.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development hereby permitted shall be carried out in accordance with plan(s) J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), J/6APFS094/TEMP-4/003 Rev P1 (existing/proposed fencing detailed plan), J/6APFS094/TEMP-4/004 Rev P1 (proposed double classroom unit plans & elevations) and J/6APFS094/TEMP-4/006 Rev P1 (existing/proposed site sections), received by the Local Planning Authority on the 23rd March 2018 and plans J/6APFS094/TEMP/050.001 REV P1 (site location plan) and J/6APFS094/TEMP/001 Rev P1 (existing site plan), received by the Local Planning Authority on the 26th March 2018 and plan J/6APFS094/TEMP-4/005 Rev P2 (proposed single classroom unit plans & elevations) received by the Local Planning Authority on the 17th May 2018.
 For the avoidance of doubt.
2. The external finishing materials of the buildings hereby approved shall match those of the existing adjacent school buildings, as detailed within the Design and Access Statement received by the Local Planning Authority on the 23rd March 2018, unless an alternative scheme of similar materials is agreed in writing with the Local Planning Authority.
 For the avoidance of doubt.
3. The development hereby approved shall be carried out solely in accordance with the agreed details of the existing and proposed levels of the site including the finished ground levels of the site and buildings to be erected and any proposed mounding and or earth retention measures as detailed on plans J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), and J/6APFS094/TEMP-4/006 Rev P1 (existing/proposed site sections) received by the Local Planning Authority on the 23rd March 2018 and plan J/6APFS094/TEMP/001 Rev P1 (existing site plan) received by the Local Planning Authority on the 26th March 2018.
 To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, or the living conditions of nearby residents.
4. The 2m high acoustic fence hereby approved and as specified on plans J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) and J/6APFS094/TEMP-4/003 Rev P1 (existing/proposed fencing detailed plan) received by the Local Planning Authority on the 23rd March 2018 shall be implemented in accordance with the agreed details prior to the occupation of the additional classroom units and use of external play

areas and shall remain in place for the lifetime of the development hereby approved.

In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.

5. The proposed landscaping and surface finishes shall be implemented in accordance with the agreed details specified on plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) received by the Local Planning Authority on the 23rd March 2018.

In the interests of visual amenity of the area.

6. The external lighting associated with the development hereby approved shall be implemented wholly in accordance with the agreed scheme as annotated/specified on plans J/6APFS094/TEMP-4/004 Rev P1 (proposed double classroom unit plans & elevations) received by the Local Planning Authority on the 23rd March 2018 and J/6APFS094/TEMP-4/005 Rev P2 (proposed single classroom plans & elevations) received by the Local Planning Authority on the 17th May 2018 unless an alternative lighting scheme is agreed in writing with the Local Planning Authority.

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

7. The scheme for surface water drainage shall be implemented in accordance with plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan) received by the Local Planning Authority on the 23rd March 2018.

To ensure a satisfactory form of development.

8. The temporary school buildings, associated structures and hard standing areas (including car park(s)) hereby approval shall be removed from the site, the use shall cease and the land (including the proposed spoil heap and any mounding) restored to its former condition on or before 31st March 2019 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority.

The buildings, structures, works and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of the extant residential development approval for the adjacent site and the Green Wedge in accordance with Policy NE3(6) of the adopted Hartlepool Local Plan.

9. The development hereby approved shall operate solely in accordance with the working layout as set out on plan J/6APFS094/TEMP-4/002 Rev PD (proposed site plan), received by the Local Planning Authority on the 23rd March 2018 including the proposed external play areas, car parking and access/egress to/from the site.

In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of Local Plan Policy QP4.

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), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided.

To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.

11. 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 building(s) and structures hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

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

12. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than two hundred and sixty six (266) children and nineteen (19) full time staff (including a premises manager) and ten (10) part time members of staff at any one time.

In the interests of highway and pedestrian safety.

13. The 2no. windows in the side (south west) elevation of the single classroom unit hereby approved shall be fixed and opaque film applied to the windows as detailed on plan J/6APFS094/TEMP-4/005 Rev P2 (single classroom unit plans & elevations, received 17th May 2018).

To minimise any adverse loss of privacy for neighbouring properties.

14. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only).

In the interests of residential amenity.

15. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

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

The Committee considered representations in relation to this matter.

Number: H/2018/0075

Applicant: MANJINDER JAGPAL 41 FOUNTAINS AVENUE
INGLEBY BARWICK STOCKTON ON TEES

Agent: MR DOMINIC MARSHALL 20 FERNWOOD
COUBY NEWHAM MIDDLESBROUGH

Date received: 27/02/2018

Development: Change of use of 1st floor residential accommodation to licensed restaurant (A3)

Location: THE SAXON (FORMER PH) EASINGTON ROAD
HARTLEPOOL

A member highlighted concerns around the proposed delivery times of 8am-7pm 7 days per week and asked that these be reduced on Sunday to 9am-1pm as part of the conditions. The Environmental Health Manager raised no objection but commented that there was a general dealers on site with those trading hours.

Jonathan Helmn urged members to reject their officers' advice and support the application. He felt that their concerns around a lack of parking were misplaced as there was additional parking for 12 vehicles at the rear on an evening which was when they would expect the business to be at peak usage. He also advised that the applicant had offered to reduce the seating in the restaurant from 58 to 50. The Highways, Traffic and Transport Team Leader acknowledged this but noted that the car park was intended to serve a number of businesses not just the restaurant. The Chair queried whether this reduction in seating would impact significantly on the officer recommendation to refuse. The Highways, Traffic and Transport Team Leader indicated that it would improve the parking situation but there were still potential issues. Members felt it was unfair to ask the officer to give an opinion in this arena and suggested that should the application be approved at this meeting it be subject to further highways information and conditions. A vote to defer the application was taken and rejected by members. Members asked that the final decision be delegated to the Chair subject to satisfactory comments from the highways department.

Concerns were also raised at the lack of information regarding the restaurant opening hours within the application. However members were content to support the application based on the final conditions being delegated to the Chair and Vice-Chair.

Members were minded to approve the application by a majority on the basis of negotiations around opening times and parking allocations.

Decision: **Minded to Approve subject to car parking/highway issues being satisfactorily resolved. If resolved, decision delegated to HBC Planning and Development Manager in conjunction with Planning Chair and Vice Chair.**

The Committee considered representations in relation to this matter.

Number: H/2018/0016

Applicant: MRS D SHADFORTH COAL LANE ELWICK
HARTLEPOOL

Agent: SEAN MCLEAN DESIGN 22 MAP HOUSE
PORTRACK GRANGE ROAD PORTRACK

Date received: 12/01/2018

Development: Erection of triple garage with farm office above

Location: CROOKFOOT FARM COAL LANE ELWICK
HARTLEPOOL

Members requested that a condition be included preventing the conversion of the garage into a dwelling. The Chair confirmed that such a condition was already in place.

The Applicant, Mrs Shadforth, urged members to support the application. The garage would be used to items such as cars, off road vehicles, bikes, lawnmowers and garden furniture while the office would help with the overspill of paperwork for the business which the office within the family home could no longer cope with. The garage would be located half a mile from the nearest neighbour and well away from any special landscape areas.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 1793/01 Rev O (location plan) received by the Local Planning Authority 12 January 2018 and Dwg No(s) 1793/02 Rev A (proposed site plan) received by the Local Planning Authority on the 27 March 2018 and 1793/03 Rev C (proposed floor plans and elevations) received by the Local Planning Authority on the 5 June 2018.
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. A detailed scheme of landscaping and tree and shrub planting to include screening along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interest of visual amenity of the area and open countryside.

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

In the interest of visual amenity of the area and open countryside.

6. Prior to the commencement of development, details of integral bat roost bricks to be incorporated into the apex of the east and west facing side elevations of the garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details and retained for the lifetime of the development hereby approved.

To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.

7. Prior to the garage being brought into use details of hard standing, driveway and footpaths and associated works shall be submitted to the Local Planning Authority and agreed in writing. Thereafter the agreed scheme shall be implemented in accordance with the agreed details.

In the interests of visual amenity.

8. 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 building hereby approved shall only be used as a garage with farm office and storage above for purposes incidental to the use of the dwellinghouse and shall not be converted, extended or altered or used as additional living accommodation.

In the interest of the amenities of the occupants of neighbouring properties and to ensure the property remains commensurate with the needs of the agricultural holding.

The Committee considered representations in relation to this matter.

Number: H/2018/0096

Applicant: ASCENT HEALTHCARE MR QAMMAR NAZIR
C/O AGENT

Agent: EMBARK ARCHITECTURE MR NEIL BARKER 38
KENILWORTH ROAD MONKSEATON WHITLEY
BAY

Date received: 05/04/2018

Development: Erection of single storey pharmacy

Location: MIDDLE WARREN LOCAL CENTRE MULBERRY
RISE HARTLEPOOL

The Agent, Neil Barker, urged members to support the application which was supported by Ward Councillor Paul Beck. Members requested confirmation from officers that Councillor Beck had indicated his support. The Senior Planning Officer confirmed that Councillor Beck had given his support verbally. Mr Barker advised that issues around delivery and construction management had been conditioned in order to minimise disruption to residents.

Rob Kendon spoke against the application. While he welcomed the idea of a pharmacy in the area he felt that the location was not appropriate given concerns around parking facilities and the lack of a safe crossing in the vicinity. He also noted the lack of information regarding deliveries to and from the premises.

Members were extremely supportive of the installation of a pharmacy in the area but felt that the issues raised by residents required further consideration. They requested that a decision on this matter be deferred to allow a site visit to take place and to give an opportunity for these issues to be clarified. Mr Barker highlighted that the pharmacy licence stipulated that the premises must open before the end of 2018. However it was noted that the next meeting of the Committee was due in 2 weeks time. This was felt to be a fair compromise.

Decision: **Deferred for site visit**

The Committee considered representations in relation to this matter.

Number: H/2018/0097

Applicant: ASCENT HEALTHCARE MR QAMMAR NAZIR C/O AGENT

Agent: EMBARK ARCHITECTURE MR NEIL BARKER 38 KENILWORTH ROAD MONKSEATON WHITLEY BAY

Date received: 05/04/2018

Development: Display of three internally illuminated fascia signs

Location: MIDDLE WARREN LOCAL CENTRE MULBERRY RISE HARTLEPOOL

Members agreed to defer this item to allow it to be considered at the same time as the previous application H/2018/0096.

Decision: **Deferred for site visit**

5. Appeal at 12-14 Church Street, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against the decision to refuse permission for a change of use to 3 houses in multiple occupation with partial demolition to the rear and alteration to the front elevation. The application had been considered by Planning Committee in January and refused due to a lack of parking and a potential increase in traffic and parking congestion.

Decision

That officers be authorised to contest the appeal

6. Appeal at Stotfold Crest Stables, Trunk Road, A19, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against the decision to refuse permission for the erection of an equestrian worker's dwelling, stable block and horse exerciser. The application had been determined under delegated powers through the Chair and was refused as the applicant had failed to justify the need for the dwelling as a suitable alternative was already available.

Decision

That officers be authorised to contest the appeal

7. **Negotiating Planning Obligations** (*Assistant Director (Economic Growth and Regeneration)*)

Planning obligations are legally enforceable obligations entered into under section 106 of the Town and Country Planning Act 1990 by which the local authority might secure affordable housing on a site or financial contributions on the part of developers for provisions within the area such as education, leisure, highways etc. These would result in additional costs and could affect the viability of a development. Currently the Planning Policy Team would identify the Planning Obligations required under the guidance and inform the applicant. Discussions would then take place and if necessary an economic viability assessment would be carried out by the developer. Agreement would generally be reached between the 2 parties as to acceptable Planning Obligations. However in those circumstances where an impasse was reached members were asked to allow planning officers to refer the case to the District Valuer for advice on whether the obligations proposed by the planning officers could be met by the developer. The cost of this referral would be met by the developer. This was an approach taken by other local authorities including Stockton Borough Council.

Members felt they had insufficient information to make this decision. They suggested that it be considered by Regeneration Services Committee and/or Finance and Policy Committee before a view was given by Planning Committee. Concerns were also raised that by taking the issue to one of the policy committees in the first instance the independence of Planning Committee could be tainted when the final decision on an application was put before them. However officers advised that the policy committee would only be asked to decide on the general procedure regarding Planning Obligations rather than individual planning decisions. A member also queried what would happen if the developer refused to pay the District Auditor fee and whether this refusal would be material in terms of planning. The Locum Solicitor commented that this was primarily a matter of procedure and outsourcing of advice. As a result of the recently adopted Local Plan officers were now able to instruct developers that land should not be purchased for development unless they could afford to meet the Planning Obligations and that if they did so their application would not be accepted. Therefore in reality he did not expect this to have a major impact. Nevertheless members felt the issue should be considered by policy committee. The Chair requested that officers speak to the Chairs of Finance and Policy Committee and Regeneration Services Committee to ascertain an appropriate route for this matter.

Decision

That this item be deferred for further consideration by Finance and Policy Committee or Regeneration Services Committee whichever was deemed most appropriate.

8. Appeal at 33 Silverwood Close, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council's decision to refuse permission for alterations to a boundary fence had been dismissed. The Inspector's decision letter was appended to the report.

Decision

That the outcome of the appeal be noted

9. Appeal at Low Throston House, Netherby Gate, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council's decision to refuse permission to site a caravan/chalet within curtilage of Low Throston House for ancillary use had been allowed. The inspector's decision letter was appended to the report.

Decision

That the outcome of the appeal be noted

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

Members were updated on 20 matters currently under investigation and 13 completed investigations.

Decision

That the report be noted.

11. 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 146 – (Unauthorised Works to Listed Buildings) – 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.

12. Unauthorised Works to Listed Building *(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 to consider whether it was expedient to issue an Enforcement Notice in respect of unauthorised works. Further details are provided in the closed minutes.

Decision

Detailed within the closed minutes.

13. 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.

A member highlighted a need for training around drainage on small sites. This was due to recently implemented changes whereby Northumbrian Water would adopt sewer arrangements providing they met a specified standard. The Planning and Development Manager confirmed that this would be part of the compulsory training programme, details of which would be

confirmed following the Rural West by-election and subsequent filling of the vacant position. He also queried whether developers could be obligated to involve Northumbrian Water in any drainage schemes. The Locum Solicitor advised that they could not.

The Planning and Development Manager introduced Beth Graham, the new Graduate Planning Assistant, to members.

The meeting concluded at 11.55am

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

4th July 2018

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

Present:

Councillor: Paddy Brown (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Bob Buchan, Tim Fleming,
Brenda Loynes and George Morris.

In accordance with Council Procedure Rule 4.2 Councillor Kevin Cranney was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Carl Richardson was in attendance as substitute for Councillor Marjorie James

Officers: Jim Ferguson, Planning and Development Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning Team Leader (DC)
Laura Chambers, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Andrew Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

14. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Rob Cook and Marjorie James.

15. Declarations of interest by members

Councillor Brenda Loynes declared a personal interest in planning application H/2017/0533 (Manor House Farm) as ward councillor saying she had attended a residents meeting on the matter but had not taken part in the discussions.

16. Confirmation of the minutes of the meeting held on 20th June 2018

Minutes deferred

17. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2018/0096
Applicant:	ASCENT HEALTHCARE MR QAMMAR NAZIR C/O AGENT
Agent:	EMBARK ARCHITECTURE MR NEIL BARKER 38 KENILWORTH ROAD MONKSEATON WHITLEY BAY
Date received:	05/04/2018
Development:	Erection of single storey pharmacy
Location:	MIDDLE WARREN LOCAL CENTRE MULBERRY RISE HARTLEPOOL

This item had been deferred at the previous meeting to allow a site visit to take place. The Solicitor advised that as this was a continuation of the previous meeting any members who had not been present at that time would be unable to vote on this item. There would also be no opportunity for the applicant or objector to speak on this matter again as they had already done so. However Ward Councillor Paul Beck, who had not attended the previous meeting, would be able to make his views known.

Councillor Beck felt that that a pharmacy would bring enormous benefits to Hart Ward and the surrounding area. He thanked the developers for agreeing to fund the installation of double yellow lines on the adjacent carriageway but supported further measures to improve parking and monitor traffic flow.

Members approved the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans drawing number 1426(90)01A1 (Site Location Plan), drawing number 1426(00)01A2 (Plans and Elevations) all date received by the Local Planning Authority 20/03/18 and drawing number 1426(90)03A1 (Site Sections - Existing and Proposed), drawing number 1426(90)02A3 (Existing and Proposed Site Plans) and drawing number 1426(90)04A1 (Refuse Store Plan and Elevations) all date

received by the Local Planning Authority 05/04/18.

For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the building and impact on adjacent properties and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents/land users.

4. 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 and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the agreed Construction Management Plan.

To avoid excessive noise and disturbance to the occupants of nearby properties and in the interests of highway safety.

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

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

6. Prior to first occupation of the development hereby approved a detailed scheme of landscaping and tree and shrub planting shall be submitted

to and approved in writing by the Local Planning Authority. 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/timetable of works.

In the interests of a satisfactory form of development.

7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

8. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction 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.

9. Notwithstanding the proposals detailed in the submitted plans and prior to their implementation on site, 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 development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

10. Prior to the development hereby approved being brought into use, a scheme of highway measures shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented to their satisfaction before the development hereby approved is brought into use, in accordance with the agreed scheme. The scheme shall include details of appropriate parking and loading/unloading restrictions on Merlin Way and in the vicinity of the Middle Warren Local Centre. The works shall be retained for the lifetime of the development authorised by this permission.

In the interests of highway and pedestrian safety.

11. Prior to the development hereby approved being brought into use, a scheme for servicing, including the type of vehicles to be used and an undertaking to use the existing servicing facilities within the Local Centre, shall be submitted to and approved in writing by the Local

Planning Authority and thereafter implemented to their satisfaction in accordance with the agreed details. Such a scheme as may be approved shall be retained in operation for the lifetime of the development hereby approved.

In the interests of highway and pedestrian safety.

12. Demolition or construction works and deliveries or dispatches 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, unless otherwise agreed in writing by the Local Planning Authority.

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

13. Occupation of the development shall not commence until the waste storage arrangements hereby approved have been implemented on site, unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with such details prior to occupation.

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

14. Prior to occupation of the development hereby approved details of all fences, gates, walls or other means of enclosure to be erected within the development site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area.

15. The premises shall not be open to the public outside the following times 07:00 to 23:30 daily.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), 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 highway safety and parking provision.

17. 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 Shop Use within the A1 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.

Number: H/2018/0097

Applicant: ASCENT HEALTHCARE MR QAMMAR NAZIR
C/O AGENT

Agent: EMBARK ARCHITECTURE MR NEIL BARKER 38
KENILWORTH ROAD MONKSEATON WHITLEY
BAY

Date received: 05/04/2018

Development: Display of three internally illuminated fascia signs

Location: MIDDLE WARREN LOCAL CENTRE MULBERRY
RISE HARTLEPOOL

The Agent, Neil Barker, urged members to support this application which would aid in making the public aware of the opening hours and services provided by the newly approved pharmacy.

A member referred to other illegal signage which he had observed during the site visit earlier that morning and asked that the Council's enforcement officers take action to remove them.

Members approved the application by a majority.

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

1. The period of consent lapses at the expiration of five years from the date of issue of permission.
To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and to clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans drawing number 1426(90)01A1 (Site Location Plan), drawing number 1426(00)01A2 (Plans and Elevations), drawing number 1426(00)02A2 (Signage Details) all date received by the Local Planning Authority 20/03/18 and drawing number 1426(90)02A3 (Existing and Proposed Site Plans) all date received by the Local Planning Authority 05/04/18.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number: H/2018/0048

- Applicant:** HFL PROPERTIES MR DAVID GORDON 130 BURY NEW ROAD PRESTWICH
- Agent:** R & K WOOD PLANNING LLP MRS KATIE WOOD
1 MEADOWFIELD COURT MEADOWFIELD
INDUSTRIAL ESTATE PONTELAND
- Date received:** 08/03/2018
- Development:** Change of use of open space to enclosed external area to be used in connection with existing adjacent unit (D1 use class), including erection of boundary fence and gate.
- Location:** 434 CATCOTE ROAD HARTLEPOOL

A member queried whether the proposed boundary fence would be moved in the event that the nursery closed. The Planning Team Leader confirmed this would be part of the final conditions.

Katie Wood spoke on behalf of the applicant. She acknowledged that the area in question was defined as open space in the Local Plan but installing a fence would help keep the nursery secure. She was aware that concerns had been raised around parking in the area but this was happening anyway and would not be made worse by a fence. Members queried whether there was any other land in the vicinity which could be utilise for parking. The Highways, Traffic and Transport Team Leader advised that land was available at the rear of the shops. Officers were working with the owners regarding access.

Members approved the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following amended plan(s) and details; 1:500 'Promap' plan and DRAWING NO: 815 (2000MM HIGH V MESH MESH FENCING) received 18th May 2018 by the Local Planning Authority and LOCATION PLAN (1:1250 at A4) received 22nd May 2018 by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of development, details of the siting and design of the proposed access gate to the enclosed area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be

carried out in accordance with the approved details.

In the interests of visual amenity.

4. The permission hereby granted shall only be implemented in the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1) . Thereafter the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) shall only operate as an ancillary outdoor play and learning space, in conjunction with the use of the adjacent unit as a children's nursery, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

In the interests of visual amenity and in order to control the development under the terms on which permission is granted.

5. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the boundary fence hereby approved shall be laid out in accordance with the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority). The fence shall be coloured green in accordance with DRAWING NO: 815 (2000MM HIGH V MESH MESH FENCING) received 18th May 2018 by the Local Planning Authority, unless an alternative colour is otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt and in the interests of visual amenity.

6. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1) and 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), no free-standing buildings or structures shall be erected within the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority).

To enable the Local Planning Authority to exercise control in the interests of visual amenity.

7. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) shall at no time be used as an external storage area, with any play or educational equipment or other associated paraphernalia used in connection with the children's nursery use removed and stored inside the adjacent building outside of the permitted hours of operation set out in condition 07.

In the interest of visual amenity and safety and security.

8. In the event that the existing unit at 434 Catcote Road is operated as a children's nursery (use class D1), the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) shall only be open to the public between the hours of 0830 and 1800 Mondays to Sundays inclusive.

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

9. Should the external area outlined in green on the approved 1:500 'Promap' plan (received 18th May 2018 by the Local Planning Authority) cease to be used as an ancillary outdoor play and learning space, in conjunction with the use of the adjacent unit as a children's nursery, the boundary fencing hereby approved shall be removed and the land restored to its former condition, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority, unless prior consent has been obtained for its retention.

In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2017/0533

Applicant: MR A MOUTREY STOCKTON ROAD NEWTON BEWLEY BILLINGHAM

Agent: MR A MOUNTREY MANOR HOUSE FARM STOCKTON ROAD NEWTON BEWLEY BILLINGHAM

Date received: 03/05/2018

Development: Retrospective application for conversion and alterations to former barn to create a single two storey dwelling

Location: MANOR HOUSE FARM STOCKTON ROAD NEWTON BEWLEY BILLINGHAM

Members were advised that approval had previously been given for conversion to a single storey dwelling. The applicant had subsequently converted the barn to a 2-storey dwelling. However the Planning and Development Manager advised that the key difference in this case was not the size rather the fact that the development now included village green land. Officers had requested that the plans be redrawn but the developer had indicated he wished to proceed with the plans as they were.

The applicant, Mr Moutrey, advised members that when he had purchased the property in 2013 he had been unaware that the land in question was part of the village green. All searches for village green and common land had come back negative. Eventually the land status as a village green had come to light and the Council had admitted their mistake to Mr Moutrey's solicitors in not providing the correct searches. However he would now be prepared to move the plans a metre away from the boundary if it would speed up the process.

The Solicitor clarified that only the basic initial land searches had been carried out in 2012 prior to purchase but the extra enquiries which would have

confirmed the village green land status had not. These extra searches had been carried out in 2017 after the purchase at which point the village green status had become apparent. Mr Moutrey had been provided with details of how to challenge this status some time ago and had chosen not to. In any case the village green was still public land regardless of ownership.

Members queried whether Mr Moutrey intended to encroach onto the village green. He advised that the entrance to the property faced the green and the pathway to his property would encroach by 1 metre. They asked why he had made the building 2-storey without planning permission. Mr Moutrey indicated that at the time he had decided to do this he had not known it was village green land. The building adjacent was 2-storeys and it had seemed more suitable to join it to a 2-storey building. He acknowledged it had been a risk but contractors had been booked and the village green status had caused massive delays. The Senior Planning Officer commented that Mr Moutrey had been made aware that he did not have permission to carry out the work and there was the potential for enforcement action. The Solicitor also noted that Mr Moutrey’s plans for a canopy on the pathway would technically be illegal encroachment on open space.

Members refused the application by a majority.

Decision: Planning Permission Refused

REASON FOR REFUSAL

1. The proposed development would result in the loss of public open space in the form of the Newton Bewley Village Green, which would be detrimental to the visual amenities of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan 2018 policies LS1, QP4 and NE6, as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

The Committee considered representations in relation to this matter.

Number: H/2018/0150

Applicant: BAM CONSTRUCTION LTD FIFTH AVENUE
BUSINESS PARK TEAM VALLEY TRADING
ESTATE GATESHEAD

Agent: LICHFIELDS MR JONATHAN WALLACE THE ST
NICHOLAS BUILDING ST NICHOLAS STREET
NEWCASTLE UPON TYNE

Date received: 01/05/2018

Development: Demolition of existing school buildings and

redevelopment of the site to provide a replacement school building and playing pitches along with car parking, hard and soft landscaping and access arrangements

Location: HIGH TUNSTALL COLLEGE OF SCIENCE
ELWICK ROAD HARTLEPOOL

A member queried whether potential flooding of nearby properties had been taken into consideration. A Senior Planning Officer confirmed that the Council's Principal Engineer would need to sign off the plans before building commenced. Officers also confirmed that sprinklers would be incorporated into the design and their external apparatus would be screened.

Members were pleased that the installation of sprinklers in schools was now Council policy. They were disappointed that energy efficiency had not been explored in more detail but acknowledged the funding restrictions.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 111748-ONE-Z0-XX-DR-L-0101-S2-P02 (Location Plan),
111748-ONE-Z0-XX-DR-L-0108-S2-P02 (Proposed Block Plan),
111748-ONE-Z0-XX-DR-L-0401-S2-P02 (Site Sections),
111748-ONE-Z0-XX-DR-L-0106-S2-P02 (Existing and Proposed Playing Field Arrangement),
111748-ONE-Z0-XX-DR-L-0104-S2-P03 (Fencing Strategy),
111748-BMD-ZF-XX-DR-A-13000-P5 (Sections),
111748-BMD-ZF-OO-DR-A-14501-P9 (Ground Floor - Departments),
111748-BMD-ZF-01-DR-A-14502-P7 (First Floor - Departments),
111748-BMD-ZF-02-DR-A-14503-P8 (Second Floor - Departments),
111748-BMD-ZF-03-DR-A-11003-P8 (Roof - GA)
received by the Local Planning Authority on the 27th April 2018;
WIE10720-104-SA-77-049-A01 (Arboricultural Tree Constraints Assessment Sheet 1 of 2),
WIE10720-104-SA-77-049-A01 (Arboricultural Tree Constraints Assessment Sheet 2 of 2)
received by the Local Planning Authority on 30 April 2018;
111748-BMD-ZF-ZZ-DR-A-18243-P01 (External Materials Sample Panel)
received by the Local Planning Authority on 29th May 2018;

111748-ONE-ZO-XX-DR-L-0402-S2-P02 (Proposed Indicative Levels and Contours sheet 1 of 2),
 111748-ONE-ZO-XX-DR-L-0403-S2-P02 (Proposed Indicative Levels and Contours sheet 2 of 2),
 111748-ONE-ZO-XX-DR-L-0102-S2-P10 (Hard and Soft Landscape General Arrangement)
 received by the Local Planning Authority on the 11th June 2018;
 111748-BMD-ZF-XX-DR-A-12002-P7 (Elevations - South and West),
 111748-BMD-ZF-XX-DR-A-12001-P8 (Elevations - North and East),
 111748-BMD-ZF-XX-DR-A-12010-P1 (External Elevations - Bat/Bird Boxes),
 received by the Local Planning Authority on the 28th June 2018;
 111748-BMD-ZO-XX-DR-L-12001-D2-P04 (Soft Landscape Proposals)
 received by the Local Planning Authority on the 2nd July 2018,
 111748-BMD-ZF-OO-DR-A-18260-P2 (Site Set Up), GPS-17019-01-PO3 (Temporary Traffic Management Plan) and GPS-17019-003-PO3 (Proposed Temporary Construction Site Access - Swept Path Analysis Large Articulated Vehicle) received by the Local Planning Authority on the 3 July 2018.

For the avoidance of doubt.

3. No development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any 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 thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

4. No 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.

5. Prior to the occupation of the school buildings hereby approved, details of a scheme for the installation of a sprinkler system within the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any ancillary

buildings, equipment, structures and enclosures required for the operation of the sprinkler system. Thereafter the development shall be carried out in accordance with the approved details before the occupation of the buildings hereby approved and shall be retained for the lifetime of the development, unless any variation to the scheme is agreed in writing with the Local Planning Authority.

In the interests of fire safety and to accord with the provisions of emerging Local Plan Policy QP5 which states that all new developments should adhere with national safety standards as set out by central government.

6. The Development hereby approved shall be carried out in strict accordance with the Construction Management Plan HNE0428 Rev No:4 dated 29/06/2018 and associated appended plans received by the Local Planning Authority on the 3 July 2018.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

7. The Development hereby approved shall be carried out in accordance with the measures to secure local training and employment set out within the Employment Skills Plan dated 1st May 2018, received by the Local Planning Authority on the 27th April 2018.

To assist in ensuring that Hartlepool's economy grows sustainably in accordance with emerging policy QP1 of the emerging Hartlepool Local Plan and the adopted Planning Obligations SPD.

8. (a) Within 6 months of the commencement of use of the new school block the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation and in any event not later than 18 months after the occupation of the school block. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy NE5 of the Hartlepool Local Plan.

9. The landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plan and details; 111748-BMD-ZO-XX-DR-L-12001-D2-P04 (Soft Landscape Proposals)

received by the Local Planning Authority on the 2nd July 2018 and 111748-ONE-ZZ-XX-SP-L-0001-S2-P01 (Landscape Specification) received by the Local Planning Authority on the 28th June 2018, unless an alternative 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 occupation of the buildings or the completion of the development whichever is 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 enhance biodiversity in accordance with paragraph 118 of the NPPF.

10. All trees and hedges within proximity of building works/ground operations and hedges along the western boundary (adjacent Kielder Road) shall be safeguarded by temporary protective fencing as described in Section 6 of the "Tree Protection Measures" within the "Arboricultural Tree Constraints Assessment" dated April 2017 and shown on plans WIE-SA-77-049 A01 sheets 1 and 2 (Arboricultural Tree Constraints Assessment) received on the 27th April by the Local Planning Authority.

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

11. Notwithstanding the submitted information, all boundary enclosures shall be carried out in accordance with the details specified on plan 111748-ONE-ZO-XX-DR-L-0102-S2-P10 (Hard and Soft Landscape General Arrangement) received by the Local Planning Authority on the 11th June 2018. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

12. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Project Resource Management Plan received 27th April 2018 by the Local Planning Authority.

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

13. No construction/building or demolition works shall be carried out except between the hours of 8:00am and 6:00pm on Mondays to Fridays and between 9:00am and 1:00pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.

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

14. Deliveries associated with the construction phase of the development hereby approved shall only be carried out between 7.30am and 8.30am, 9.00am and 2.45pm and 3.30pm and 6.00pm Mondays to Fridays and between 8am and 1.00pm on Saturdays.

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

15. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

16. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.

In the interests of highway safety.

17. The development hereby approved shall be carried out in accordance with the details provided within the submitted Low and Zero Carbon Technologies Feasibility Study dated 20/12/2017 (received 27th April 2018 by the Local Planning Authority) and section 6(Sustainability) of the submitted Design and Access Statement (received 4th May 2018 by the Local Planning Authority).

To ensure a sustainable form of development which minimises energy consumption to comply with paragraph 96 of the NPPF.

18. Notwithstanding the details submitted within the application and prior to the occupation of the school building(s) hereby approved, full details of the appearance, layout and scale of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

In the interests of visual amenity.

19. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes 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 agreed scheme shall be implemented prior to 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.

In the interests of visual amenity.

20. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.

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

21. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks shall be carried out in accordance with the following submitted plans; 111748-ONE-ZO-XX-DR-L-0401-S2-P02 (Site Sections), 111748-BMD-ZF-XX-DR-A-13000-P5 (Sections) received by the Local Planning Authority on the 27th April 2018 and 111748-ONE-ZO-XX-DR-L-0403-S2-P02 (Proposed Indicative Levels and Contours sheet 1 of 2) and 111748-ONE-ZO-XX-DR-L-0402-S2-P02 (Proposed Indicative Levels and Contours sheet 2 of 2), received 11 June 2018 by the Local Planning Authority.

In the interest of visual amenity and the amenity of neighbouring land users.

22. Prior to the demolition of the school buildings, two bat roosting boxes shall be provided on building EFAB as identified within the Bat Survey (dated 25 September 2017) received by the Local Planning Authority on the 5th June 2018. In accordance with the requirements of condition 24, details of the boxes shall be submitted to and agreed in writing with the Local Planning Authority, thereafter the approved scheme shall be implemented in accordance with the approved details.

To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.

23. The bat roost and swift nest bricks hereby approved shall be installed prior to the building being brought into use in accordance Dwg No: 111748-BMD-ZF-XX-DR-A-12010-P1 (External Elevations - Bat/Bird Boxes) received by the Local Planning Authority on the 28th June 2018.

To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.

24. The proposed substation hereby approved shall be built in accordance with details submitted to the Local Planning Authority on the 26 June 2018 unless an alternative scheme is agreed in writing with the Local Planning Authority.

In the interests of visual amenity and the amenity of neighbouring land users.

25. The external materials shall be carried out in accordance with the submitted details on Dwg No: 111748-BMD-ZF-ZZ-DR-A-18243-P01 (External Materials Sample Panel) received by the Local Planning Authority on the 29th May 2018 unless an alternative scheme of materials is agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

26. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and sports hall and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

18. Appeal at land to the north of Voltigeur Drive & Otterington Close, Hart (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council’s decision to refuse planning permission for 3 detached residential units at and to the north of Voltigeur Drive & Otterington Close, Hart had been dismissed. A copy of the decision letter was appended to the report.

Decision

That the outcome of the appeal be noted.

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

Members were updated on 16 matters currently under investigation and 4 completed investigations. A member asked if anything could be done about the condition of a former licensed premises in Greatham in light of the forthcoming Northumbria in Bloom judging visit. Officers confirmed that the owner had been contacted but any enforcement action would have a 28-day implementation period so would not be effective in time.

Decision

That the report be noted

20. 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.

A request had been made for a site visit to 7 Church Street in Seaton Carew. This related to an application to build an annexe to the property which was due to come to the next meeting and would enable members to see the impact this would have on the heritage area and assets. This was approved by members.

Decision

That a site visit to 7 Church Street in Seaton Carew to assess impact on the Conservation Area and surrounding Heritage assets take place immediately before the meeting on 1st August.

21. 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 22 – (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.

22. 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.

Members were asked to authorise the issuing of an enforcement notice in respect of an unauthorised development. Further details are provided in the closed minutes.

Decision

Detailed within the closed minutes.

The meeting concluded at 11.05am

CHAIR

No: 1
Number: H/2018/0156
Applicant: MR P MOORE 7 CHURCH STREET SEATON CAREW
HARTLEPOOL TS25 1BX
Agent: HARTLEPOOL BOROUGH COUNCIL MR MICHAEL
KEEYS PRIVATE SECTOR HOUSING CIVIC CENTRE
HARTLEPOOL TS24 8AY
Date valid: 15/05/2018
Development: Erection of detached single storey residential annexe
Location: 7 CHURCH STREET SEATON CAREW HARTLEPOOL
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 None relevant

PROPOSAL

1.3 Full planning approval is sought for the demolition of the existing timber detached double garage and the erection of a detached single storey residential annexe with associated hard landscaping located within the side garden of 7 Church Street, Seaton Carew

1.4 Details have been submitted, setting out the appearance, access arrangements, scale and layout of the proposed detached building.

1.5 The proposed building will have dimensions of approximately 8.5m in depth and 8.0m in width, the total height of the building will be approximately 3.9m lowering to 2.5m (approx.) at eaves level.

1.6 Following the receipt of amended plans the proposed building will be finished using a lime render in a cream / stone colour, with UPVC sash style windows, panel door to front, and smooth grey roof tiles.

1.7 Access is proposed by virtue of the existing vehicle access point from Church Street. The site is bounded by an (approx.) 2.2m high wall

1.8 The application has been brought by the Planning Committee following a request from an elected member.

SITE CONTEXT

1.9 The application site is a three storey end of terrace property, situated within the Seaton Carew area of Hartlepool. The host dwelling is finished using coloured render, with a tiled roof.

1.10 The property has ample garden space to the side and rear, with a detached double garage. The area is predominately residential with dwellings of varying designs.

1.11 The application site is bounded to the East by 5 Church Street, 1 The Paddock to the South, Holy Trinity Church and church yard to the West and North West, and 14 Church Street and Church Hall to the North.

1.12 There are no notable changes within the land levels between the application site and the neighbouring sites.

PUBLICITY

1.13 The application has been advertised by way of neighbour letters (8 in total), along with ward councillors and a site notice and local press advert. To date, 4 letters of support have been received. No other representations have been received.

1.14 Copy Letters - **A**

1.15 The period for publicity has expired.

CONSULTATIONS

1.16 The following consultation replies have been received:

HBC Heritage and Countryside Manager: The application site is located in Seaton Carew Conservation Area which is recognised as a designated heritage asset.

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

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

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to

demonstrate that they will conserve or positively enhance the character of the conservation areas.’

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century. To the south is the commercial centre of the area. Off the commercial area is Church Street, leading to Holy Trinity Church, this street is a mixture of residential property and guest houses.

The conservation area is considered to be ‘at risk’ under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is the demolition of a double garage building and in its place the erection of a detached, single storey care facility. The structure is set alongside the existing property within the rear garden. The design of the property appears utilitarian and does not acknowledge any characteristics of the surrounding houses.

Furthermore it is unusual for properties within this conservation area to have such large buildings within garden areas.

Considering the conservation area and the surrounding streetscene it would be more appropriate if the annex was to the side of the property extending the terrace with detailing echoing that of the host dwelling and the wider street. Insufficient information is provided to determine why this option could not be considered.

Further comments received 17th July 2018

Church Street is a residential road with houses of a relative uniform appearance, stemming from the development of the terrace in a single phase. They share common characteristics and although there has been the introduction of modern materials this is still visible through the window and door arrangements.

Furthermore, within this particular street, and elsewhere within the conservation area, there is a strong emphasis on terraced property creating a continuous building line with little disruption.

In this instance the proposal is to construct a building to the rear of the house; this is unusual within this area where there is little detached development in the gardens of properties. The creation of a large detached structure would disrupt the pattern of terraced development.

The design of the proposed development is somewhat utilitarian and does not take any cues from the buildings within the conservation area. This combined with the siting of the development would cause less than substantial harm to the significance of the designated heritage asset.

No information has been provided that would suggest that this harm is outweighed by the public benefits of the proposal.

Further comments received 18th July 2018 in response to amended plans;

These comments are an addendum to those previously provided.

The amended plans have been considered.

The following amendments are welcomed,

- Use of lime render which will be taken to the ground,
- A four panelled entrance door, and
- Introduction of sills to the windows.

The windows are mock sash, it is noted that the ‘mock’ tripartite sash window only shows detailing to the central window rather to all three which is disappointing.

The design of the proposed development has been improved on that which was first proposed, however the scale and massing of the building and its location to the rear of the terrace would cause less than substantial harm to the significance of the designated heritage asset.

No information has been provided that would suggest that this harm is outweighed by the public benefits of the proposal.

HBC Traffic & Transport: The proposal will result in the loss of a garage for off street parking, however the driveway is of sufficient size to accommodate 3 vehicles. I have therefore no objections.

HBC Engineering Consultancy: I have no objection to this application.

Diocese of Durham: No response

PLANNING POLICY

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

Local Policy

1.18 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to Climate Change
 HE1.: Heritage Assets
 HE3.:Conservation Areas
 HE4 : Listed Buildings and Structures
 HSG11.: Extensions to Existing Dwellings
 HSG12 : Residential Annexes
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

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 006 : Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 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 035 : Practical location of development
 PARA 056 : Design of built environment
 PARA 064 : Refusal for development of poor design
 PARA 096 : New development

PARA 126 : Positive strategy for the historic environment
 PARA 128 : Heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA 133 : Substantial harm to heritage asset
 PARA 134 : Harm to heritage asset
 PARA 137 : Opportunities for new development
 PARA 186 : Decision taking in a positive way
 PARA 187 : Solutions not problems
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development
 PARA 216 : Emerging Plans

PLANNING CONSIDERATIONS

1.20 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 the impact upon the amenity of neighbouring properties, setting of the listed building, character of the conservation area, highway safety and all other residual matters.

PRINCIPLE OF DEVELOPMENT

1.21 The application site is located within the curtilage of an established dwelling within the limits to development within an area of predominantly existing residential uses, close to existing shops and services.

1.22 Therefore, whilst the site is considered to be acceptable for a residential annexe subject to it being intrinsically related to the host dwelling as per the requirements of Local Plan policy HSG 12, this is subject to all other material planning considerations including the impact of the proposed development upon the significance of the Conservation Area and Holy Trinity Church (Grade II - Listed Building), in the context of Heritage policies in the adopted Local Plan (2018) as detailed below, neighbour amenity, highway safety and flooding and drainage.

IMPACT ON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND HERITAGE ASSETS.

1.23 The application site is within the Seaton Carew Conservation Area and adjacent to a Grade II listed building (Holy Trinity Church).

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

1.25 Further to this at a local level Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

1.26 Proposals which will achieve this or better reveal the significance of the asset will be supported. The policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset (unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit) will be refused.

1.27 Policy HE1 goes on further to state, '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 will be required to preserve and / or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance'.

1.28 Policy HE3 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'. This policy details crucial considerations for the assessment of development proposals in conservation areas.

1.29 In considering the impact of development on a designated heritage asset such as the conservation area that the site is located within, the National Planning Policy Framework (NPPF) looks for local planning authorities to refuse any proposal deemed to cause substantial harm or loss of a designated asset (para 133, NPPF); and where deemed to cause less than substantial harm it must be weighed up against the public benefit of the proposal (para 134, NPPF).

1.30 Policy HE7 sets out that the 'retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council'.

1.31 The Seaton Carew conservation area character appraisal highlights that the conservation area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century, whilst the area to the south being a predominantly later phase is the commercial centre of the area. Off this commercial area is Church Street, leading to Holy Trinity Church, which is a street containing a mixture of residential property and guest houses built towards the end of the 19th century.

1.32 The Seaton Carew conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the

impact of the Longscar Building a substantial vacant building on the boundary of the conservation area.

1.33 As such the Council should only be seeking to approve developments within this designated heritage asset that will positively conserve and enhance these assets, thus removing them from being classified as at risk and addressing issues of poor design, neglect, or decay.

1.34 In considering the proposal in relation to the Listed Building (Holy Trinity Church) adjacent to the site the Council's Heritage and Countryside Manager has raised no comment or concern in relation to any impact upon the listed building.

1.35 However, in regard to the impact of the proposal on the conservation area, the Council's Heritage and Countryside Manager has commented that the design of the proposed development appears utilitarian, and does not acknowledge any characteristics of the surrounding houses.

1.36 Additionally, within this particular street, and elsewhere within the conservation area, there is a strong emphasis on terraced property, creating a continuous building line with little disruption; it would therefore be more appropriate if this proposed annex was to be sited to the side of the property extending the terrace with detailing echoing that of the host dwelling and the wider street.

1.37 It is considered that the proposal would appear unusual within this area where there is little detached development in the gardens of properties. The creation of a large detached structure would disrupt the pattern of terraced development.

1.38 Following the receipt of amended plans to alter design features of the building to better reflect the historical setting of the area to attempt to address the conservation related concerns, further comments were received from the Council's Heritage and Conservation Manager, that welcomed the additions but ultimately it does not overcome the objection/concerns in respect to the identified impacts on the conservation area, whereby it is considered that the proposals would result in a less than substantial harm to the character and appearance of the conservation area.

1.39 It should be noted that 'less than substantial harm' is still considered to be a level of harm that should be considered with great weight. Accordingly and in view of the above, it is therefore, considered that given the combined design and siting of the development that the proposal would cause less than substantial harm to the significance and setting of the designated heritage asset.

1.40 Furthermore no information has been provided that would suggest that this harm is outweighed by any public benefits of the proposal. As such this would warrant a reason for the refusal of the application.

1.41 Discussions were held with the agents for the application in order to discuss potential options for the re-location of the building in order to try and overcome the impacts of the building on the conservation area. However, the applicants wished for the application to be determined as submitted within their preferred location.

DESIGN AND APPEARANCE, AND IMPACT ON HOST DWELLING AND AREA

1.42 In this regard Paragraph 64 states that 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.

1.43 Furthermore section 7 of the NPPF (paragraphs 56 to 68) set out the Government’s core policy principles to ensure ‘good design’. Paragraph 56 “attaches great importance to the design of the built environment”, and that “[good] design is a key aspect of sustainable development, and indivisible from good planning, and should contribute positively to making places better for people”. Paragraph 64 expands as detailed above states that “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.”

1.44 In addition to the above, National Planning Practice Guidance on “Design” expands on the policies within the NPPF stating in Paragraph 001 that “[good] quality design is an integral part of sustainable development”, that the NPPF “recognises that design quality matters and that planning should drive up standards across all forms of development”, and that “[as] a core planning principle, plan-makers and decision takers should always seek to secure high quality design”.

1.45 Paragraph 007 states that “Planning should promote local character” and that “[the] successful integration of all forms of new development with their surrounding context is an important design objective ...”. Paragraph 024 states “New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another.” Paragraph 025 states “Some [development] forms pose specific design challenges, for example...Stand alone buildings can create ill defined spaces around them....”.

1.46 Policy HSG11 of the Hartlepool Local Plan states “The Borough Council will ensure that proposals for extensions to existing dwellings and alterations are permitted where it can be demonstrated that development:

- 1) Is of a size, design and uses materials that are sympathetic to the existing dwelling, and;
- 2) Does not adversely affect the character of the surrounding residential area, and;
- 3) Does not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook, and;
- 4) Does not leave less than adequate parking space within the curtilage, and;
- 5) Does not deny the existing and future occupiers adequate private amenity space for normal domestic needs within the curtilage; and
- 6) Does not prejudice road safety.”

1.47 Policy HSG12 states “The Borough Council will permit proposals for residential annexes providing that they are in accordance with HSG11, designed so that it will serve an ancillary function to the existing dwelling, and it can be demonstrated that development can be incorporated into the accommodation serving the main dwelling when no longer required.

1.48 Where it is demonstrated that a residential extension cannot be effectively achieved for design reasons, conversion of an outbuilding, or in exceptional circumstances a new building will be permitted where development:

- 1) Is of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding properties, and;
- 2) Is designed so that it will serve an ancillary function to the existing dwelling and is not of a form that would encourage its occupation as a separate dwelling when no longer required; and
- 3) Does not deny the existing and future occupiers adequate private amenity space for normal domestic needs within the curtilage.

1.49 The Policy also states that for all residential annexes (where they are deemed to be acceptable) planning conditions will be applied that bind the occupation of the accommodation provided to the occupation of the host dwelling.

1.50 Policy QP4 seeks to ensure all developments are designed to a high quality and positively enhance their location and setting, and that developments “Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area.” and that “Most development should blend seamlessly with its surroundings...”.

1.51 In view of the above referenced Local Plan Policies, it is considered that the proposal fails to meet the policy considerations of HSG12(1) in that the proposal is of a scale, location and design that is detrimental to the character and appearance of the existing dwelling and the surrounding properties (in terms of its impact on the conservation area as detailed above), and QP4 due to the proposal being considered to be detrimental to the character and historic nature of the local area, that would create an incongruous feature within the surroundings.

1.52 Notwithstanding the above, it is considered that had the application been deemed acceptable, that a planning condition be applied to ensure that the self-contained annexe is ancillary to the host dwelling, and cannot be severed to form an independent planning unit without written consent of the Local Planning Authority in order to meet the requirements of HSG12(2).

1.53 In view of the above, it is considered that the development does not constitute ‘Good design’ as defined within the NPPF, NPPG and Local Policy considerations (as outlined above) owing to the proposal failing to make best use of the opportunities to enhance the appearance and character of the designated conservation area and the host dwelling being a period property, that would result in an unjustified detrimental impact upon the designated heritage asset and streetscene. As such it is considered that this would warrant a second reason for refusal.

AMENITY OF NEIGHBOURING PROPERTIES

1.54 The proposed development is to be situated within the side garden of 7 Church Street, in the approximate location of the current detached double garage. The host dwelling has ample amenity garden space to the front, side and rear.

Impact on properties to the North and West (Holy Trinity Church, Church Hall and Church Yard to the North and West)

1.55 Given the existing uses to the North and West, and the proposal being single storey set behind a 2.2m (approx.) high boundary wall it is not considered to have a significant adverse impact onto the neighbouring land uses in terms of the privacy and amenity of the users of this space, nor will it create an perceived impression of overlooking/surveillance given the sensitivities of these neighbouring uses.

Impact on property to the East (5 Church Street)

1.56 The proposal is not considered to have a significant adverse impact onto the neighbouring property to the East in terms of privacy or residential amenity being a single storey development that is separated and shielded by the existing host dwelling and separated by an approximate 2.2m high boundary wall.

Impact on property to the South (1 The Paddock)

1.57 The proposal is not considered to have a significant adverse impact onto the neighbouring property to the South in terms of privacy or residential amenity being a single storey development that is separated from the shared boundary by approximately 13.0m which is in excess of the separation distances set out within QP4 of the Local Plan 2018, and given that the neighbouring property is separated by an approximate 2.2m high boundary wall.

1.58 Furthermore and as noted above, had the application be deemed acceptable, a planning condition could have been applied to ensure that the self-contained annexe is ancillary to the host dwelling, and cannot be severed to form an independent planning unit without written consent of the Local Planning Authority.

IMPLICATIONS FOR HIGHWAY SAFETY

1.59 The proposal will be accessed by the existing vehicle access point from Church Street. The Council's Traffic and Transport section were consulted regarding the proposals and have raised no objections to the development given that the property can still adequately accommodate the requisite vehicles as set out in the Tees Valley Highway Design and Specification Guide. As such it is not considered that the proposal would result in a detrimental impact upon highway safety.

FLOODING AND DRAINAGE

1.60 The Council's Engineering Consultancy (as the Local Lead Flood Authority) has been consulted on the proposed development and has raised no objections. Therefore it is considered that the proposal is acceptable in this regard.

CONCLUSION

1.61 The proposal is considered to be acceptable in terms of the principle of the use, amenity of neighbouring properties and highway safety. However, by virtue of the design and siting of the proposed building it is considered that the proposal would result in a 'less than substantial harm' upon the character and appearance of a designated asset (Seaton Carew conservation area) which is defined as 'at risk', no information has been provided to suggest that this harm would be outweighed by any public benefits of the development. Therefore it is considered contrary to paragraphs 126, 131, 133, 134 and 137 of the NPPF, and policies HE1 and HE3 of the Hartlepool Local Plan (2018). As such it is considered that the proposal would result in a detrimental impact upon the character and appearance of the conservation area as to warrant a reason for refusal of the application.

1.62 Additionally, it is considered that, in view of the above material planning considerations, that the application constitutes an unacceptable form of development that would, by virtue of its visual appearance, location and relationship to the area result in a poor form of development, contrary to paragraphs 17, 35, 56 and 64 of the NPPF, and policies HSG11, HSG12 and QP4 of the adopted Hartlepool Local Plan (2018) as to warrant a second reason for refusal.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, by virtue of the design and siting of the proposed building it is considered that the proposal would cause less than substantial harm to the Seaton Carew Conservation Area (which is defined as 'at risk') to the detriment of the character and appearance of the Conservation Area, being a designated heritage asset. It is further considered that there is no information to suggest that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to paragraphs 126, 131, 133, 134 and 137 of the NPPF, and policies HE1 and HE3 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority the proposal, by virtue of its visual appearance, location and relationship to the area will result in a poor form of development, contrary to paragraphs 17, 35, 56 and 64 of the NPPF, and policies HSG11, HSG12 and QP4 of the adopted Hartlepool Local Plan (2018).

BACKGROUND PAPERS

1.64 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working

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

CONTACT OFFICER

1.65 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

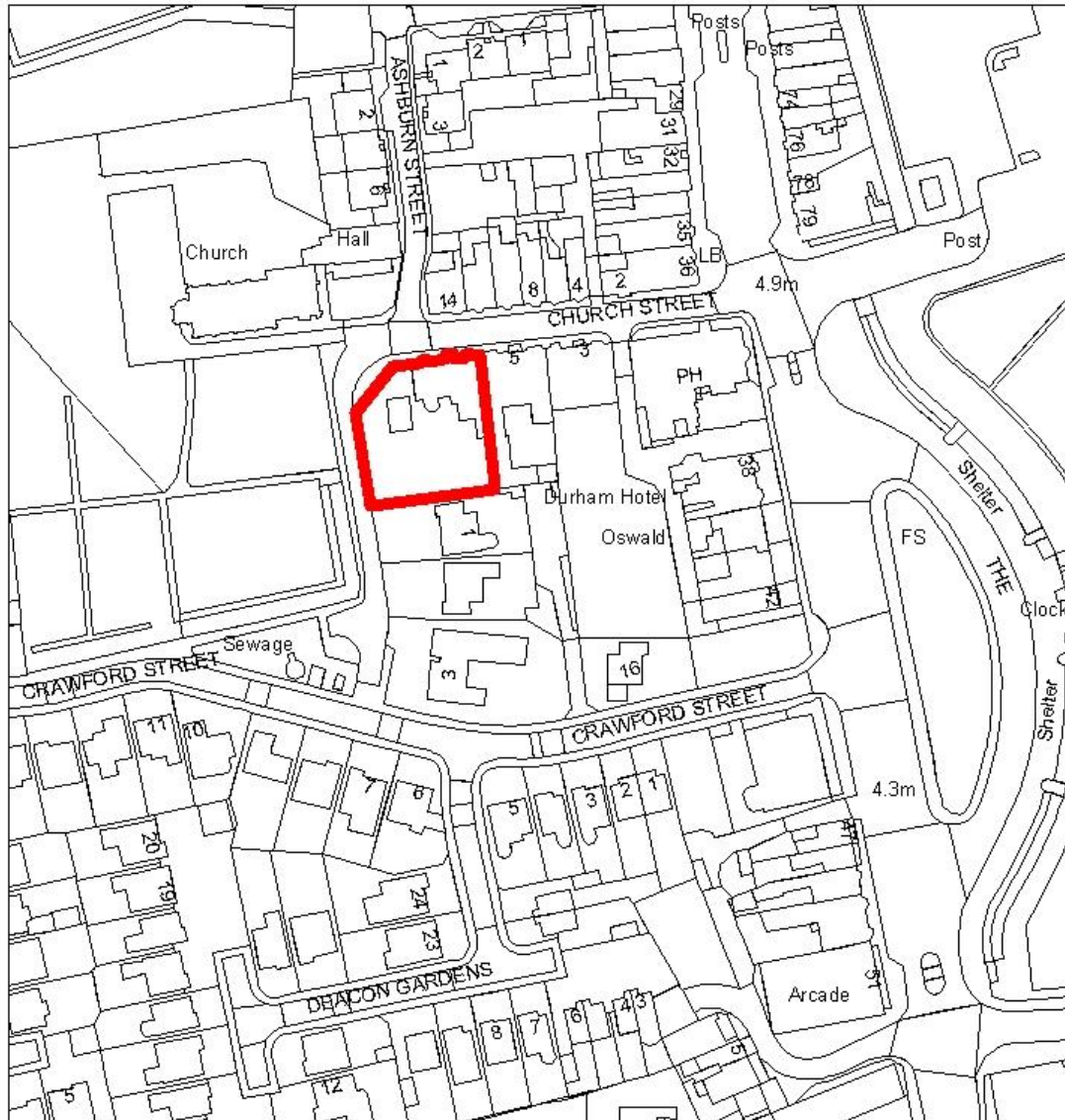
AUTHOR

1.66 Leigh Dalby
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523537
E-mail: leigh.dalby@hartlepool.gov.uk



7 CHURCH ST



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0156	REV

No: 2
Number: H/2018/0017
Applicant: P & R CONSTRUCTION LTD ROSEVILLE COURT
 BLAIR AVENUE, INGLEBY BARWICK STOCKTON ON
 TEES TS17 5BL
Agent: EMBARK ARCHITECTURE MR NEIL BARKER 11
 QUEENS ROAD MONKSEATON WHITLEY BAY NE26
 3AN
Date valid: 12/01/2018
Development: Erection of a two and three storey care home with
 associated car parking and landscaping
Location: LAND AT MERLIN WAY 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 planning application is relevant to the site concerned and current proposals:

2.3 H/2016/0038 – Erection of a two and three storey care home with associated car parking and landscaping. At the time that application was considered the Council resolved they were minded to approve subject to a section 106 agreement, however the application was subsequently withdrawn prior to the agreement and decision being finalised.

2.4 The following planning applications relate to other sites in the immediate vicinity that are also relevant:

2.5 H/2013/0328 – Outline planning application for the erection of up to 500 new dwellings (all matters reserved except access), approved 06/05/15 subject to a planning condition requiring a pedestrian crossing to be installed on Merlin Way adjacent to Middle Warren Local Centre prior to first occupation of the houses.

2.6 H/2018/0090 – Erection of single storey pharmacy, approved 05/07/18 subject to a planning condition requiring parking restrictions on Merlin Way in the vicinity of the Middle Warren Local Centre.

2.7 H/2018/0148 – Reserved matters application (appearance, landscaping, layout and scale) for the erection of 500 dwellings with associated infrastructure, currently pending.

PROPOSAL

2.8 The application seeks permission for the erection of a 93 bedroom residential care home at the application site. The design of the proposal consists of a mix of two and three storey elements to take into account the significant change in levels on the site. The three storey element will be towards the south and east with the two storey element being located towards the west of the site to take into account the higher ground level. The proposal also includes a single storey element towards the north east corner. A retaining wall is proposed which will be centrally located within the site.

2.9 A staff car park, consisting of six spaces including one disabled space, is proposed immediately adjacent to the boundary with the Middle Warren local centre to the west. This will be accessed via a new vehicle access point from Merlin Way. An entrance to the building is proposed from the western elevation to provide access from the staff car park.

2.10 A larger car park, comprising 22 spaces (including 2 disabled bays), is proposed to the east of the proposed building adjacent to the shared boundary with the apartments facing towards Merlin Way and residential properties fronting on to Silverbirch Road. A new vehicular access is proposed from Merlin Way to serve this car park.

2.11 The main entrance to the proposed care home will be situated within the eastern elevation. Landscaped amenity space is proposed towards the north of the building and towards the south, adjacent to Merlin Way, this area will also incorporate a retaining wall to take account of varying levels across the site.

2.12 The proposed layout will include standard bedrooms measuring a minimum of 14.54m² with a 2.97m² en suite and larger bedrooms measuring in excess of 21 m² with larger en suites. The main dining room, kitchen and laundry are at ground floor level with day rooms included on each floor. Other facilities such as a hairdressers and cinema room are also proposed at ground floor level along with operational facilities such as an office, drug store and plant room. The proposals include three terrace areas, one located to the north of the building, the others to the south west. A detached refuse store is to be sited along the north eastern boundary.

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

SITE CONTEXT

2.14 The application site is currently a vacant piece of land measuring approximately 0.5 hectares. It is within the limits to development however is currently not allocated for any particular use. There is a significant fall in the land of over 4 metres from north west to east/south east.

2.15 The site is open, bounded by Merlin Way to the south, with residential properties to the north and east. The adjacent properties include semi detached and detached dwellings. There are also residential apartment blocks, which are three

storeys in height towards the south west and the south east of the application site.

2.16 The boundaries of the site shared with residential properties are enclosed by 2 metre high timber fencing. The local retail centre is situated to the west of the site consisting of a public house, supermarket and other A1 retail shops.

PUBLICITY

The application has been advertised by way of 67 neighbour letters, two site notices and press notice. To date, 24 objections have been received from neighbouring land users. The objections received can be summarised as follows:

- Loss of property value,
- Increased traffic in a residential area,
- Overlooking/loss of privacy,
- Disruption during building work,
- Proposed development was previously rejected,
- Lack of car parking for proposed development would worsen on-street parking on Merlin Way,
- Would be better to build houses with parking on the land,
- Principle of a care home is accepted but proposals are in the wrong location,
- Proposed building is too large and out of keeping with the area,
- Noise from traffic, staff, visitors and ambulances attending the site,
- There are existing care homes in the town that are vacant,
- Loss of view,
- Loss of light,
- Noise, smells and vermin caused by refuse store close to neighbouring properties,
- Increased flood risk,
- Potential damage to neighbouring properties,
- Loss of Council tax revenue due to reduced property values,
- Applicant is not a local company,
- Loss of landscaping.

2.17 The period for publicity expired 09/07/18.

2.18 Copy Letters **B**

CONSULTATIONS

2.19 The following consultation replies have been received:

HBC Traffic and Transport – The proposed access points are acceptable and do not conflict with a proposed controlled crossing and bus stop locations.

Parking for residential care homes should be provided at a rate of 1 space per 3 members of staff, 1 space per 8 residents and 1 space for professional visitors.

The design and access statement indicates that there 70 full time, 30 part time staff and 93 residents. This would require a car park with 41 spaces. The proposed car

parks provide 28 spaces a shortfall of 13. Obviously, a care home will operate in shifts the developer should clarify the maximum number of staff working at the site at any one time.

Updated Comments in relation to staff numbers: Based on a maximum of 27 full time staff being on site at any one time the proposed car park with 28 spaces would be acceptable.

The minimum number of spaces would be 21.

27 Full time staff = 9 spaces

93 residents = 11

Professional Visitor = 1

Total 21 spaces.

I can confirm that I would have no objections to the proposed Nursing Home.

Updated comments in relation to relocated access to car park: There are no highway or traffic concerns with the relocation of the access.

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

In the interests of the occupiers of adjacent and nearby premises and highway safety.

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

An extract vent condition.

Additional comments regarding bin storage: I've had a look at the plans again and I cannot see any issues with the location of the bin store. There appears to be an actual bin store, which can be secured rather than just the trade waste bin being in an exposed position in an open space. The bins should be lidded trade waste bins which can be secured overnight if required, and the location next to the perimeter

fence means that the bins will be out of sight of the houses. I cannot suggest an alternative location on the plans that have been provided.

In addition the home, as a business will have to arrange a trade waste collection in accordance with the waste that they are generating - this could mean more than one collection each week, or at least a weekly collection.

HBC Waste Management – No comments received.

HBC Landscape – There are no tree constraints on this site however it will require a landscaping condition to ensure that the finished project is aesthetically pleasing and welcome to the residents that will live there.

This is briefly described within the Design and Access Statement by emBark Architecture dated the 11th January 2018. Other than that, I have no other issues to address with this proposal.

HBC Engineering Consultancy – Can I please request a Surface Water condition on this application.

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

HBC Ecologist – I have studied the Design and Access Statement and submitted plans. I do not require an ecology survey or assessment.

NPPF paragraph 118 Biodiversity Enhancement

Paragraph 118 includes the bullet point: '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. This should be appropriate to the scale of the development and should be conditioned.

I recommend 18 bat boxes in groups of three on the east and south facing sides of the new build and 18 swift boxes in groups of three on the north and west facing sides. Siting advice is given below.

With these measures secured I will be satisfied that NPPF 118 biodiversity enhancement appropriate to the scale of the site will be delivered.

Swifts

Information on swift nesting bricks can be found at:

http://www.swift-conservation.org/swift_bricks.htm

<https://www.ibstock.com/wp-content/uploads/2015/01/AA6606-Portfolio-Eco-products.pdf>

Bats

Information on bat bricks can be found at:

A 1FE Schwegler Bat Access Panel: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en

Bat Winter Roost 1WI: http://www.schwegler-natur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-b-p/?lang=en

More information is on the Schwegler website at: <http://www.schwegler-natur.de/fledermaus/?lang=en>

Ibstock products: <https://www.ibstock.com/wp-content/uploads/2015/01/AA6606-Portfolio-Eco-products.pdf>

Boxes are sold via a number of UK websites e.g. at: <http://www.wildlifeservices.co.uk/batboxes.html>

And

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

HBC Children and Joint Commissioning – No concerns or comments.

HBC Public Health – No comments received.

Tees Archaeology – Thank you for the consultation on this application. This site has previously been subject to archaeological evaluation and no further investigation is required. I therefore have no objection to the proposal and have no further comments to make.

Cleveland Police – Thank you for sending through the notification of planning application for the erection of a two and three storey care home with associated car parking and landscaping at Merlin Way Hartlepool

I was pleased to note the reference within the Design & Access Statement, under the heading 'Security & Safety', that the developer will use 'Secured by Design' within the scheme.

I will be happy to offer the developer any advice in relation to security for the development and would encourage them to contact me at their earliest opportunity to enable security to be 'built in' during the initial stage. Our details can be found on the Secured by Design website <http://www.securedbydesign.com/contact-directory-of-cpdas-and-alos/> under Cleveland Police.

I recommend the following measures:

Access Control

Access control should be provided to all entrances to deter unauthorised entry the access control should have the capability to offer audio and visual communication between occupant and visitor which record pictures of people using the entry system. The entry system should have a battery backup system to ensure security.

Doors and Windows

Doors and all accessible windows should deter unauthorised entry and should ideally be certified to PAS24:2016 this would include flat doors.

Mail Delivery

Secure mail delivery requires to be provided

Lighting

Required to all parking areas and footpaths and should ideally meet the standards of BS5489. Dusk/dawn security lighting should be fitted to all entrance doors.

Bin Storage

Secure area provided

Car Parking areas

Overlooked by active rooms

Cycle Storage

This should be moved as close to the main entrance as possible and overlooked by active rooms.

Amenity Spaces

These areas need to be for use of residents only and it important that these areas are not misused and access by the general public. I would recommend that these areas where possible are protected by boundary fencing in particular to the areas rear of staff car park and to the rear of the home I am not sure of the proposed boundary to the front of the premises but there needs to be clear demarcation between public footpath and the amenity space of the building.

Emergency Exit Doors

These need to be covered by alarm system to help ensure these doors are kept secure.

Drugs Store

This needs to a secure room preferably away from any external walls or if not feasible additional security measures required for any external walls such as steel mesh fitted to wall construction. This room should be alarmed and have a secure entrance door certified to PAS24:2016. Access to this room needs to be controlled. This room would be advisable to have CCTV coverage. Any safes certified to BS/EN 1143-1

CCTV

This should cover all entrances and reception areas and ideally car parking areas.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed however the following should be considered at the design phase of the proposals.

Cleveland Fire Authority have released their Position Statement with regards to the installation of Sprinkler Systems (and/or) other suppression systems within new build premises which includes care facilities.

- A wealth of information exists to demonstrate that the installation of such systems:
- Are cost beneficial,
- Offers relaxations within the design of a premises,
- Increases the safety of service users,
- Improves business continuity,
- Can reduce insurance premiums,
- Improves firefighter safety.

We hope that the installation of a suppression system is pursued for this premises. The access criteria for fire appliances should meet the requirements as set out in 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 Bv2 Section B5 Table 20 / ADBv1 Section B5 Table 8.

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

North Tees & Hartlepool NHS Trust – No comments received.

Northern Gas Networks – No comments received.

CE Electric NEDL – No comments received.

Hartlepool Water – No comments received.

Northumbrian Water – Thank you for consulting Northumbrian Water on the above proposed development.

In making our response Northumbrian Water 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 Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*FLOOD RISK ASSESSMENT AND SURFACE WATER MANAGEMENT STRATEGY*". In this document it demonstrates that the foul water

shall discharge to manhole 5801, whilst surface water shall discharge to manhole 5802.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “FLOOD RISK ASSESSMENT AND SURFACE WATER MANAGEMENT STRATEGY” dated “February 2016”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5801 and ensure that surface water discharges to the *surface water* sewer at manhole 5802. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

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

2.22 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
10	Local sustainable development
11	Determination in accordance with the development plan
12	Status of the development plan
13	NPPF is material consideration
14	Presumption in favour of sustainable development
17	Core planning principles
35	Practical location of development
51	Approval of planning applications
56	Design of built environment
57	High quality and inclusive design
69	Social interaction and creating health, inclusive communities
196	Planning system is plan led
197	Presumption in favour of sustainable development
203	Can unacceptable development be made acceptable
204	Planning obligations to meet tests
206	Planning conditions
216	Emerging plans

Hartlepool Local Plan 2018

2.23 The Council's new Local Plan has now been adopted by full Council and has therefore replaced the former Local Plan 2006. The following policies are relevant to this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP1	Planning Obligations
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical matters
RC16	Local Centres

HBC Planning Policy Comments

2.24 Planning Policy have no objections to the proposed development, however it would be considered appropriate to request planning obligations to ensure the sustainability of the development. A contribution towards Green Infrastructure would be required of **£250** per bedroom (**250 x 93 = £23,250**). This contribution is deemed necessary due to the large volume of residents in the proposed care home, and the potential for large numbers of visitors who will potentially be coming from outside the borough and will be using the borough's green infrastructure facilities during visits. In particular, it is recommended that this contribution of **£23,250** would go towards the enhancement and maintenance of the Middle Warren green wedge and the footpaths which run through it, due to it being the most closely located piece of green infrastructure to the development and is likely to be visited by guests of the residents in the care home.

2.25 Planning Policy would also seek to ensure a condition was placed on the application to ensure the provision of high quality landscaping on site, something which is considered to be of vital importance in enhancing the quality of life of residents and ensuring the development is attractive to those who visit and work there. This is important not only to the rear of the development, where amenity space has been designated, but towards the front where the car parking is situated to ensure an attractive frontage to the site.

PLANNING CONSIDERATIONS

2.26 The main material planning considerations when considering this application are the principle of development, the impact on the amenity of neighbouring land users, the impact on the character and appearance of the area, and the impact on highway safety and parking, landscaping, flooding and planning obligations.

PRINCIPLE OF DEVELOPMENT

2.27 The application site is not allocated for any particular use within the Local Plan; however the locality is primarily residential in nature, with the exception of the Middle Warren Local Centre to the immediate northwest. A care home use is considered acceptable in a broadly residential location subject to an assessment of other relevant material planning considerations as set out below and compliance with Policies QP7 and CC1 with respect to energy demand and CO2 emissions in the interests of sustainable development.

AMENITY OF NEIGHBOURING LAND USERS

2.28 There are residential properties adjacent to the shared boundaries with the application site to the north and east, with retail units towards the north west, as well as residential properties on the opposite side of Merlin Way to the west and south west. A number of neighbouring residents have raised concerns regarding the impact upon the amenity of neighbouring properties in terms of overlooking, loss of

privacy, overshadowing and appearing overbearing by virtue of the height and position of the proposed development.

2.29 The proposed development consists of a two and three storey building to take into account the levels of the site which slopes significantly from the north west to east. The building will appear to be two storey when approached from the west (adjacent to the boundary with the local centre) however as the land slopes downward the proposal will comprise 3 storeys towards the east adjacent to the shared boundary with residential properties fronting onto Silverbirch Road.

2.30 To the east of the application site, fronting onto Merlin Way is a three storey apartment block. The side elevation of this apartment block will be adjacent to the entrance to the proposed car park with car parking spaces being adjacent to the shared boundary. However there are no habitable room windows in the side elevation of the apartment block and there is an approximately two metre high fence enclosing the common boundary, which will provide a significant amount of screening from the ground floor of the building and car park. There is a separation distance of approximately 25 metres between the proposed care home building and the existing apartment block. The proposed terrace area to the north is positioned in such a way that views of the apartment block from it would be impractical, notwithstanding that suitable screening to the terrace would be required, as detailed below.

2.31 Given that there are no habitable room windows and taking into account the screening and separation distance it is not considered that the proposed development will result in a detrimental impact upon the amenity of residents of the apartments in terms of overlooking, loss of light or overbearing appearance.

2.32 There are two storey residential properties to the east of the application site which front on to Silverbirch Road. The rear boundaries of Numbers 98, 96 and 94 Silverbirch Road are adjacent to the application site and are enclosed by an approximately 2 metre high timber boarded fence. Owing to the slope in the land it is acknowledged that these properties are situated upon a lower level than the application site. The proposed car park will be adjacent to the eastern boundary of the site, with cycle stands and refuse store proposed directly adjacent to the shared boundary with properties fronting onto Silverbirch Road.

2.33 Owing to the position of the car parking layout the spaces will be located towards the south of the car park and as such will predominantly be adjacent to the apartment block however part of the bus parking and turning area, cycle stands and refuse store would be towards the boundary with these residential dwellings. The shared boundary is enclosed by an approximately 2 metre high closed boarded fence which will provide some screening from headlights and noise disturbance generated by cars within the car park, however a condition is recommended to secure appropriate means of enclosure.

2.34 The proposed refuse store is to be fully enclosed and therefore bins (which would be lidded and could be locked if necessary) would not be left exposed or visible to neighbouring residents. It would be necessary for the operators of the site to ensure trade waste collections are made at appropriate intervals to suit the needs

of the waste generated by the care home. Therefore it is not considered that the proposed bin store would result in the generation of rubbish within residential gardens. Matters such as vermin and flies are controlled under legislation outside the planning system.

2.35 The Council's Public Protection team have raised no objections and have confirmed they do not consider the refuse storage arrangements to be unsuitable. As such, it is not considered that the proposed car park and servicing arrangements would result in a detrimental impact upon the amenity of residential properties fronting onto Silverbirch Road in terms of disturbance.

2.36 Policy QP4 of the Hartlepool Local Plan 2018 requires 20 metres between principle elevations of development. When viewed from the east, the proposed care home building will consist of three storeys with a single storey element projecting from the eastern elevation towards the shared boundary with properties fronting on to Silverbirch Road. The single storey element includes windows in the gable which is closest to the shared boundary serving the laundry room. While this would not be considered a primary habitable room, the nature of its use could change in future and therefore a condition is recommended to require these windows to be opaque glazed and of limited opening to prevent any loss of privacy.

2.37 Given that the building includes a three storey element it is accepted that a greater than 20 metre separation would be required to address concerns regarding overlooking, loss of light and to address any potential overbearing effect from the upper floors of the building. Additionally, it is noted that neighbouring properties to the east are situated upon a lower level and therefore it is reasonable to expect that this should be taken into account when assessing distance between buildings.

2.38 The proposed separation distances between the two storey dwellings and the three storey element of the care home building will measure some 39 metres (approximately), which is well in excess of the minimum separation requirements. Furthermore, there will be approximately 22 metres between the existing dwellings and the single storey element which would only contain opaque glazed windows of limited opening in the eastern elevation.

2.39 In addition to the potential for overlooking from windows within the proposed building, concerns have been raised with respect to the balcony to the northern elevation that would allow residents to sit out and therefore may result in a loss of privacy. Following discussions with the applicant it has been agreed that screening to the balcony areas (both in this location and to those proposed to the south west of the building) would be required to allow use of the space in the interests of the health of occupants of the care home without a loss of privacy for neighbouring occupiers. The applicant has agreed to the imposition of a condition requiring details of suitable screening to be submitted to and approved prior to the use of the building.

2.40 Therefore, even taking into account the difference in levels and that the proposal will consist of three storeys towards the east, it is not considered that the proposed development would result in a detrimental impact upon the amenity of neighbouring residents fronting onto Silverbirch Road in terms of overlooking or any overbearing effect.

2.41 With regard to loss of light, although the proposal will be three storey, taking into account the separation distance and that the proposed building will be located towards the east of the residential dwellings fronting on to Silverbirch Road it is not considered that the development will result in a significant loss of light or overshadowing for these neighbouring properties.

2.42 The northern elevation of the proposal consists of a single storey element and a two storey element. To the north of the application site are residential properties fronting on to Rosebud Close. There will be a separation distance of approximately 18.9 metres between number 2 & 3 Rosebud Close and the single storey element of the proposal. Although the northern elevation will include windows serving the kitchen and dining room at ground floor level, a significant amount of screening will be provided by the existing approximately 2 metre high closed boarded fence, which encloses the shared boundary. Therefore given that this element will be single storey and taking into account the screening provided by the fence it is not considered that the proposed development will result in a detrimental impact upon the amenity of these neighbouring properties in terms of overlooking, overshadowing or any overbearing effect.

2.43 The two storey element will be located approximately 19.5 metres from the blank gable wall of the neighbouring dwelling to the north, number 4 Rosebud Close. This gable wall does not include any habitable room windows. Policy QP4 requires a minimum separation distance of 10 metres where blank gable walls face principal elevations. As such, the proposed separation distance is well in excess of the minimum requirements. Therefore it is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties to the north in terms of appearing overbearing, overshadowing or loss of privacy.

2.44 Merlin Way is directly to the south and west of the application site, beyond which are three storey apartments and two storey dwellings. Owing to the highway there is a large separation distance of approximately 31 metres between the proposed three storey building and the dwellings. As previously discussed, Policy QP4 states that there should be a minimum of 20 metres between habitable room windows and 10 metres between habitable room windows and blank gable walls. The proposed separation distances to properties to the south and west exceeds the requirements of QP4. Some detached garages are located to the front of properties and as such are closer to the proposed development with a separation distance of approximately 19 metres however the garages do not contain any habitable room windows.

2.45 As highlighted above, the south western elevation of the proposed building includes two balcony areas for the use of residents. Arguably the balconies in this location would be less likely to result in a loss of privacy given the intervening main road between the site and neighbouring properties and that gardens to the front are open rather than private as they would be to the rear. Notwithstanding that, given the elevated position of the proposed balconies and that its use could be extensive, it is appropriate to include suitable screening to prevent overlooking and the perception

of it. The condition referenced earlier requiring suitable details to be submitted would overcome this potential concern.

2.46 Given the above, it is not considered that the proposed development will result in a detrimental impact upon the amenity of the neighbouring properties on the opposite side of Merlin Way in terms of loss of light, overlooking or any overbearing effect.

2.47 The defined local centre is located towards the north west of the application site; therefore the side elevation of the retail unit is directly adjacent to the proposed car park to the north west of the site and north-western elevation of the proposed care home. The closest part of the proposed care home will be some 5.2 metres from the existing retail unit. Taking into account the commercial nature of the adjacent property it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property. No objections have been received from HBC Public Protection and this relationship is considered acceptable.

2.48 Whilst the difference in levels between properties are noted it is considered that by virtue of the separation from existing residential properties and the design and arrangement of the proposed development the proposal would not result in a detrimental impact upon the amenity of neighbouring properties in terms of overlooking, loss of light or appearing overbearing. A condition is recommended to ensure details of proposed finished levels are submitted. Therefore, in terms of residential amenity the proposal accords with policies QP4 in this regard.

2.49 The objections received make reference to disturbance during construction works affecting the amenity of neighbouring occupiers. The Council's Public Protection team have recommended conditions requiring a construction management plan to be submitted and limiting the hours during which construction activity can take place. These conditions are duly recommended and therefore the proposals are considered acceptable in this respect.

CHARACTER AND APPEARANCE OF AREA

2.50 Concerns have been raised by neighbouring residents that the proposed development will appear out of keeping with the character of the surrounding area. However, the surrounding area is predominantly residential and there are various designs of properties within the immediate vicinity of the site. There is a commercial centre directly to the north west of the site with two and three storey dwellings to the north, north-east and south. There are three storey apartment blocks to the east and also to the south west of the application site. As such, it is not considered that the proposal, which will consist of two and three storeys, would appear out of keeping with the scale and proportions of existing buildings within the area. Furthermore a residential care home in a predominantly residential area is considered to be acceptable.

2.51 The proposed building comprises an asymmetric design with two gables facing towards Merlin way, with a landscaped amenity space in between the two main sections of the building. As such, when viewed from Merlin Way it is considered that

the proposed building will be broken up by detailing, such as the gable design and the amenity space in between. Therefore it is not considered that the proposal will result in a detrimental impact upon the appearance of the street scene in terms of massing. The proposed building will be approximately 2 metres from the footpath boundary at its closest point which is broadly in line with the building line of the adjacent apartments which front on to Merlin Way. As such, it is not considered that the proposal will represent an incongruous feature within the street scene.

2.52 There is landscaped amenity space proposed to the north, south and east of the building. Given the nature of the proposal and the proposed residents, the level of amenity space is considered to be acceptable to serve the proposed residents needs and therefore the proposed development is considered to be acceptable in terms of the impact upon the character and appearance of the surrounding area.

2.53 One of the objections received relates to the loss of a landscaped area, however the application site is not considered to be meaningfully landscaped. At present the site has self seeded to grass but has an unkempt appearance and could not be said to enhance the appearance of the area.

2.54 The submitted plans show landscaped areas to the front and rear of the proposed building to complement the proposed development and provide landscaped amenity space for the residents. The Council's Arboricultural Officer has commented that the layout appears to sit well with the design however further details are required regarding the implementation of the landscaping together with a detailed planting schedule and aftercare. Therefore appropriate landscaping conditions are recommended accordingly. In view of the above the proposal is considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

2.55 The proposal includes two car parks, the larger of the two is proposed towards the east of the application site comprising 22 car parking spaces with cycle stands. There is a smaller car park comprising 6 car parking spaces proposed towards the west of the site, adjacent to the retail units. As such there are two access points proposed from Merlin Way. The Council's Traffic and transport section have commented that the proposed access points are acceptable in relation to the existing access points in the vicinity and proposed future developments, including the pedestrian crossing linked to the implementation of the Upper Warren housing development.

2.56 Objections received raise concerns about existing traffic on Merlin Way and the difficulty for pedestrians crossing this road, however the proposed pedestrian crossing referred to above, would alleviate this issue and would include parking restrictions either side of the crossing to ensure it can be used safely. The previous approval for a new pharmacy building within the Local Centre to the north includes a requirement for parking restrictions to be introduced on Merlin Way to prevent inappropriate parking in the vicinity of the local centre. This would also deter the use of Merlin Way for parking by visitors to the site.

2.57 HBC Traffic and Transport have confirmed that based on the parking standards within the Council's Design Guide for the nature of the development proposed and staff numbers, the minimum parking requirement would be 21 spaces. As such, the 28 spaces proposed are in excess of the minimum requirement and no objections are raised. While the concerns of neighbouring residents in relation to parking provision are noted, it is difficult to attribute weight to those objections as a result.

2.58 The proposed access and car parking provision is considered to be acceptable therefore it is not considered that the proposal will result in an adverse impact upon highway and pedestrian safety.

FLOODING & DRAINAGE

2.59 The application site is located 390 metres from the nearest water course which is Hart Burn. The site is within Flood Zone 1 which is defined by the Environment Agency as having a 1 in 1000 year chance of river or sea flooding. Concerns raised by neighbouring residents relating to flooding are noted, however the applicant has submitted a Flood Risk Assessment to accompany the application which has been considered by the Council's Engineers and Northumbrian Water.

2.60 The Council's Engineers have no objection to the principle of the proposed development, however further detail is required to secure sustainable surface water drainage. It is recommended that this can be addressed via the imposition of a suitable condition, should the application be approved. This matter can be secured accordingly.

2.61 Northumbrian Water has also confirmed they do not object to the application, subject to the imposition of a condition requiring foul drainage to be carried out in accordance with the Flood Risk Assessment submitted with the application, such a condition is duly recommended.

ECOLOGY

2.62 The proposals have been assessed by the Council's Ecologist who has advised there are no additional survey requirements, however in order to comply with the NPPF aim of enhancing biodiversity a scheme of bat roost bricks and swift boxes should be incorporated within the design of the building. A condition requiring such a scheme to be submitted and approved is duly recommended and therefore the proposals are considered acceptable in this respect.

PLANNING OBLIGATIONS

2.63 In accordance with the adopted Supplement Planning Document (SPD) relating to planning obligations, in line with the requirements of the NPPF and Planning Practice Guidance (PPG), to ensure that the development is sustainable and allows residents and have the chance to live an active lifestyle planning obligations are sought at a rate of £250 per room towards green infrastructure.

2.64 Whilst obligations generally relate to dwellinghouses (C3) it is considered that residents of the residential care home, visitors and the proposed employees should

have the option to undertake physical activity if they wish. As such, a cost per bed is requested as it is considered that each bed room is essentially one household and thus each household is likely to undertake activity such as walking and potentially visiting bowling greens. Whilst it is recognised that many residents will have reduced mobility, not all will and residents may seek to undertake more gentle exercise such as a gentle walk or bowling. Therefore a contribution is sought towards improving green infrastructure.

2.65 Initially a contribution was also sought towards built sport facilities however the agent has confirmed that a program of gentle sport activities will be organised at the proposed facility for residents therefore it is not considered necessary to request a contribution towards built sports facilities.

OTHER PLANNING MATTERS

2.66 Policy QP5 seeks to ensure new development is designed to be safe and secure for future users. In line with this and the recent Position Statement issued by Cleveland Fire Brigade expressing their support for appropriate fire safety measures, namely sprinklers where appropriate, consultation with the Fire Brigade has been duly carried out. Cleveland Fire Brigade does not object to the application, but do encourage the use of sprinklers in this development.

2.67 The applicant has been made aware of this and has advised that the care home is designed using the principle of Progressive Horizontal Evacuation along protected routes to places of safety, underpinned by robust Management Policies but that the final detailed designs have not yet been finalised. The applicant has confirmed their willingness to work with Cleveland Fire Brigade to ensure suitable fire safety measures are incorporated within the design as part of the Building Regulations process.

2.68 Following consultation with Cleveland Police, advice has been provided in relation to Secure by Design principles to ensure the proposed development is suitably designed to deter crime. This advice has been relayed to the applicant and can be included as a suitable informative should the application be approved.

RESIDUAL MATTERS

2.69 Reference is made in one of the submitted objections to the previous application being refused, this is incorrect. As outlined in the background section of this report, the previous application to develop the site as a care home was minded to approve but withdrawn prior to the decision being issued.

2.70 Some of the objections received raise matters that are not material planning considerations and cannot therefore inform the outcome of the application, these include the loss of a view, the perceived loss of property value, an associated reduction in Council Tax income as a result, and whether the applicant is from the local area. If any damage were caused to neighbouring properties during construction of the proposed development, it would be a civil matter for both parties to resolve.

CONCLUSION

2.71 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions and obligations set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.72 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.74 There are no Section 17 implications.

REASON FOR DECISION

2.75 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 a section 106 agreement securing £23,000 towards green infrastructure and the following planning conditions:

RECOMMENDATION -

1. The development to which this permission relates shall be begun not later than two 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 plans: drawing number 1260(90)01A1 (Site Location Plan), drawing number 1260(0)01A1 (Ground Floor Plan), drawing number 1260(0)02A1 (First Floor Plan), and drawing number 1260(0)03A1 (Second Floor Plan) all date received by the Local Planning Authority 12/01/18, drawing number 1260(0)06A1 (Retaining Wall Sections), drawing number 1260(90)03A1 (Bin Store Plan and Elevations), drawing number 1260(0)04A2 (Elevations - Sheet 1) and drawing number 1260(0)05A2 (Elevations - Sheet 2) all date received by the Local Planning Authority 02/03/18, drawing number 1260(90)04A1 (Site Sections as Proposed) date received by the Local Planning Authority 03/04/18 and drawing number 1260(90)02A4 (Site Plan as Proposed) date received by the Local Planning Authority 24/05/18.
For the avoidance of doubt.
3. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and car parking levels,

any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position and levels of the buildings and car parks and the impact on adjacent residential properties.

4. Notwithstanding the submitted details and prior to the commencement of the development hereby approved details of the proposed retaining wall, including location plans and design calculations, shall be submitted and approved in writing by the local planning authority. The agreed details shall then be implemented at the time of development and retained for the lifetime of the development.

To ensure appropriate retaining wall details.

5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

7. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5801 and ensure that surface water discharges to the surface water sewer at manhole 5802. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. Thereafter the development shall take place in accordance with the approved details.

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

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

In the interests of the occupiers of adjacent and nearby premises and highway safety.

9. Prior to commencement of the development hereby approved details of 18 integral bat boxes and 18 swift boxes in groups, to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
10. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the occupation of the building the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
11. Prior to the commencement of development a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.
To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
12. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the flats. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
13. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction

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.

14. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of highway safety and the safety.
15. The vehicular and pedestrian access and car parking areas hereby approved shall be laid out in accordance with drawing number 1260(90)02A4 (Site Plan as Proposed), date received by the Local Planning Authority 24/05/18 prior to the occupation of the building for the approved use, to the satisfaction of the Local Planning Authority.
In the interests of a highway safety and satisfactory form of development.
16. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
17. Notwithstanding the submitted details and prior to first use of the development hereby approved full details of the required screening to be erected to the terraces as indicated on drawing numbers 1260(0)02A1 (First Floor Plan) and 1260(0)03A1 (Second Floor Plan) shall be first submitted to and approved by the Local Planning Authority. The screening shall be at a minimum height of 1.8m from the terrace floor level and shall be fixed and obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent (or other such material that would achieve the same degree of opacity). Thereafter the approved scheme shall be carried out in accordance with the approved details prior to the terraces being brought into use and shall be retained as approved for the lifetime of the development.
To protect the privacy of neighbouring residents.
18. Notwithstanding the submitted information and prior to the occupation of development, the 2no. windows to be installed within the ground floor eastern side elevation detailed on drawing numbers 1260(0)01A1 (Ground Floor Plan) and 1260(0)04A1 (Elevations - Sheet 1) shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent and its opening limited to 30 degrees at the time of installation and shall remain as such for the lifetime of the development hereby approved.
In the interests of the privacy of neighbouring occupiers.
19. Prior to first use of the development hereby approved details of a scheme of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.
To protect the amenity of neighbouring residents.

20. Prior to first use of the development hereby approved details of the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The agreed details will be implemented and retained for the lifetime of the development.
To ensure appropriate cycle storage and in the interest of visual amenity.
21. Prior to first use of the care home hereby approved the refuse storage area shall be laid out as per drawing number 1260(90)02A4 (Site Plan as Proposed), date received by the Local Planning Authority 24/05/18 and drawing number 1260(90)03A1 (Bin Store Plan and Elevations), date received by the Local Planning Authority 02/03/18.
In the interests of a satisfactory form of development and the amenities of neighbouring occupiers.
22. Prior to first use of the development hereby approved details of any ventilation and extraction system required shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details.
In the interests of the amenity of neighbouring occupiers.
23. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
24. The development hereby approved shall be used as a C2 residential care home and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

CONTACT OFFICER

2.77 Andrew Carter
 Assistant Director of Economic Growth & Regeneration
 Level 3
 Civic Centre
 Hartlepool
 TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

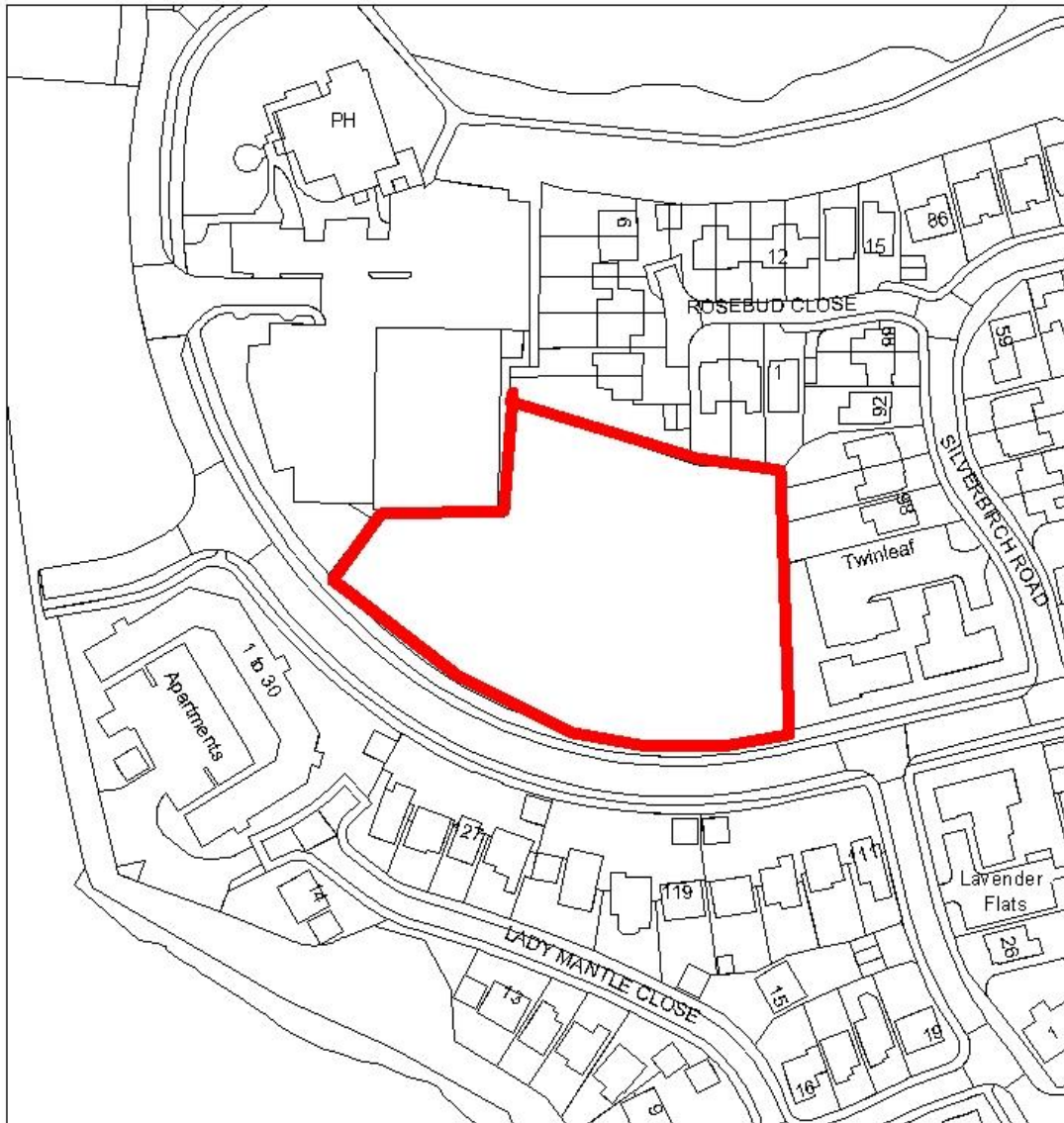
AUTHOR

2.78 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273
E-mail: laura.chambers@hartlepool.gov.uk



LAND AT MERLIN WAY



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0017	REV

No: 3
Number: H/2017/0486
Applicant: SEP PROPERTIES DUDLEY HOUSE STONE STREET
DUDLEY DY1 1NP
Agent: PL & HP ASSOCIATES MR PAUL LEES CRESCENT
HOUSE BROAD STREET BILSTON WV14 0BZ
Date valid: 13/09/2017
Development: Outline application for the erection of an apartment block
(upto 6 No. apartments) with proposed boundary
treatment and provision of detached single storey building
for residents cycle and bin storage.
Location: FORMER SCHOONER PH WARRIOR DRIVE
HARTLEPOOL

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 applications are relevant to the current application site;

3.3 **H/FUL/1992/0039** - Erection of a public house and shop with associated car parking, and landscaping and erection of a detached double garage, approved 08.04.1992. The approved plans detailed the provision of a 3-bed manager's accommodation at first floor level.

3.4 **H/FUL/1992/0039** - Amendment to roof design to previously approved public house and shop, approved 30.07.1992.

3.5 **H/FUL/0031/93** – Change of use from public house and shop to public house and restaurant and alterations to car parking layout, approved 12.03.1993. Within the committee report and at the time of writing the building was primarily finished although not yet in use.

3.6 **H/FUL/0203/94** - Change of use of front garden areas to beer garden and children's play area, approved 08.06.1994.

3.7 **H/FUL/0543/97** - Erection of a ground floor play area and conservatory extension and a conservatory and balcony extension to first floor flat, approved 24.11.1997.

3.8 **H/ADV/2000/0553** - Display of illuminated signage, approved 20.12.2000.

3.9 **H/2009/0038** - Display of a free-standing sign (retrospective application), approved 22.07.2009.

3.10 **H/2011/0426** - Display of a two free-standing signs, approved 08.11.2011.

3.11 **H/2016/0224** – Application for proposed external alterations to building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Proposal also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 2no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development).

The above application was considered by Members at the Planning Committee of 21st September 2016 was approved on 29.09.2016.

3.12 **H/2017/0045** - Revised application for external alterations to former public house building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Application also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 4no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development), approved 15.03.2017.

3.13 **H/2017/0227** - Amendment to planning application H/2017/0045 to allow amendments to the approved shop front windows in both elevations of Unit 1, approved 10/05/2017.

3.14 **H/2017/0276** - Installation of ATM with two stainless steel bollards at the front, alterations to door and window openings at the rear and installation of new security door and plant to side, approved 13/07/2018.

PROPOSAL

3.15 This application seeks outline planning permission for the erection of an apartment block/flatted development for up to 6 apartments/flats (C3 Use) with boundary treatment, parking area and provision of a detached single storey building for residents cycle and bin storage. The application seeks consideration of access, layout and scale. Indicative plans have been provided which shows a two storey building to be at a height of 8.5m to its highest point (ridge) and 5m to eaves. The 'appearance' and 'landscaping' are reserved matters that would be considered as part of the requisite reserved matters application should the current outline application be approved.

3.16 The application has been amended since originally submitted. The amendments included a reduced scheme in flat/apartment numbers from 8 to 6.

3.17 The proposed main building would be positioned towards the south east/front portion of the site fronting onto Warrior Drive, with the main entrance elevation on the northern elevation opposite the rear boundaries of the properties within Forester Close (north). A single storey building to house residents' refuse/recycling storage

and cycle storage would be sited to the side/forward of the proposed main building to the south of the site.

3.18 Access to the proposed development would be taken from Forester Close, through the existing car park area which serves the retail development (the converted, former public house) which abuts the site to the west of the application site. The proposed flats/apartments would be served by a car park to the north of the main building, within the site. The submitted plans indicate that the curtilage of the new building and car parking would be separated from the adjacent former public house car park by an approximately 1.8m high fence, save for the access into the proposed car parking area. Areas of hard and soft landscaping are indicated throughout the site. The boundary treatment to the south eastern boundary, adjacent to Warrior Drive, has not been provided, which currently consists of an approximately 1.8m high fence.

3.19 The application has been brought to committee as more than 2 objections have been received.

SITE CONTEXT

3.20 The site originally formed a car parking area which served the former Schooner public house (east of the former public house main building, but within the original curtilage) located along Warrior Drive, Seaton Carew.

3.21 The site is accessed to the west along Forester Close (which is served by Warrior Drive). Forester Close primarily serves residential properties to the west and to the north of the site. The former public house building (which was converted into retail units as part of approvals H/2016/0224 and H/2017/0045) fronts onto Warrior Drive (south) with a car parking area to the rear (north). The remaining car park to the east forms the application site currently under consideration.

3.22 Residential properties within Forester Close are present along the boundary to the north with timber fencing, primarily making up the boundary. Residential properties within Endeavour Close (east) and Courageous Close (south) are present beyond the highway of Warrior Drive (south/east).

PUBLICITY

3.23 The application has been advertised by way of neighbour letters, press notice and 2 site notices.

3.24 To date, there have been there have been 20 letters of objection received, including more than 1 objection from the same household. An objection has also been received from a local ward councillor. The objections/concerns can be summarised as follows;

- Does not fit in with existing social/financial/residential purpose of this area
- Would bring the area down
- How will delivery vehicles and refuse vehicles manage/access the building
- Inconsistency on documents

- Only positive is the landscaping
- Existing site access will be further compromised by this development
- Reduction of the current delivery vehicles turning area will result in vehicles reversing to the detriment of highway safety
- Only one access/egress road
- Not enough parking, if all bays are used how will delivery vehicles access the site
- Accident waiting to happen
- How will emergency services access if all car parking used
- Overflow for flats will park in the shops car park or on the road
- Why are flats being built here
- Out of keeping with the area
- No garages provided and parking will be an issue
- Increase in traffic
- Inadequate entrance for vehicles

3.25 Following the submission of amended plans and further publicity being carried out a further 6 letters (plus 8 repeat letters) of objections have been received. The objections can be summarised as follows;

- Apartments will cause problems for residents for deliveries to the ‘one stop’ shop within the former public house
- Overlooking issues
- Apartments above ‘one stop’ which are empty, why add more
- Safety issues from conflict with retail units
- Not in keeping with housing estate
- Cause disruption to residents
- Large and out of keeping
- Traffic issues coming and going
- Noise disturbance

3.26 Copy Letters C

3.27 The period for publicity has expired.

CONSULTATIONS

3.28 The following consultation replies have been received:

HBC Engineering Consultancy – No drainage details are provided so can I request a SW condition. The site is also a gassing site and as such can I request a full contamination and ground gas condition. Both of these need to be pre-commencement conditions.

HBC Traffic and Transportation –Comments received 18/05/2018 on the amended plans received;

The turning area for service vehicles is acceptable.

The car parking layout and provision for the flats is acceptable.

Accessing the site through the car park is not a good idea and may lead to disputes between residents and delivery vehicles / access issues. Ultimately this would be an issue for the land owner and not ourselves. The site should be accessed from Warrior Drive, however the current layout and building would not allow an access in a suitable location on Warrior Drive.

HBC Arboricultural Officer – The scheme shows indicative landscaping/grounds layout which forms an attractive feature within the application site. I need to see further details on this however based on the current layout.

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

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

No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays.

Cleveland Police – I recommend that the applicant actively seeks to achieve Secured By Design accreditation for the proposed erection of an apartment block on the site of the former Schooner PH on Warrior Road. In any case I would encourage the developer to make contact with me at an early stage for any input/advice I might be able to offer. Further information is available at www.securedbydesign.com

I would, at this stage mention that developers should ensure that the security of a development is not compromised by excessive permeability and that adequate lighting be installed for all areas of the development, including all non- adopted highways, eg. shared surfaces, shared drives.

Comments received 05/04/2018 on the amended plans;

If this application is granted crime prevention and community safety require to be take into consideration and where applicable appropriate measures put in place to help create a safe and secure environment where crime and disorder and fear of crime do not undermine community safety.

Measures I would expect to implemented include;

Good lighting to parking area and footpaths
 Secure Cycle and Bin Storage
 Access control to communal entrances

Security Lighting to all entrance doors
Parking areas overlooked by active rooms
Good management of building and grounds along with suitability of proposed residents
Good level of physical security to doors and windows.

I would ask to be consulted in relation to above if this application is granted.

Northumbrian Water - Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

Cleveland Fire Brigade – Offers no representations regarding the development as proposed.

Emergency Planning Unit – No objections.

HBC Ecology – No comments to make.

PLANNING POLICY

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

Local Policy

3.30 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to Climate Change
CC2: Reducing and Mitigating Flood Risk
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
SUS1: The Presumption in Favour of Sustainable Development
LS1: Locational Strategy

National Policy

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

Paragraph 001: Apply Policy

Paragraph 002: Primacy of Development Plan

Paragraph 006: Contribute to the achievement of sustainable development

Paragraph 007: 3 dimensions of sustainable development

Paragraph 008: Sustainable development

Paragraph 009: Sustainable development

Paragraph 010: Local 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 015: Presumption in favour of sustainable development

Paragraph 056: Design of built environment

Paragraph 057: High quality and inclusive design

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development.

3.32 **HBC Planning Policy comments** (summarised) – Planning Policy have no objection to the proposal subject to securing planning obligations for built sport £250 per dwelling/unit, green infrastructure £250 per dwelling/unit, outdoor sport and play facilities (bowling green) £4.97 per dwelling/unit and outdoor sport and play facilities (tennis courts) £57.02 per dwelling/unit and appropriate conditions.

PLANNING CONSIDERATIONS

3.33 The main planning considerations with respect to this application are the principle of development and compliance with national and local planning policies, the impact on the character and appearance of the existing building and surrounding

area, the impact on the amenity of neighbouring properties, planning obligations, highway safety, drainage and land contamination. These and all other planning matters and any residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

3.34 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

3.35 Policy QP3 of the Hartlepool Local Plan states that all new 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. The proposed development is within walking distance of local shops, services and local transport. There is parking provision provided within the site.

3.36 Policy QP4 of the Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area. The proposed application is in outline with detailed design/appearance and landscaping to be considered at reserved matters, should the outline application be approved. An indicative plan has been provided which supports the scale of the proposed detail, which is considered in further detail below.

3.37 HBC Planning Policy has raised no objections to the proposal subject to securing planning obligations which are considered in further detail below and a condition in relation to energy efficiency which is recommended accordingly.

3.38 In view of the above, the principle of (residential) development is acceptable in this location and would accord with the general provisions of the NPPF and Local Policy subject to the scheme satisfying other material planning considerations as set out below.

PLANNING OBLIGATIONS

3.39 Policy QP1 of the Hartlepool Local Plan relates to planning obligations and sets out requirements for new development to contribute toward the cost of providing additional infrastructure and meeting social and environmental requirements. Off site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere to ensure a sustainable form of development.

3.40 In terms of the required planning obligations for the current proposal, these are set out below;

- Built sport facilities at £250 per dwelling/unit
- Green Infrastructure at £250 per dwelling/unit
- Outdoor sport and play facilities (bowling green) £4.97 per dwelling/unit
- Outdoor sport and play facilities (tennis courts) £57.02 per dwelling/unit

3.41 The applicant has agreed to pay these contributions which would need to be secured through a Section 106 Legal Agreement.

CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SURROUNDING AREA

3.42 Objections to the development have been received relating to the impact on the character of the area.

3.43 The National Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, 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.

3.44 Policy QP4 of the Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area and should be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally.

3.45 The proposed application is in outline with details of scale, layout and access of the proposed development being provided. Final details of appearance and landscaping would be determined at the reserved matters stage, should the current outline application be approved. Indicative details have been provided that show a two storey building with a maximum height of 8.5m and an eaves height of 5m.

3.46 It is noted that the character and appearance of the predominantly residential area as a whole is varied, consisting of a mixture of house types and styles. The indicative layout shows a single, two storey building to be positioned towards the front of the site along with a small, detached waste/cycle store building. It is considered that this is generally in keeping with the hierarchy of buildings within the area which consists of two storey dwellings to the front and rear of the site and the large converted former public house building immediately to the west of the application site. Given this context, it is considered that the scale and layout (and density) of the proposed development is acceptable.

3.47 The scheme shows indicative landscaping layout which would further soften the visual impact of the development and is considered to be acceptable in principle to the Council's Arboricultural Officer who has been consulted and raises no objection

subject to further details. 'Landscaping' is to be a reserved matter should the current application be supported. Notwithstanding this, it is recommended that final soft and hard landscaping details along with boundary treatment details, are secured by appropriate planning conditions.

3.48 The separation distances that would be achieved between the development site and existing properties accords with and in many instances, exceed the guidance set out in the Hartlepool Local Plan 2018, which further highlights an acceptable layout.

3.49 In view of the above considerations, it is considered, on balance, that the scale and layout of development proposed would not have a detrimental impact upon the visual amenity of the surrounding area or adversely affecting the character of the area as to warrant a reason for refusal. The proposal is therefore considered to be acceptable in this respect.

AMENITY + PRIVACY OF SURROUNDING PROPERTIES

3.50 It is considered that the proposed development would achieve, and in many instances, exceed the minimum requisite separation distances (set out in Policy QP4 of the Local Plan) from the nearest existing neighbouring properties. It is therefore considered that the indicative layout has been designed in such a way as to limit the impact upon the amenity and privacy of the neighbouring properties in terms of loss of light, privacy, outlook and any overbearing effect, taking into account the remaining separation distances to surrounding properties and anticipated siting of windows (based on the indicative proposed elevations).

3.51 Whilst the final design and appearance (including the positioning of windows etc.) would be assessed at the reserved matters stage, it is considered that the indicative plan provided demonstrates that the scheme would achieve adequate separation distances between the proposal and existing residential properties and would comply with policy QP4 of the Local Plan 2018. As such, it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties. It is further considered that the proposed development would achieve a satisfactory relationship to the adjacent commercial/retail development, including the approved upper floor flats in that building, and would not result in an adverse loss of amenity and privacy.

3.52 Access to the development site is taken from Forester Close and through the existing retail development's car parking area. A combination of existing boundary fencing is present along the adjacent boundary to residential properties within Forester Close (north). The proposed car parking area will be sited in a similar position to the existing car parking on the site (that serves the converted former public house and now retail centre).

3.53 It is both appreciated and inevitable that the development of this site will cause some disruption to neighbouring residents, either alone or in combination with the existing commercial uses at the site and other developments in the area.

3.54 It is however considered that the separation distances to neighbours will help to minimise any impacts. Furthermore and as set out above, a condition is secured with

respect to the requirement for a Construction Management Plan (CMP) that will require the developer to address relevant issues in relation to noise, dust, wheel washing and consultation with neighbours to seek to minimise disruption. A further condition will also restrict hours of construction and deliveries. Final details of any boundary treatments can be secured by a planning condition.

3.55 Subject to these conditions, the Council's Public Protection team raise no objections to the application. Finally there are various powers available to the council under the relevant public health and highway acts should incidents arise.

3.56 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of adjoining properties/future occupiers of the site.

3.57 Overall, it is considered that the scale and layout of the proposed development is acceptable and that a level of development can come forward without resulting in an unacceptable loss of amenity and privacy for surrounding properties, including noise disturbance, as to warrant a reason for the refusal of the application.

HIGHWAY AND PEDESTRIAN SAFETY

3.58 Objections from residents and a local ward councillor raise concerns regarding the impact of the scheme on highway and pedestrian safety, in particular the potential for the scheme to exacerbate existing access/parking problems, concerns over access/egress and the potential conflict with the existing retail development.

3.59 The access point to the development would share the access with the existing retail development which is taken from Forester Close. Initial plans submitted received objections from HBC Traffic and Transport in relation to the conflict between residents using the access through the retail car park and inadequate turning areas being provided for HGV's servicing the retail units.

3.60 Amended plans were submitted which repositioned the residential development and amended the layout to the car park that was being provided for the development. A swept path analysis has been provided to demonstrate that large heavy goods vehicles can manoeuvre within the site.

3.61 The Council's Traffic and Transport consider that the car parking layout and provision for the apartments is acceptable and meets the Council's requirements, and that the turning area for service vehicles to the retail development is acceptable.

3.62 Whilst it is an unusual relationship in terms of one development taking its vehicle access through another development, it is not considered that this would warrant a refusal of the application, as confirmed by HBC Traffic and Transport. Ultimately access for the future occupiers of the flats would be a civil/management issue and is not a material planning consideration.

3.63 In view of the above, it is considered that the proposal is acceptable in terms of its impact on highway and pedestrian safety and this would not warrant a refusal of the application.

DRAINAGE AND CONTAMINATION

3.64 The latest flood map from the Environment Agency website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

3.65 Northumbrian Water has been consulted and raised no objection to the proposal. The Council's Principal Engineer raises no objection to the proposal but requests details of contamination and surface water be secured by pre-commencement planning conditions. A ground gas pre-commencement planning condition is also requested. These conditions can be secured accordingly.

OTHER PLANNING MATTERS

3.66 Cleveland Police raise no objection to the proposal but recommend that the applicant actively seeks to achieve Secured By Design accreditation. They have also made other safety recommendations. This advice can be appended as an informative.

3.67 Cleveland Fire Brigade raise no objection to the proposal, however guidance is offered with regard to access and water supplies. This advice can be appended as an informative.

3.68 HBC Ecologist has been consulted and raises no concerns with regard to ecology issues.

RESIDUAL MATTERS

3.69 Concerns raised with regard to existing residential flats not being used above the retail unit is not a material planning consideration.

3.70 Concerns have been raised with regard to emergency vehicles gaining access to the development site. Both Cleveland Fires Brigade and the Emergency Planning Unit have been consulted and raise no concerns or objection. It is therefore considered that access to the site is adequately provided.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.71 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.72 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.

3.73 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE – subject to the completion of a legal agreement securing contributions towards, built sports (£1,500), green infrastructure (£1,500), bowling green (£29.82) and tennis courts (£342.12) and subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the landscaping and appearance of the building(s) and the means of pedestrian access of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 18.162.01 Rev B (Location Plan), 18.162.03 Rev B (Block Plan; Proposed) and 18.162.04 Rev B (Site Plan; Proposed), received by the Local Planning Authority on 16th April 2018.
For the avoidance of doubt.
4. The details submitted at reserved matters stage shall be in conformity with the scale, layout and access as shown on Dwg No(s) 18.162.01 Rev B (Location Plan), 18.162.03 Rev B (Block Plan; Proposed) and 18.162.04 Rev B (Site Plan; Proposed), received by the Local Planning Authority on 16th April 2018. The flat/apartment block hereby approved shall not exceed two storeys in height with a maximum ridge height of 8.5 metres and maximum eaves height of 5 metres.
In the interests of the amenities of the occupants of neighbouring properties.
5. The vehicular access and car parking areas hereby approved shall be laid out in accordance with Dwg No 18.162.03 Rev B (Proposed Block Plan) and 18.162.04 Rev B (Site Plan; Proposed) received by the Local Planning Authority on 16th April 2018, prior to the occupation of the building for the approved use, to the satisfaction of the Local Planning Authority.
In the interest of highway safety.
6. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
 1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Flats.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the flats(s) hereby approved, 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 flats(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the flats(s) without the prior written consent of the Local Planning Authority.

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

7. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development (measured by the Dwelling Fabric Energy Efficiency) (DFEE)) and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the building, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

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

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

9. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

10. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that abound the site. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

11. Notwithstanding the submitted details, 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. 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.

12. 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.

13. Notwithstanding the submitted details and prior to the commencement of any works to the boundaries of the development hereby approved, final details of means of all boundary enclosures (including finishing material details, details of

works to the northern and southern boundaries and gate details) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the amenities of the occupants of the neighbouring properties and visual amenity

14. Prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, the area of land required for the manoeuvring of vehicles associated with the adjoining retail development (as required by condition 18), 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 flats 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.
15. Notwithstanding the submitted plans and prior to the development hereby approved being brought into use, full details of secure and covered cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the details so approved and provided prior to the occupation of any of the flats. To ensure a satisfactory and sustainable form of development.
16. Notwithstanding the submitted information and prior to the occupation of the 6no. apartments hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly. In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
17. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme. In the interest of visual amenity and the amenities of the occupants of neighbouring properties.
18. The area of land to allow for the manoeuvring of vehicles associated with the adjacent retail development (the former 'Schooner' public house located within the blue line as shown on 18.162.01 Rev B, Location Plan, received 16/04/2018) shall be maintained for this purpose at all times in accordance with submitted Dwg No: 18.162.03 Rev A (Proposed Block Plan, showing a 4-part 'swept path analysis') received by the Local Planning Authority on the 16th April 2018. In the interests of highway and pedestrian safety.

19. The total development hereby approved shall not exceed the following maxima:-
up to 6no. flats/apartments (C3 Use Class).
For the avoidance of doubt.
20. The development hereby approved shall be used as 6no. '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.
21. No construction works shall take place outside the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

CONTACT OFFICER

3.76 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

3.77 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk

No:	4
Number:	H/2018/0174
Applicant:	HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE HARTLEPOOL TS24 8AY
Agent:	HARTLEPOOL BOROUGH COUNCIL MR STEVE WILKIE CIVIC CENTRE HARTLEPOOL TS24 8AY
Date valid:	08/06/2018
Development:	Formation of car park, including resurfacing works and provision of a street lighting column (for permit use).
Location:	LAND TO THE REAR OF 10 TOWER STREET AND 23- 29 (ODDS) CHURCH SQUARE AND CCAD (ARCHER 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 planning application is considered relevant to the current application;

4.3 H/2017/0107 – Church Square refurbishment scheme – approved 11th May 2017.

PROPOSAL AND SITE CONTEXT

4.4 The application seeks planning permission for the creation of a formalised car park for permit use. The site is under the ownership of Hartlepool Borough Council.

4.5 The proposal involves the provision of a parking area surfaced to appropriate highway standards to accommodate car parking and delivery area. The area will be linemarked to provide 12 No. 4.8m x 2.4m bays and will also include double yellow linemarking to prevent vehicles parked outside of the demarcated bays from impeding deliveries. It is intended that the parking will be for business permit holders. The scheme will also provide a street lighting column on the north side of the parking area. The site is approximately 430m².

4.6 The site is accessed from Archer Street which links from Tower Street and is enclosed by properties to Church Square (north), Tower Street (east), Albert Street (south), and Cleveland College of Art and Design (west). The properties to Church Square and Tower Street have rear access points. Archer Street which is the side street to which the area is accessed from takes the form of a 'courtyard' area. It is currently used for informal parking.

4.7 Following the Church Square refurbishment scheme (H/2017/0107), which removes regular car use from the square, limiting vehicle access to emergency vehicles, events traffic and occasional special deliveries and maintenance vehicles. Following consultation with local businesses it was identified that improved access to the rear of the business was created for business deliveries and staff parking. The area currently is an ad-hoc and unrestricted area creating the potential for conflict.

PUBLICITY

4.8 The application has been advertised by way of press notice, site notices (2) and neighbour letters (26). To date, there have been 1 letter of objection from a neighbouring property, this can be summarised as follows;

- Parking restriction would discriminate against disabled customers
- Parking will restrict rear access to businesses

4.9 Copy Letters **D**

4.10 The period for publicity has expired.

CONSULTATIONS

4.11 The following consultation replies have been received:

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

HBC Heritage and Conservation Manager – The application site is located in Church Street Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF). Further to this at a local level, Local Plan Policy HE3 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.'

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 conservation area is considered to be ‘at risk’ under the criteria used by Historic England to assess heritage at risk.

The proposal will not significantly impact on the designated heritage asset; no objections.

HBC Engineering Consultancy – No objection subject to surface water condition.

HBC Public Protection – No objection subject to condition restricting construction 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.

Cleveland Police - In relation to crime prevention and community safety I would always recommend that car parking areas are overlooked and have good natural surveillance to help deter any criminal activity in the car park.

The proposed car park is enclosed on three sides and has limited natural surveillance.

In view of the limited natural surveillance I would recommend the use of formal surveillance in the form of CCTV installation I would also recommend that the car is well lit lighting to BS5489 2003 would achieve this. The car parking bays should be clearly marked with a good road surface. The car park should be well managed and maintained.

PLANNING POLICY

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

National Policy

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

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

Paragraph 001: Apply Policy
 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 015: Presumption in favour of Sustainable Development
 Paragraph 196: Primacy of the Development Plan
 Paragraph 197: Presumption in favour of sustainable development.

Hartlepool Local Plan 2018

4.14 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 RC2: The Town Centre
 RC3: Innovation and Skills Quarter
 RC17: Late Night Uses Area
 HE1: Heritage Assets
 HE3: Conservation Areas
 LS1: Local Strategy
 SUS1: The Presumption in favour of sustainable Development

4.15 **HBC Planning Policy** - Planning Policy have no objections to the proposed development subject to appropriate planning conditions.

PLANNING CONSIDERATIONS

4.16 The main considerations with respect to this application are the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users, impact on heritage assets highway safety, and drainage. These and any other matters are considered as follows

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

PRINCIPLE OF DEVELOPMENT

4.18 The application site is located within the defined limits to development and is within the Church Street Conservation Area. Policy HE3 supports development

providing there is no significant impacts upon the character and setting of the Conservation Area.

4.19 The Council's Planning Policy section has advised that there are no planning policy objections to the principle of development. The formalisation of the current ad-hoc parking area will have visual improvements to the immediate area. The area has good transport links and is within walking distance of local services.

4.20 The proposal is considered to be suitable form of development and the principle is accepted subject to the development satisfying other material planning considerations as set out below.

IMPACT ON HERITAGE ASSETS

4.21 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).

4.22 Further to this at a local level, Local Plan Policy HE3 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.'

4.23 Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool.

4.24 Whilst the proposals will have a limited physical impact on the heritage assets in the area, they are considered unlikely to have an impact on the setting of those buildings and the fabric of the Conservation Area. The works will improve the visual appearance of the immediate area, which currently is an uneven and unkept area.

4.25 The Council's Heritage and Countryside Manager has been consulted and raises no concerns or objection.

4.26 It is therefore considered that the proposal is acceptable in heritage terms.

VISUAL AMENITY OF SURROUNDING AREA

4.27 The proposed car park will include resurfacing works, which will improve the aesthetic for the space, replacing the uneven mixed surfaces with a homogenous bitmac surface. The parking formalisation will also improve the space by rationalising the ad-hoc parking which can appear cluttered.

4.28 Overall it is considered that the proposed works will have an improved benefit on the visual impact upon the immediate area is acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

4.29 It is considered that the area will be improved with the introduction of parking restrictions. The area to the rear of the commercial premises will retain the existing sett paving (cobbled back street) and be demarcated from the formalised parking area. This will allow for vehicle access to the rear of the properties, in particular the dray wagon for deliveries to the public house.

4.30 There is a single dwelling which has double gates for vehicle access to the rear of the property, this access will be un-affected by the proposed works and will be retained.

4.31 Furthermore the Council's Public Protection team has raised no objections to the proposal subject to working restrictions which can be controlled by condition accordingly. The proposals are therefore not considered to result in an adverse loss of amenity and privacy for neighbouring land users.

HIGHWAY SAFETY AND CAR PARKING

4.32 An objection has been received from a neighbouring commercial property, stating that the car park will create issues for service vehicles for the commercial premises which back on to the area. However, the works proposed will formalise the existing area for parking and introduce a permit only parking scheme for the businesses within this area. It is understood that the provision of the car park has been sought through consultation with the business which currently have difficulty gaining access due to vehicles parking in the uncontrolled area.

4.33 The proposed works will remove ad-hoc parking and create designated parking bays, with demarcation being retained for access to the rear of the business premises. An objection has been received from a neighbouring property stating that the car park will restrict access to the rear. The scheme submitted shows parking restrictions will be imposed to prevent vehicles parking in the area to the rear of the premises (original back street). A concern has also been raised with the potential conflict the double yellow lines will have on disabled visitors who visit the local barber shop. Currently people park on Archer Street, which has an access into a barbers shop, however the introduction of yellow lines in this location would not effect Blue Badge holders who are eligible to park on double yellow lines for three hours. The Council's Traffic and Transport section have been consulted and raised no objection.

4.34 It is therefore considered that the scheme is acceptable in respect of highway and pedestrian safety.

DRAINAGE AND FLOODING

4.35 The application site is located within Flood Zone 1 and therefore at a lower risk of flooding. The Council's Principal Engineer has raised no objections to the

proposals subject to an appropriate scheme for surface water management. This can be secured by a planning condition.

OTHER PLANNING MATTERS

4.36 In terms of safety and security, Cleveland Police have not submitted any objections to the proposal however they have provided advice to the applicant with respect to lighting, CCTV provision and physical security. These comments have been forwarded to the applicant for their consideration, however a suitable informative note to this effect is also recommended.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

4.39 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) 300-92F L002 (Location Plan) and 300-92F L001 (Proposed Layout) and details received by the Local Planning Authority on the 17th May 2018.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development, details of the proposed methods for the disposal of surface water arising from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved prior to the first use of the approved car park and the approved drainage details shall be retained for the lifetime of the development.
To ensure that the site is adequately drained and to ensure that surface water run off from the site is appropriately managed.
4. The proposed surface finishes shall be carried out in accordance with the specification details on Dwg No: 300-92F L001 (Proposed Layout) received by the Local Planning Authority on 17 May 2018. 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.

5. Construction works and deliveries or despatches shall not take place outside 8:00 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.

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

BACKGROUND PAPERS

4.40 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

4.41 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

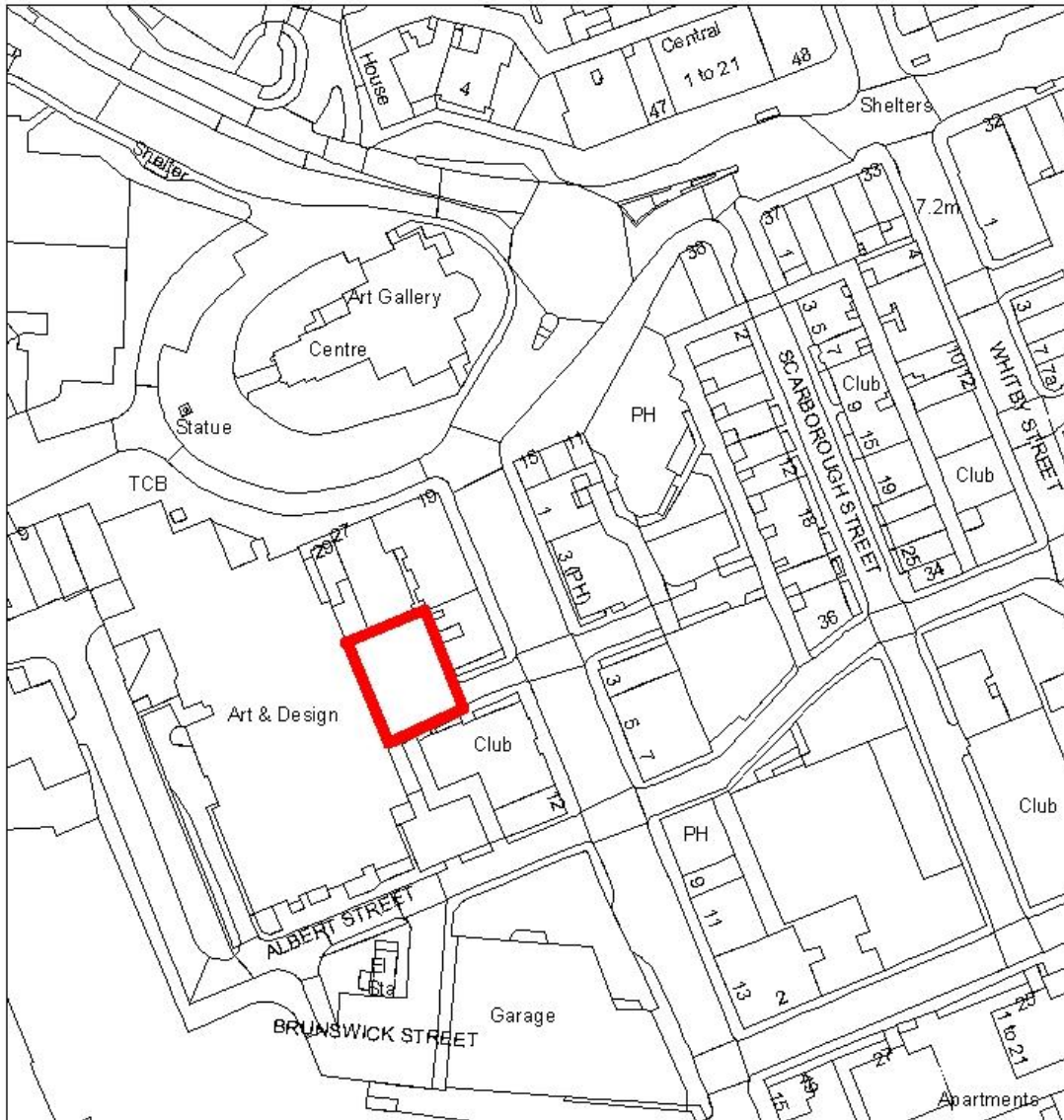
AUTHOR

4.42 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk



LAND TO THE REAR OF TOWER STREET/CHURCH SQUARE/ARCHER STREET



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0174	REV

No: 5
Number: H/2018/0111
Applicant: MR D ATKINSON 187 GRANGE ROAD HARTLEPOOL
 TS26 8LX
Agent: MA ARCHITECTURE + HERITAGE MR M ATKINSON
 47 KITCHENER TERRACE NORTH SHIELDS NE30
 2HH
Date valid: 03/05/2018
Development: Change of use to hotel with restaurant and bar areas,
 single storey extension, new car parking layout with
 retained vehicular access point, pedestrian access to
 Wooler Road, internal and external repair, trees and
 landscaping management and associated works.
Location: WILTON GRANGE 187 GRANGE ROAD HARTLEPOOL
 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 history is relevant to the application site;

5.3 HO/1974/0425 – Planning permission was granted on 3rd December 1974 for conversion to accommodate elderly persons and warden's accommodation and the erection of 6 bungalows and 6 flats at rear.

5.4 H/1977/0240 – Listed Building Consent was granted on 5th July 1977 for alterations to form a private residential hotel.

5.5 H/1977/0588 – Planning permission was refused on 8th November 1977 for use of Wilton Grange, Wooler Road as a four star hotel.

5.6 H/1980/0094 – Planning permission was granted on 1st April 1980 for dual use as private tuition/private residence.

5.7 H/1981/0716 – Planning permission was refused on 21st December 1981 for change of use of part of dwelling as private school (involving 3 rooms, 30 pupils of secondary school age, 25 hours per week, 36 weeks per year).

5.8 HOUT/1988/0009 – Outline planning permission was refused on 24th February 1988 for the erection of a detached dwelling.

5.9 HTPO/1999/0425 – Consent was granted on 30th September 1999 for tree Works including pruning and felling of 1 Elm and 1 Sycamore tree covered by TPO 35.

5.10 H/2006/0290 – Consent was granted on 17th May 2006 for pruning to trees T1 (beech) T2 (beech) T3 (beech) T4 (sycamore) T5 (horsechestnut) and T6 (elm) covered by tree preservation order (TPO 35).

5.11 H/2011/0359 – Prior approval was not required on 8th September 2011 for an application to determine whether the prior approval of the Local Planning Authority is required for the siting and appearance of a single BT telecommunication DSLAM cabinet outside 187 Grange Road.

5.12 H/2014/0006 – Consent was granted on 19th February 2014 for tree works.

5.13 H/2018/0112 – A valid Listed Building Consent (LBC) application was received on 3rd May 2018 for change of use to hotel with restaurant and bar areas, single storey extension, new car parking layout with retained vehicular access point, pedestrian access to Wooler Road, internal and external repairs, trees and landscaping management and associated works. This application also forms part of 01/18/18 committee agenda.

PROPOSAL

5.14 Planning permission is sought for change of use of the existing property to a hotel with restaurant and bar areas, a single storey extension, new car parking layout with retained vehicular access point, new pedestrian access to Wooler Road, internal and external repairs, trees and landscaping management and associated works.

5.15 The proposed use comprises a boutique hotel with ancillary function space at ground floor, including breakfast rooms, a bar, kitchen facilities and a restaurant/conference room, and 8 en-suite guest bedrooms at first floor. Staff would be on site 24 hours. The submitted Planning Support, Design & Access Statement states it is expected that the proposed layout would be particularly suited to holding wedding functions.

5.16 The proposed extension comprises a single storey W/C and lobby extension projecting approximately 2 metres beyond the eastern (side) elevation of the original building and approximately 6.3 metres beyond the southern (rear) elevation of the original building. The extension constitutes an approximate 19.25m² increase in the ground floor area. The proposed extension features a flat roof to the W/C section with a total height of approximately 3.1 metres. This part of the extension features a single north (front) facing W/C window. The lobby section of the extension sits within the rear garden area at a slightly higher level to the W/C part of the extension and is predominantly glazed with a low level exterior wall and a glazed dual pitched roof with an eaves height of approximately 2.75 metres and a ridge height of approximately 3.4 metres.

5.17 The proposed parking comprises an extension of the existing parking areas, currently located to the front of the building only, to encompass the majority of the side (west) garden area. The car park will provide 27 guest parking spaces, including

2 disabled user bays, and (additionally) 3 staff parking spaces. The car park also features a loading area for deliveries to the north east corner of the building and a turning area at the south west of the site. The proposals also include the widening of the existing vehicular access to Grange Road by approximately 2 metres from approx. 3.9 metres to approx. 5.9 metres to allow two vehicles to enter and exit the site simultaneously. In addition, the proposals also include the creation of a new pedestrian access to Wooler Road at the south west corner of the site.

5.18 The proposed additional external alterations to the building are confined to a kitchen extract cowl located on the roof of the building to serve kitchen ventilation plant located in the roof void. There are no other alterations to the external building fabric proposed, with the exception of repair work where necessary. Internally, the proposal comprises alterations to the internal layout of the building at both ground and first floor, including the creation of additional rooms/subdivision of rooms, new openings, the provision of a guest lift and internal repairs where necessary.

5.19 The proposed landscape management proposals include the removal of 5no. trees to the west of the site, 4no. trees along the east of the site, sections of hedgerow along the north and west boundaries and sections of grouped vegetation at the north west and north areas of the site. The proposals also include the planting of a number of new lemon trees to parking areas and shrubbery along the southern boundary.

5.20 Other associated works include the provision of railings to the north and west boundary walls, the provision of a 2.25 metre high boundary fence and trellis along the southern boundary and rebuilding/repair work to the eastern boundary wall.

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

SITE CONTEXT

5.22 The application site comprises a grade II listed two storey building located in the Park Conservation Area at 187 Grange Road, Hartlepool. Both the building and the conservation area are considered to be designated heritage assets.

5.23 The immediate area is predominantly residential. The application site is bounded to the north and west by adopted highway along Grange Road and Wooler Road, respectively. To the west, beyond the adopted highway, lies The White House public house. To the north, beyond the adopted highway are residential dwellings at 27 Wooler Road and 35 The Crescent. To the east, the application site is bounded by a residential property at 185 Grange Road. To the south, the application site is bounded by residential properties at 33 and 35 Wooler Road.

PUBLICITY

5.24 The application was advertised by way of neighbour letters (21), press notice and a site notice with the following responses received;

- 3 objections have been received with the following concerns (summarised);

- Lack of information with respect to proposed bar/restaurant operation, in terms of capacity/noise
 - Insufficient parking/detrimental impact on highway safety/congestion
 - Entrances/exits too close to main roads/roundabouts
 - Impact on amenity of neighbouring land users through noise
- 1 additional objection was submitted and subsequently withdrawn following re-consultation on amended plans.
- 4 letters of do not object have been received with the following comments (summarised);
 - Reuse of the property is of benefit to the area
 - Concerns with respect to security and privacy along southern boundary
 - Concerns with respect to noise/disturbance – restrictions should be applied
 - Mr Atkinson (applicant) has sought to address neighbour concerns
 - Commercial use of 35 Wooler Road (adjacent) in addition would result in objections
 - Concerns over impact on parking/highway safety – restrictions should be applied to adopted highway adjacent and to vehicles entering/exiting site
 - Overflow parking should be provided

5.25 Copy Letters E

5.26 The period for publicity has expired.

CONSULTATIONS

5.27 The following consultation replies have been received:

HBC Economic Development – Do not object

HBC Engineering Consultancy – No objections to this application.

HBC Heritage and Countryside Manager – The application site is Wilton Grange a grade II listed building located in Park Conservation Area both of which are recognised as designated heritage assets.

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

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

Policy HE4 of the local plan states the Borough Council will seek to ‘conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.’

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 HE3 states that the Borough Council will, ‘seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.’

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880’s.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

Wilton Grange is a substantial property constructed in 1902 – 03. The significance of the designated heritage asset lies in its aesthetic and historical value as a fine example of a property built in this area at a time when industry was growing and those made wealthy through this were looking to move away from the town centre and so developed property within the west park area.

The proposal is the change of use of the building to a hotel and associated works to facilitate this.

There are no objections in principle to the proposed change of use.

With regard to the exterior of the building it is noted that this will remain largely unchanged, save for the new plant to the roof of the property.

In relation to the internal changes to the building, it is welcomed that the principal rooms will remain unaltered which will result in the retention of many of the fine architectural details within the building that contribute to its listed status. In particular the following are noted / additional information is requested;

- Walls removed to the cellar; it is considered that these do not contribute to the significance of the listed building therefore no objections.
- The removal of the staircase to the basement in order to accommodate a disabled toilet is noted. Could information be provided on how this will be ventilated.
- Could details of the bar in the lounge be provided, will this be free standing or fixed?
- A new door is to be provided between the breakfast rooms, large scale details of this are required.
- The loss of the safe is noted; however it is positive that the door will remain as a feature within the room.
- The installation of a lift is noted, where this will cause disruption to existing fabric i.e. panelling to ground floor hallway, large scale details of repair/replacement work to make good areas should be provided.
- The subdivision of rooms will result in the introduction of new doors and wall, large scale details of new doors and how new walls will be detailed should be provided.

With regard to the first floor facilities there is no objection to the proposed layout. The loss of the corridor is noted however it is acknowledged that there are later additions and alterations within this space.

There are no objections to the provision of a small extension in order to provide new facilities, however it is requested that large scale details and information on the materials are provided.

To the ground of the building part of the garden will be lost to provide onsite car parking. Details are not provided indicating the surface treatment. In addition an area for bin storage is provided but no details of any cover to these. It is accepted that these works will change the setting of the listed building but are required in order to facilitate the end use therefore a condition on the final details is requested.

The boundary wall to the property is proposed to be altered to provide separate pedestrian and vehicular access. In addition railings are proposed on top of the existing all. There would be no objections to these works.

The proposal will cause less than substantial harm to the listed building however it is accepted that this harm is outweighed by the long term use that will be provided within the property therefore on balance the proposal is considered to be acceptable.

UPDATE 13/06/18: Photographic/historic building survey and full schedule of works should be secured by condition.

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

HBC Ecology – I have studied the Protected Species Assessment Report prepared by JP Environmental Solutions, dated March 2018. This investigates the concerns I expressed at the Informal Enquiry stage regarding the potential for some of the trees to be used by roosting bats.

I am satisfied that all of the trees are assessed as having negligible/ low suitability for bats. No further survey and no mitigation measures are required.

Conditions

I recommend that the standard bird nesting condition is used.

NPPF biodiversity enhancement

I recommend the erection of four commercial bat boxes, either on the building if its heritage status allows, or in mature trees remaining within the grounds.

HBC Landscape – I have previously met the applicant on site and discussed the tree proposals and the constraints/structural problems that they have with the proposed layout and existing building. Wilton Grange has a history of problems associated with some of the trees on this site which has been identified by the report accompanying this application. The TPO (TPO 35) on this site is an early one and much has changed since this was made. Although there are a large number of trees that will be removed to accommodate a new parking layout, address structural issues and allow those remaining to develop to their full potential, there should be a benefit to those trees remaining as they will be able to make use of the additional space.

It is important that if consent is given that the tree issues are carried out as shown in the tree protection plan (AIATPP dated 29/03/2018) which shows the vulnerable root areas as a green hatched area. It is also important that the details in the Arboricultural Method Statement are carried out as described (AMSTPP dated 29/03/2018).

Any tree removal will need to be carried out without damaging those trees/root systems adjacent to them.

No objection to the scheme in principle.

HBC Public Protection – Do not object.

UPDATE 28/06/18: Operating hours planning condition wording looks OK.

HBC Traffic & Transport – The site utilises an existing access which has been widened to 6 metres this provides an acceptable form of entry / exit.

The proposed pedestrian access on Wooler Road is acceptable

The proposed car park layout and the number of parking bays provided are acceptable.

I have no Highway traffic concerns with this application

HBC Waste Management – No representation received

Cleveland Fire Brigade – Cleveland fire Brigade would like to confirm that the access criteria for fire appliances should meet the requirements as set out in 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 Bv2 Section B5 Table 20.

Furthermore, it is noted from the proposed floor plans that there are several areas of concern with regards to the Fire Strategy for this proposal therefore it is strongly recommended that consultation with ourselves for the Building Regulations Application is sought at the earliest opportunity whether this is via Local Authority Building Control or an Approved Inspector.

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

Historic England – Thank you for your letter of 14 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Hartlepool Water – No representation received.

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 – In relation to this proposed development Police have no objections but would recommend the following measures in relation to crime prevention and community safety.

Parking Areas

These should be well lit to deter criminal activity and reduce fear of crime lighting which meets the requirements of BS 5489 2013 would ensure this, vehicles should ideally be overlooked by active rooms such as reception if natural surveillance not available then consideration should be given to providing formal surveillance through CCTV.

Reception Areas

To prevent casual intrusion it important that access is controlled to accommodation/private areas CCTV coverage of this area would be of benefit

Physical Security

All doors and accessible windows should deter unauthorised access emergency exit doors can be particular vulnerable and advised to be connected to an intruder alarm system Doors and windows that are certified to PAS24 2016 would prove to be of a good level of security.

Licensed Bar

I am not aware if this will be for residents only licencing will need to consulted in due course particular if this will available for non- residential use.

Tees Archaeology – Wilton Grange is a Grade II listed building with surviving original interiors. It would be appropriate for the developer to commission an historic building survey as a record of the building prior to any development. The existing plans and elevations, and the heritage statement carried out by Michael Atkinson, should form the basis of the survey. The work should consist principally of interior and exterior scaled photography, a written description, documentary research, and a report bringing these elements together. This should be carried out by a suitably qualified professional, and 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 works 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 works 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.

Hartlepool Civic Society – Hartlepool Civic Society is pleased that plans are going through the application process for the repair and re-use of Wilton Grange.

Society members have toured the property and were shown essential repair work already undertaken and also the owner's plans for the way in which the property would be used for the boutique hotel. We were both relieved and impressed at the very clear respect and pride, evident for this historic architectural gem.

Studying the plans we were sorry to see that the garden would be largely lost to provide car parking. This, however, is a requirement to enable the listed building to sustain its new role and therefore a price worth paying.

The plans presented indicate that Mr Atkinson's aim is to ensure that at every opportunity, even if it will add to cost, the original and unique features will be retained, indeed a clear appreciation of their economic value and positive contribution to be gained in attracting visitors is suggested.

It is understood that some new partition walling, largely associated with providing en-suite facilities, will be 'plain' – to express the fact that they are modern additions to the historic fabric and wonder at the success of the juxtaposition with original features such as coving. On balance, this is outweighed by the clear efforts being made to respect the many wonderful features to be found in Wilton Grange. Features such as the safe door charmingly retained for room keys while the strong room behind, is to be cleverly used for the installation of a lift.

New details, such as the handrail to the gallery around the central hall are a further example of the great care being taken to meet modern standards while maintaining the building's original, if complex, beauty.

The Society is pleased to support this application as it represents an outstanding project which will undoubtedly secure the future of this listed building and also provide a valuable new facility for Hartlepool's future. We look forward to seeing the

completed project and we wish Mr Atkinson every success with Hartlepool's first Boutique Hotel.

PLANNING POLICY

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

Adopted Hartlepool Local Plan 2018

5.29 The Hartlepool Local Plan was adopted in May 2018. The following policies are considered to be relevant to the determination of this application;

CC1: Minimising and adapting to Climate Change
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 HE8 : Works to Listed Buildings (including Partial Demolition)
 LS1: Locational Strategy
 LT4: Tourist Accommodation
 NE1: Natural Environment
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC1: Retail and Commercial centre Hierarchy
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)

5.30 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
 PARA006 : Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA035: Practical location of development
 PARA 056 : Design of built environment
 PARA 064 : Refusal for development of poor design
 PARA069 : Social interaction and creating healthy, inclusive communities
 PARA 096 : New development
 PARA 128 : Heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA186: Decision taking in a positive way
 PARA 187 : Solutions not problems
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development
 PARA 216: Emerging Plans

5.31 HBC Planning Policy - Planning Policy have no objections to the proposed development. It is considered that the applicants have submitted an acceptable sequential/impact assessment and the development would not have a detrimental impact on the town centre, and that the proposed use would be an appropriate use of a currently vacant building. It is trusted that the internal design of the development would be of a high quality and preserve the special character of the building, in accordance with policy HE1.

PLANNING CONSIDERATIONS

5.32 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area, heritage assets, landscape features and protected trees, the amenity and privacy of neighbouring land users, highway and pedestrian safety and car parking, ecology and nature conservation, archaeology and flood risk and drainage. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

5.33 The application site is located within the limits to development as defined by policy LS1 (Locational Strategy) of the adopted Hartlepool Local Plan 2018 (2018 Local Plan). The application site is identified as unallocated 'white land' on the 2018

Local Plan Policies Map. The proposal comprises the reuse of an existing building as a hotel (main town centre use) in an established residential area, outside the retail and commercial centres designated in the 2018 Local Plan.

5.34 Policy RC1 (Retail and Commercial Centre Hierarchy) of the 2018 Local Plan identifies the hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations and/or locations where connectivity can easily be enhanced through the Borough.

5.35 Policy RC1 stipulates that proposals for main town centre uses, not located within a designated centre, will be required to provide a robust sequential test to demonstrate consideration has been given to all of the Borough's designated centres, following the sequential hierarchy. Where it is established that no suitable site are available within the designated centres, an alternative acceptable location may be a location accessible by a choice of means of transport and/or which offers significant regeneration benefits.

5.36 In addition to the above, Policy RC1 also stipulates that proposals for retail, leisure and office development with a floor area of 200m² or above, not located in the Town Centre or a local centre, will be required to provide a robust impact assessment. Proposals which would undermine Town Centre vitality and viability will not be permitted.

5.37 In view of these policy requirements, the applicant has submitted a Sequential Test & Centre Impact / Use Assessment document in support of the application. This document concludes that there are no other vacant similar sites in the designated centres to facilitate a proposal of this nature and there are no likely significant adverse impacts on existing commercial centres, due to the modest scale of the proposal/site. Furthermore, the document states that the site is easily accessible, as there are main roads and bus stops close.

5.38 The Council's Planning Policy section consider that the applicant has submitted an acceptable sequential/impact assessment and the development would not have a detrimental impact on the town centre, and that the proposed use would be an appropriate use of a currently vacant building. There are therefore no planning policy objections to the proposed development, subject to the design of the development preserving the special character of the building, in accordance with policy HE1 (Heritage Assets).

5.39 The principle of the development is therefore considered to be acceptable, subject to the consideration of all other relevant material planning considerations, as set out below.

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

5.40 The application site is located within the Park Conservation Area. The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by

walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

5.41 The proposals comprise only modest alterations/extensions to the exterior of the building, including a small W/C and lobby extension and kitchen extract cowl located on the roof of the building to serve kitchen ventilation plant located in the roof void. Further exterior works include an extension to parking areas and alterations to boundary walls including provision of railings to the north/west boundary walls, widening of the existing vehicular access, provision of a new pedestrian access to Wooler Road, the provision of a new boundary fence to the southern boundary and repair/rebuilding work to the eastern boundary wall. In view of the modest scale of the proposed changes to the property and the discreet location of the proposed extension and kitchen extract cowl, it is considered there would be no significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area, subject to the further consideration of the proposed works on the impact of heritage assets, as set out below.

5.42 Notwithstanding this, planning conditions are recommended to secure final details of various elements of the work including external finishing materials, hard landscaping and large scale details of the proposed extension.

5.43 It is considered that the application is acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned conditions, and in accordance with police QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

HERITAGE ASSETS (INCL. THE CHARACTER OF THE CONSERVATION AREA AND THE CHARACTER AND SETTING OF THE LISTED BUILDING)

5.44 The application site comprises a grade II listed two storey building located in the Park Conservation Area at 187 Grange Road, Hartlepool. Both the building and the conservation area are considered to be designated heritage assets.

5.45 In considering applications for listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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.

5.46 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). The National Planning Policy

Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

5.47 At a local level, policy HE1 (Heritage Assets) of the 2018 Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings and Structures) of the Local Plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.'

5.48 Further to this, Local Plan policy HE3 (Conservation Areas) 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.'

5.49 The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development.

5.50 Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

5.51 Wilton Grange is a substantial property constructed in 1902 – 03. The significance of the designated heritage asset lies in its aesthetic and historical value as a fine example of a property built in this area at a time when industry was growing and those made wealthy through this were looking to move away from the town centre and so developed property within the west park area.

5.52 The Council's Heritage and Countryside Manager has confirmed that they do not have any objections in principle to the proposed change of use. With regard to the alterations to the exterior of the building, it is noted that this will remain largely unchanged, save for the new plant to the roof of the property.

5.53 The Council's Heritage and Countryside Manager has also confirmed that they have no objections to the proposed single storey extension, however it is requested that large scale details and information on the materials are provided prior to commencement of the works and an appropriate planning condition is therefore recommended accordingly.

5.54 In relation to the internal changes to the building, the Council's Heritage and Countryside Manager has commented that it is welcomed that the principal rooms

will remain unaltered which will result in the retention of many of the fine architectural details within the building that contribute to its listed status. With regard to the first floor facilities there is no objection to the proposed layout.

5.55 Notwithstanding this, further details have been requested with respect to various aspects of the proposed works including the removal of a staircase to the basement to accommodate a ground floor W/C, the provision of a bar in the proposed ground floor lounge, the creation of a new opening between the proposed ground floor breakfast rooms, works to facilitate the installation of a lift and subdivision of existing rooms. Appropriate planning conditions are therefore recommended to secure further/final details prior to any works on these aspects of the development commencing.

5.56 The Council's Heritage and Countryside Manager accepts that works are required to provide onsite car parking and external bin storage however has requested that final details of these are provided. Suitable planning conditions are therefore recommended with respect to securing final details of hard landscaping and any bin store structures before any works in respect of these matters are commenced, though it is noted the applicant has not indicated any intention to erect any external bin store structures.

5.57 The Council's Heritage and Countryside Manager has no objections to the alterations to the boundary walls of the property (including the addition of railings) and provision of separate pedestrian and extended vehicular accesses.

5.58 The Council's Heritage and Countryside Manager has also requested conditions requiring a historic building survey and full schedule of the proposed works be provided prior to commencement of the development, and these are recommended accordingly.

5.59 In addition, Hartlepool Civic Society has submitted representations in support of this application, commenting that the proposal represents an outstanding project which will secure the future of the listed building and provide a valuable new facility for Hartlepool's future.

5.60 In view of the above considerations, the Council's Heritage and Countryside Manager has concluded that the proposal will cause less than substantial harm to the listed building however it is accepted that this harm is outweighed by the long term use that will be provided within the property. It therefore considered on balance that the proposal is acceptable with respect to the impact on heritage assets, including the character of the conservation area and the character and setting of the listed building, subject to the abovementioned planning conditions, and is in accordance with policies HE1, HE3, HE4 and HE7 and paragraphs 126, 128, 131, 132, and 137 of the NPPF.

IMPACT ON LANDSCAPE FEATURES AND PROTECTED TREES

5.61 The application site is subject to Tree Protection Order 35. The proposals incorporate landscape management including the removal of 5no. trees to the west of the site, 4no. trees along the east of the site, sections of hedgerow along the north

and west boundaries and sections of grouped vegetation at the north west and north areas of the site. The proposals also include the planting of a number of new lemon trees to parking areas and shrubbery along the southern boundary.

5.62 The Council's Arboricultural Officer has been consulted and has advised that Wilton Grange has a history of problems associated with some of the trees on this site which has been identified by the arboricultural report accompanying this application. The Council's Arboricultural Officer has advised that whilst there are a large number of trees that will be removed, this should be a benefit to those trees remaining as they will be able to make use of the additional space.

5.63 The Council's Arboricultural Officer has therefore advised that they have no objection to the scheme in principle however has stressed that it is important that the tree works are carried out in accordance with the submitted details and that any tree removal will need to be carried out without damaging those trees/root systems adjacent to them. An appropriate planning condition is therefore recommended accordingly to secure this.

5.64 In view of the above, the application is considered to be acceptable with respect to the impact on landscape features and protected trees, subject to the abovementioned condition.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.65 The application site is located within a predominantly residential area. The site is situated at the junction of two main roads (Grange Road and Wooler Road) and sits opposite an existing public house, The White House, located to the west of the site, on the opposite side of Wooler Road. The application site is bounded to the south by residential dwellings at 33 and 35 Wooler Road and to the east by a residential dwelling at 185 Grange Road. To the north, on the opposite side of Grange Road are residential dwellings at 27 Wooler Road and 35 The Crescent.

5.66 The proposals do not include any significant extensions or alterations to the exterior of the building with the exception of the proposed single storey W/C and lobby extension to the south eastern corner of the building.

5.67 To the north, a significant separation distance in excess of 50 metres will be maintained between the north(front) facing elevation of the proposed extension and the side elevation of the dwelling on the opposite side of Grange Road at 35 The Crescent. As such, it is considered there would be no appreciable impact on the amenity or privacy of this neighbour resulting from the proposed extensions/alterations to the building.

5.68 To the north/east, a satisfactory oblique separation distance of approximately 22 metres is to be maintained between the north (front) facing elevation of the proposed extension and the rear elevation of the adjacent dwelling at 185 Grange Road. The proposed extension features a single W/C window in the north (front) facing elevation and is located within close proximity (approx. 1 metre) to the boundary of the site. The proposed extension does not feature any windows in the eastern elevation facing this neighbour's rear garden. This boundary currently

features an approx. 1.4 metre high brick wall, which the applicant has indicated will be repaired/re-constructed, albeit final details shall be secured by virtue of a planning condition. Whilst it is considered by virtue of the abovementioned separation distances, boundary treatments and modest scale of the proposed extension, that there will be no significant detrimental impact on the amenity of the neighbouring property at 185 Grange Road, through overshadowing, any overbearing effect or poor outlook, given the proximity of the proposed extension to the shared boundary, a planning condition is recommended to ensure the north facing W/C window is fixed and obscurely glazed, in order to prevent overlooking or loss of privacy to this neighbour, resulting from the proposed extension.

5.69 To the south, the proposed extension is set back approx. 6 metres from the shared boundary with 35 Wooler Road, with a separation distance of approximately 25 metres to the rear elevation of this neighbouring dwellinghouse, and a distance in excess of 30 metres to the rear elevation of the adjacent property at 33 Wooler Road. The southern boundary of the site currently features an approx. 1.6-1.8 metre high closed boarded fence and significant planting in parts. The proposals include the provision of an approx. 2.25 metre high new boundary fence and trellis and additional shrub planting along this boundary. The southern elevation of the lobby section of the proposed extension is predominantly glazed. However, in view of the modest scale of the proposed extension, the nature of its use, the abovementioned set back and separation distances and the proposed boundary treatment, it is considered there would be no significant detrimental impact on the privacy or amenity of neighbouring land users to the south resulting from the proposed extensions/alterations to the building.

5.70 To the west, a significant separation distance (in excess of 60 metres) and significant boundary screening is to be maintained between the proposed extension and the public house to the west at The White House. It is therefore considered that there would be no appreciable impact on the amenity or privacy of neighbouring land users to the west resulting from the proposed extensions/alterations to the building.

5.71 With respect to the other external alterations and associated works to the site, including the proposed boundary treatments, landscaping proposals and car parking, it is considered by virtue of the nature and scale of these proposed works there would be no significant detrimental impact on the amenity or privacy of neighbouring land users to the north, east, south or west.

5.72 With respect to the proposed use of the site as a hotel, objections and comments have been received from neighbouring land users with respect to the potential for the site to have a detrimental impact on the amenity of neighbouring land users through undue noise and disturbance and the need for appropriate restrictions to be applied to negate this. An objection has also been received citing concerns with respect to a lack of information having been provided with respect to the proposed bar/restaurant operations in terms of capacity and noise.

5.73 The application has been considered on the basis of the information provided, including floor plans demonstrating the capacity of the proposed communal areas. The proposal comprises a boutique hotel, with function space at ground floor

(including bar and restaurant space) which is to be ancillary to the principle use of the site as a hotel (use class C1).

5.74 Whilst it is accepted that the use of the site as an 8 bed hotel is likely to operate differently to a residential dwelling, with an intensification of the use of the ground floor lounge and dining spaces in particular, it is noted that the proposals constitute a reduction in the number of bedrooms at the property, as the existing dwellinghouse features 10 bedrooms, and this scale of residential building is characteristic of the wider area.

5.75 It is acknowledged however that the submitted Planning Support, Design & Access Statement states it is expected that the proposed layout would be suited to holding wedding functions. The use of the ground floor communal spaces for this purpose would likely remain ancillary to the principal use of the site as a hotel and as such planning permission would not be required for a separate or mixed use. It is therefore accepted that these elements of the use are likely to also serve visiting members of the public, in addition to those staying at the hotel. In view of this, a planning condition is recommended to ensure the site is not open to members of the public, other than those guests staying overnight at the hotel, outside of the hours of 0800 and 2300. The Council's Public Protection section agree that the wording of this condition is appropriate. It is also noted that this is similar to licensing restrictions imposed on the adjacent public house at The White House.

5.76 The Council's Public Protection section has confirmed that they have no objections to the application. Furthermore, any issues with respect to undue noise and disturbance can be further controlled through the provision of the Environment Protection Act 1990 by the Council's Public Protection team.

5.77 It is therefore considered that the proposal is unlikely to have a significant impact on the amenity of neighbouring land users through undue noise and disturbance to warrant refusal of the application, subject to the abovementioned condition.

5.78 Comments have also been received from the neighbouring land user at 33 Wooler Road with respect to the use of the site as a hotel having an impact on the privacy of this dwellinghouse. The shared boundary with this neighbouring property currently features an approx. 1.6-1.8 metre high closed boarded fence and significant planting. The proposal does not comprise any increase in windows or bedrooms facing this neighbour, however it is acknowledged the proposals are likely to result in an intensification of the use of the existing ground floor lounge and dining spaces. Notwithstanding this, the proposals include the provision of an approx. 2.25 metre high new boundary fence and trellis and additional shrub planting along this boundary and these rooms remain in excess of 10 metres from the shared boundary with this neighbour, with a satisfactory separation distance in excess of 30 metres between the southern elevation of the hotel and the rear elevation of this neighbouring dwellinghouse. In view of the abovementioned separation distances and boundary screening, it is considered that there would be no significant detrimental impact on the privacy of 35 Wooler Road through overlooking.

5.79 In view of the above, it is considered on balance that the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users, subject to the abovementioned planning conditions, and is considered to be in accordance with saved policy QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

5.80 The proposal includes an extension of the existing parking areas, currently located to the front of the building only, to encompass the majority of the side (west) garden area. The car park will provide 27 guest parking spaces, including 2 disable bays, and (additionally) 3 staff parking spaces. The car park also features a loading area for deliveries to the north east corner of the building and a turning area at the south west of the site. The proposal also include the widening of the existing vehicular access to Grange Road by approximately 2 metres from approx. 3.9 metres to approx. 5.9 metres to allow two vehicles to enter and exit the site simultaneously. In addition, the proposals also include the creation of a new pedestrian access to Wooler Road at the south west corner of the site.

5.81 Objections/comments have been received citing concerns with respect to the proposals having insufficient parking provision, entrances/exits being too close to the main road/roundabout and the associated impact on highway safety/congestion and the adjacent highway network. Comments have also been received from neighbouring land users requesting restrictions be applied to the adopted highway adjacent at Grange Road/Wooler Road and to vehicles entering/exiting the site in order to better control traffic. Comments have also been received with respect to the designation of overflow parking areas.

5.82 The Council's Highways, Traffic & Transport section has been consulted and has confirmed that the proposed widened access arrangements are acceptable, the proposed pedestrian access to Wooler Road is acceptable and the proposed car park layout and number of bays are also acceptable. The Council's Highways, Traffic & Transport section has therefore confirmed that there are no highway or traffic concerns with the application.

5.83 In addition to the above, it is also considered that the site is located within the main urban area of the town and is within reasonable walking distance to public transport and town centre services and amenities so as to encourage sustainable modes of travel.

5.84 With respect to restrictions to the adopted highway adjacent to the site (i.e. double yellow lines, one way systems etc.) to better control any increase in traffic generated by and entering/exiting the site, this would be a matter for the Council's Highways, Traffic & Transport section to consider separately, as the relevant highway authority, should this be deemed necessary.

5.85 In view of the above, it is considered that the application is acceptable with respect to the impact on highway and pedestrian safety and car parking.

ECOLOGY AND NATURE CONSERVATION

5.86 The Council's Ecologist has been consulted on the application and has advised that the submitted Protected Species Assessment Report adequately investigates ecology concerns expressed at the pre-application enquiry stage, regarding the potential for some of the trees to be used by roosting bats, and they are satisfied that all of the trees are assessed as having negligible/low suitability for bats. No further survey and no mitigation measures are required.

5.87 Notwithstanding this, the Council's Ecologist has requested planning conditions with respect to the provision of bat boxes within the site, in the interests of biodiversity enhancement in accordance with paragraph 118 of the NPPF, and to ensure clearance of any vegetation, including trees and hedgerows, takes place outside of the bird breeding season, and these are recommended accordingly.

5.88 The application is therefore considered to be acceptable with respect to ecology and nature conservation, subject to the abovementioned planning conditions.

ARCHAEOLOGY

5.89 Tees Archaeology has been consulted on the application and has advised that, as Wilton Grange is a Grade II listed building with surviving original interiors, it would be appropriate for the developer to commission an historic building survey as a record of the building prior to any development. This should be carried out by a suitably qualified professional, and made publicly accessible in line with the advice given in NPPF para 141. Tees Archaeology has recommended that the historic building recording could be secured by means of a planning condition and this is recommended accordingly. No further concerns have been raised by Tees Archaeology.

5.90 The application is therefore considered to be acceptable with respect to the impact on archaeology subject to the abovementioned planning condition.

FLOOD RISK AND DRAINAGE

5.91 The Council's Engineering section and Northumbrian Water have been consulted on the application and have confirmed that they have no objections or comments with respect to the proposal.

5.92 The application is therefore considered to be acceptable with respect to matters of flood risk and drainage.

OTHER PLANNING MATTERS

5.93 The neighbouring land user to the south at 33 Wooler Road, whilst not objecting to the application, has raised concerns with respect to security along the shared boundary with the site. This boundary currently features an approx. 1.6-1.8 metre high closed boarded fence and significant planting. In view of these comments the applicant submitted amended plans to include the provision of an approx. 2.25 metre high new boundary fence and trellis and additional shrub planting along this

boundary. Furthermore, Cleveland Police have been consulted on the application and have confirmed that they have no objections to the proposed development. Notwithstanding this, the police have provided recommendations with respect to crime prevention and community safety measures including external lighting, CCTV provision and physical security of doors and windows. A suitable informative is therefore recommended to make the applicant aware of Cleveland Police advice.

5.94 The Council's Countryside Access Officer has been consulted and has confirmed that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. It is therefore considered there would be no impact on public rights of way.

5.95 The submitted proposed site plan allocates space for 2no. 1100 litre waste bins to the north east corner of the building. No comments or objections have been received from the Council's Waste Management section. The application is therefore considered to be acceptable with respect to waste management.

RESIDUAL MATTERS

5.96 Comments have been received from a neighbouring land user with concerns that the applicant may purchase the adjacent residential property at 35 Wooler Road and subsequently use it for a commercial use in conjunction with the proposed hotel use at Wilton Grange. Each application must be considered on its own merits and in view of the details submitted. The current proposal does not relate to any part of the adjacent property and the applicant has not proposed any such use to the Local Planning Authority. Notwithstanding this, any such use would require further planning permission and should an application for such a proposal come forward in future, this would be subject to further consideration by the Local Planning Authority, including further public consultation.

5.97 Cleveland Fire Brigade has provided advice with respect to access criteria for fire appliances and has raised concerns with regards to the fire strategy for this proposal. However, ultimately this matter is covered by separate legislation (building regulations) and is beyond the remit of the Local Planning Authority. Nevertheless, a suitable informative is recommended to make the applicant aware of this advice and Cleveland Fire Brigade has confirmed that further comments may be made through the building regulations consultation process, as required.

PLANNING BALANCE AND OVERALL CONCLUSION

5.98 With regard to the abovementioned material planning considerations and the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF, the application is considered on balance to be acceptable and is recommended for approval subject to the planning conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.99 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.100 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.

5.101 There are no Section 17 implications.

REASON FOR DECISION

5.102 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 the following approved plan(s) and details;

Drawing No 2701 (Existing Floor Plans)
 Drawing No 2702 (Existing Elevations)
 Drawing No 2703 (Proposed Floor Plans)
 Drawing Ref. AMS EXI (Existing Trees Shown on Existing Layout)
 Drawing Ref. AIA TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)
 Drawing Ref. AMS TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)
 Drawing No. E3 (Overall Dimensions of ESP4500)
 Proposed Socket & switch rewire detail – Wilton Grange – C
 First floor gallery bannister rail modification detail-2
 received 06 April 2018 by the Local Planning Authority;

Site Location Plan (1:1250 scale print at A4)
 Drawing No 2704 Revision A (Proposed Elevations)
 received 24 April 2018 by the Local Planning Authority;

Drawing No 2705 Revision A (Existing Site Plan)
 received 03 May 2018 by the Local Planning Authority;

and amended plans;

Drawing No 2706 Revision D (Proposed Site Plan)
 received 08 June 2018 by the Local Planning Authority
 For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of visual amenity and to protect the character and setting of the Listed Building.

4. A) No works 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 works shall take place other than in accordance with the Written Scheme of Investigation approved under part (A) of this condition.

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 part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
The site is of archaeological interest.

5. 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 and to protect the character of the Listed Building.

6. Notwithstanding the submitted details and prior to commencement of the development, large scale details of the proposed single storey W/C and lobby extension (including section drawings, finishing materials, how the extension will fix to the building and details of the proposed windows), as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority and Drawing No 2704 Revision A (Proposed Elevations) received 24th April 2018 by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

In the interests of visual amenity and to protect the character of the Listed Building.

7. Notwithstanding the submitted details and prior to the commencement of the development, details of the siting and design of four commercial bat boxes to be erected either on the building or in mature trees remaining within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
8. No development shall take place until the agreed scheme for the protection during construction works of all trees within and adjacent to the site is implemented in accordance with the measures stipulated within Drawing Ref. AIA TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and Drawing Ref. AMS TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 6th April 2018 by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any tree removal must be carried out without damaging those trees/root systems adjacent to them. Any trees which are removed (other than those specified within the approved plans and details above), seriously damaged or die as a result of the site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of amenity value
9. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes 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 agreed scheme shall be implemented prior to 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.
In the interests of visual amenity and to protect the character and setting of the Listed Building
10. Notwithstanding the submitted details and prior to the commencement of any works to the boundaries of the property, final details of means of all boundary enclosures (including fence colour, finishing material details, details of works to the eastern boundary wall and large scale gate details) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of the neighbouring property, visual amenity and to protect the character and setting of the Listed Building.

11. Prior to the commencement of works to install the proposed ground floor unisex disabled toilet, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, full details of ventilation measures to this room 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.
In the interests of visual amenity and to protect the character of the Listed Building
12. Prior to the installation of the cocktail bar to the proposed ground floor cocktail lounge, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, full details of the bar, including how this is to be fixed, 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 Listed Building.
13. Prior to the formation of the new opening and installation of steps between the proposed ground floor breakfast rooms, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of the proposed works, including the design and finish of the opening, steps and balustrade, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.
To protect the character of the Listed Building.
14. Prior to the installation of the proposed lift, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of any repair/replacement work to make good any areas affected by works to accommodate the proposed lift 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 Listed Building.
15. Prior to the subdivision of any of the internal spaces within the building, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of any new doors and details of how new walls will be detailed 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 Listed Building.
16. Notwithstanding the submitted details and prior to the erection of any canopy, cover or other associated structure for the storage of bins, full details of the appearance, layout and scale of the bin store 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.
In the interests of visual amenity and to protect the character and setting of the Listed Building.

17. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
In the interests of the amenities of the occupants of neighbouring properties, visual amenity and to protect the character and setting of the Listed Building.
18. Notwithstanding the submitted details and the provisions of condition 08 (tree protection measures) and condition 10 (boundary enclosure details), should any trees or root systems along the eastern boundary of the site be affected by the proposed works to the eastern boundary wall of the site then, prior to commencement of the works, a scheme for the protection during the works of any trees along this boundary shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details. Any trees which are removed (other than those specified within Drawing Ref. AIA TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and Drawing Ref. AMS TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 6th April 2018 by the Local Planning Authority), seriously damaged or die as a result of the works to the eastern boundary wall shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of visual amenity and to protect those trees along the eastern boundary of the site that are considered to be of an amenity value.
19. The landscaping and tree and shrub planting hereby approved shall be implemented in strict accordance with the following plans and details; Drawing Ref. AIA TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and Drawing Ref. AMS TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 6th April 2018 by the Local Planning Authority, unless an alternative 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 occupation of the building for the approved use or completion of the development, whichever is the sooner. Any tree removal must be carried out without damaging those trees/root systems adjacent to them. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed (other than those specified within the approved plans and details above) 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.
20. The clearance of any vegetation, including trees and hedgerows and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably

qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. In the interests of protecting breeding birds.

21. The vehicular and pedestrian access and car parking areas hereby approved shall be laid out in accordance with Drawing No 2706 Revision D (Proposed Site Plan), received 8th June 2018 by the Local Planning Authority, prior to the occupation of the building for the approved use, to the satisfaction of the Local Planning Authority.
In the interest of highway safety.
22. The development hereby approved shall not be open to members of the public, other than those guests staying overnight at the hotel, outside of the hours of 0800 and 2330 Mondays to Sundays inclusive.
In the interests of the amenities of the occupants of neighbouring properties.
23. The proposed ground floor female WC window(s) located in the north elevation of the proposed single storey extension, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority and Drawing No 2704 Revision A (Proposed Elevations) received 24th April 2018 by the Local Planning Authority, shall be fixed and glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent which shall be installed before the extension is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to clear glazed windows would not satisfy the requirements of this condition.
To prevent overlooking.
24. The proposed ground floor breakfast room(s), cocktail lounge/bar, dining & conference room, grand hall and all other internal and external communal areas, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, shall be and shall remain ancillary to the approved use of the site as a hotel for the lifetime of the development, and shall at no time operate independently of the approved use.
For the avoidance of doubt and to control the development in accordance with the submitted details
25. Demolition or construction 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.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

5.103 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

5.104 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

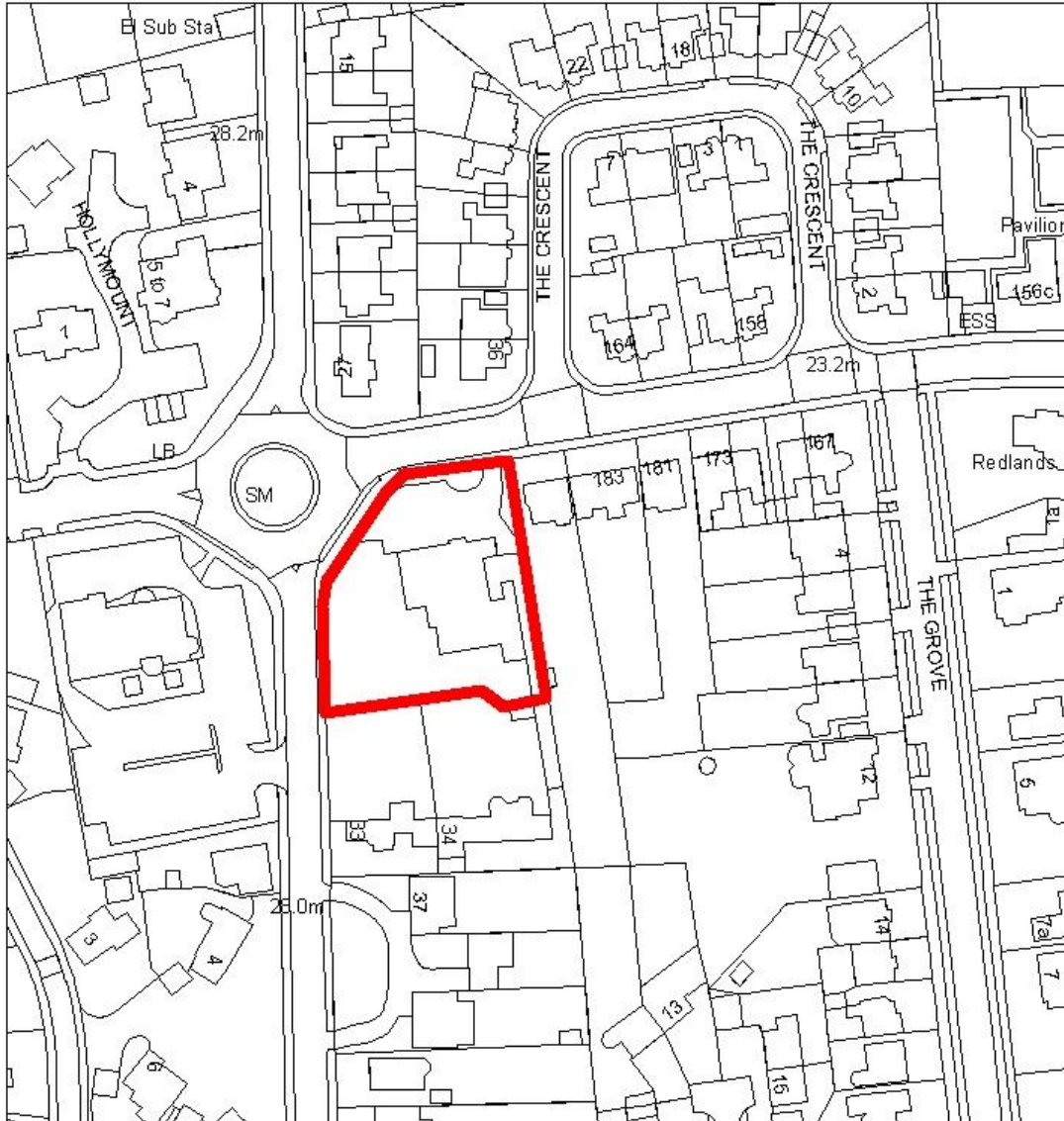
AUTHOR

5.105 Ryan Cowley
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523279
E-mail: Ryan.Cowley@Hartlepool.gov.uk



WILTON GRANGE, GRANGE ROAD



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1 style="margin: 0;">HARTLEPOOL</h1> <h2 style="margin: 0;">BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0111	REV

No: 6
Number: H/2018/0112
Applicant: MR D ATKINSON 187 GRANGE ROAD HARTLEPOOL
 TS26 8LX
Agent: MA ARCHITECTURE + HERITAGE MR M ATKINSON
 47 KITCHENER TERRACE NORTH SHIELDS NE30
 2HH
Date valid: 03/05/2018
Development: Listed building consent for change of use to hotel with
 restaurant and bar areas, single storey extension, new car
 parking layout with retained vehicular access point,
 pedestrian access to Wooler Road, internal and external
 repairs, trees and landscaping management and
 associated works
Location: WILTON GRANGE 187 GRANGE 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 history is relevant to the application site;

6.3 HO/1974/0425 – Planning permission was granted on 3rd December 1974 for conversion to accommodate elderly persons and warden's accommodation and the erection of 6 bungalows and 6 flats at rear.

6.4 H/1977/0240 – Listed Building Consent was granted on 5th July 1977 for alterations to form a private residential hotel.

6.5 H/1977/0588 – Planning permission was refused on 8th November 1977 for use of Wilton Grange, Wooler Road as a four star hotel.

6.6 H/1980/0094 – Planning permission was granted on 1st April 1980 for dual use as private tuition/private residence.

6.7 H/1981/0716 – Planning permission was refused on 21st December 1981 for change of use of part of dwelling as private school (involving 3 rooms, 30 pupils of secondary school age, 25 hours per week, 36 weeks per year).

6.8 HOUT/1988/0009 – Outline planning permission was refused on 24th February 1988 for the erection of a detached dwelling.

6.9 HTPO/1999/0425 – Consent was granted on 30th September 1999 for tree Works including pruning and felling of 1 Elm and 1 Sycamore tree covered by TPO 35.

6.10 H/2006/0290 – Consent was granted on 17th May 2006 for pruning to trees T1 (beech) T2 (beech) T3 (beech) T4 (sycamore) T5 (horsechestnut) and T6 (elm) covered by tree preservation order (TPO 35).

6.11 H/2011/0359 – Prior approval was not required on 8th September 2011 for an application to determine whether the prior approval of the Local Planning Authority is required for the siting and appearance of a single BT telecommunication DSLAM cabinet outside 187 Grange Road.

6.12 H/2014/0006 – Consent was granted on 19th February 2014 for tree works.

6.13 H/2018/0111 – A valid planning application was received on 3rd May 2018 for change of use to hotel with restaurant and bar areas, single storey extension, new car parking layout with retained vehicular access point, pedestrian access to Wooler Road, internal and external repair, trees and landscaping management and associated works.

PROPOSAL

6.14 Listed Building Consent is sought for change of use of the existing property to a hotel with restaurant and bar areas, a single storey extension, new car parking layout with retained vehicular access point, new pedestrian access to Wooler Road, internal and external repairs, trees and landscaping management and associated works.

6.15 The proposed use comprises a boutique hotel with ancillary function space at ground floor, including breakfast rooms, a bar, kitchen facilities and a restaurant/conference room, and 8 en-suite guest bedrooms at first floor. Staff would be on site 24 hours. The submitted Planning Support, Design & Access Statement states it is expected that the proposed layout would be particularly suited to holding wedding functions.

6.16 The proposed extension comprises a single storey W/C and lobby extension projecting approximately 2 metres beyond the eastern (side) elevation of the original building and approximately 6.3 metres beyond the southern (rear) elevation of the original building. The extension constitutes an approximate 19.25m² increase in the ground floor area. The proposed extension features a flat roof to the W/C section with a total height of approximately 3.1 metres. This part of the extension features a single north (front) facing W/C window. The lobby section of the extension sits within the rear garden area at a slightly higher level to the W/C part of the extension and is predominantly glazed with a low level exterior wall and a glazed dual pitched roof with an eaves height of approximately 2.75 metres and a ridge height of approximately 3.4 metres.

6.17 The proposed parking comprises an extension of the existing parking areas, currently located to the front of the building only, to encompass the majority of the side (west) garden area. The car park will provide 27 guest parking spaces, including 2 disable bays, and (additionally) 3 staff parking spaces. The car park also features a

loading area for deliveries to the north east corner of the building and a turning area at the south west of the site. The proposal also include the widening of the existing vehicular access to Grange Road by approximately 2 metres from approx. 3.9 metres to approx. 5.9 metres to allow two vehicles to enter and exit the site simultaneously. In addition, the proposals also include the creation of a new pedestrian access to Wooler Road at the south west corner of the site.

6.18 The proposed additional external alterations to the building are confined to a kitchen extract cowl located on the roof of the building to serve kitchen ventilation plant located in the roof void. There are no other alterations to the external building fabric proposed, with the exception of repair work where necessary. Internally, the proposal comprises alterations to the internal layout of the building at both ground and first floor, including the creation of additional rooms/subdivision of rooms, new openings, the provision of a guest lift and internal repairs where necessary.

6.19 The proposed landscape management proposals include the removal of 5no. trees to the west of the site, 4no. trees along the east of the site, sections of hedgerow along the north and west boundaries and sections of grouped vegetation at the north west and north areas of the site. The proposals also include the planting of a number of new lemon trees to parking areas and shrubbery along the southern boundary.

6.20 Other associated works include the provision of railings to the north and west boundary walls, the provision of a 2.25 metre high boundary fence and trellis along the southern boundary and rebuilding/repair work to the eastern boundary wall.

6.21 The application has been referred to planning committee as it is associated with the 'full' planning application (H/2018/0111) that has been referred to planning committee as more than 2 objections have been received.

SITE CONTEXT

6.22 The application site comprises a grade II listed two storey building located in the Park Conservation Area at 187 Grange Road, Hartlepool. Both the building and the conservation area are considered to be designated heritage assets.

6.23 The immediate area is predominantly residential. The application site is bounded to the north and west by adopted highway along Grange Road and Wooler Road, respectively. To the west, beyond the adopted highway, lies The White House public house. To the north, beyond the adopted highway are residential dwellings at 27 Wooler Road and 35 The Crescent. To the east, the application site is bounded by a residential property at 185 Grange Road. To the south, the application site is bounded by residential properties at 33 and 35 Wooler Road.

PUBLICITY

6.24 The application was advertised by way of neighbour letters (21), press notice and a site notice with the following responses received;

- 1 objection has been received with the following comments:

- *“Mainly prime residential area will be further spoiled. It is on one of the busiest roads in Hartlepool. The roundabout + puffin crossing are in too close proximity. Further noise and smells to residential area.”*
- 4 letters of do not object have been received with the following comments (summarised);
 - Concerns with respect to noise/disturbance – restrictions should be applied
 - Concerns over impact on parking/highway safety – restrictions should be applied to adopted highway adjacent and to vehicles entering/exiting site
 - Overflow parking should be provided
- 1 letter of support has been received with the following comments (summarised):
 - Proposed development is sensitive and respectful
 - Wilton Grange is magnificent example of an Arts and Crafts building
 - Welcome opportunity to stay in such a beautiful building and sure others will feel the same
 - Great for building to have new and inclusive lease of life and for others to share it
 - Hartlepudlians would be very proud to have the building as a showcase for their town
 - It will bring tourism and employment to Hartlepool
 - It will allow more people to discover artistic heritage of town

6.25 Copy Letters F

6.26 The period for publicity has expired.

CONSULTATIONS

6.27 The following consultation replies have been received:

HBC Economic Development – Do not object

HBC Engineering Consultancy – No objections to this application.

HBC Heritage and Countryside Manager – The application site is Wilton Grange a grade II listed building located in Park Conservation Area both of which are recognised as designated heritage assets.

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

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities

to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.'

When considering development 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 HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

Wilton Grange is a substantial property constructed in 1902 – 03. The significance of the designated heritage asset lies in its aesthetic and historical value as a fine example of a property built in this area at a time when industry was growing and

those made wealthy through this were looking to move away from the town centre and so developed property within the west park area.

The proposal is the change of use of the building to a hotel and associated works to facilitate this.

There are no objections in principle to the proposed change of use.

With regard to the exterior of the building it is noted that this will remain largely unchanged, save for the new plant to the roof of the property.

In relation to the internal changes to the building, it is welcomed that the principal rooms will remain unaltered which will result in the retention of many of the fine architectural details within the building that contribute to its listed status. In particular the following are noted / additional information is requested;

- Walls removed to the cellar; it is considered that these do not contribute to the significance of the listed building therefore no objections.
- The removal of the staircase to the basement in order to accommodate a disabled toilet is noted. Could information be provided on how this will be ventilated.
- Could details of the bar in the lounge be provided, will this be free standing or fixed?
- A new door is to be provided between the breakfast rooms, large scale details of this are required.
- The loss of the safe is noted; however it is positive that the door will remain as a feature within the room.
- The installation of a lift is noted, where this will cause disruption to existing fabric i.e. panelling to ground floor hallway, large scale details of repair/replacement work to make good areas should be provided.
- The subdivision of rooms will result in the introduction of new doors and wall, large scale details of new doors and how new walls will be detailed should be provided.

With regard to the first floor facilities there is no objection to the proposed layout. The loss of the corridor is noted however it is acknowledged that there are later additions and alterations within this space.

There are no objections to the provision of a small extension in order to provide new facilities, however it is requested that large scale details and information on the materials are provided.

To the ground of the building part of the garden will be lost to provide onsite car parking. Details are not provided indicating the surface treatment. In addition an area for bin storage is provided but no details of any cover to these. It is accepted that these works will change the setting of the listed building but are required in order to facilitate the end use therefore a condition on the final details is requested.

The boundary wall to the property is proposed to be altered to provide separate pedestrian and vehicular access. In addition railings are proposed on top of the existing all. There would be no objections to these works.

The proposal will cause less than substantial harm to the listed building however it is accepted that this harm is outweighed by the long term use that will be provided within the property therefore on balance the proposal is considered to be acceptable.

UPDATE 13/06/18: Photographic/historic building survey and full schedule of works should be secured by condition.

HBC Countryside Access Officer – No representation received.

HBC Ecology – I have studied the Protected Species Assessment Report prepared by JP Environmental Solutions, dated March 2018. This investigates the concerns I expressed at the Informal Enquiry stage regarding the potential for some of the trees to be used by roosting bats.

I am satisfied that all of the trees are assessed as having negligible/ low suitability for bats. No further survey and no mitigation measures are required.

Conditions

I recommend that the standard bird nesting condition is used.

NPPF biodiversity enhancement

I recommend the erection of four commercial bat boxes, either on the building if its heritage status allows, or in mature trees remaining within the grounds.

HBC Landscape – I have previously met the applicant on site and discussed the tree proposals and the constraints/structural problems that they have with the proposed layout and existing building. Wilton Grange has a history of problems associated with some of the trees on this site which has been identified by the report accompanying this application. The TPO (TPO 35) on this site is an early one and much has changed since this was made. Although there are a large number of trees that will be removed to accommodate a new parking layout, address structural issues and allow those remaining to develop to their full potential, there should be a benefit to those trees remaining as they will be able to make use of the additional space.

It is important that if consent is given that the tree issues are carried out as shown in the tree protection plan (AIATPP dated 29/03/2018) which shows the vulnerable root areas as a green hatched area. It is also important that the details in the Arboricultural Method Statement are carried out as described (AMSTPP dated 29/03/2018).

Any tree removal will need to be carried out without damaging those trees/root systems adjacent to them.

No objection to the scheme in principle.

HBC Public Protection – Do not object.

HBC Traffic & Transport – The site utilises an existing access which has been widened to 6 metres this provides an acceptable form of entry / exit.

The proposed pedestrian access on Wooler Road is acceptable

The proposed car park layout and the number of parking bays provided are acceptable.

I have no Highway traffic concerns with this application

HBC Waste Management – No representation received

Cleveland Fire Brigade – No representation received.

Historic England – Thank you for your letter of 15 May 2018 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Hartlepool Water – No representation received.

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 – In relation to this proposed development Police have no objections but would recommend the following measures in relation to crime prevention and community safety.

Parking Areas

These should be well lit to deter criminal activity and reduce fear of crime lighting which meets the requirements of BS 5489 2013 would ensure this, vehicles should ideally be overlooked by active rooms such as reception if natural surveillance not available then consideration should be given to providing formal surveillance through CCTV.

Reception Areas

To prevent casual intrusion it important that access is controlled to accommodation/private areas CCTV coverage of this area would be of benefit

Physical Security

All doors and accessible windows should deter unauthorised access emergency exit doors can be particular vulnerable and advised to be connected to an intruder alarm system Doors and windows that are certified to PAS24 2016 would prove to be of a good level of security.

Licensed Bar

I am not aware if this will be for residents only licencing will need to consulted in due course particular if this will available for non- residential use.

Tees Archaeology – Wilton Grange is a Grade II listed building with surviving original interiors. It would be appropriate for the developer to commission an historic building survey as a record of the building prior to any development. The existing plans and elevations, and the heritage statement carried out by Michael Atkinson, should form the basis of the survey. The work should consist principally of interior and exterior scaled photography, a written description, documentary research, and a report bringing these elements together. This should be carried out by a suitably qualified professional, and 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 works 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 works 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.

Hartlepool Civic Society – Hartlepool Civic Society is pleased that plans are going through the application process for the repair and re-use of Wilton Grange.

Society members have toured the property and were shown essential repair work already undertaken and also the owner's plans for the way in which the property would be used for the boutique hotel. We were both relieved and impressed at the very clear respect and pride, evident for this historic architectural gem.

Studying the plans we were sorry to see that the garden would be largely lost to provide car parking. This, however, is a requirement to enable the listed building to sustain its new role and therefore a price worth paying.

The plans presented indicate that Mr Atkinson's aim is to ensure that at every opportunity, even if it will add to cost, the original and unique features will be retained, indeed a clear appreciation of their economic value and positive contribution to be gained in attracting visitors is suggested.

It is understood that some new partition walling, largely associated with providing en-suite facilities, will be 'plain' – to express the fact that they are modern additions to the historic fabric and wonder at the success of the juxtaposition with original features such as coving. On balance, this is outweighed by the clear efforts being made to respect the many wonderful features to be found in Wilton Grange. Features such as the safe door charmingly retained for room keys while the strong room behind, is to be cleverly used for the installation of a lift.

New details, such as the handrail to the gallery around the central hall are a further example of the great care being taken to meet modern standards while maintaining the building's original, if complex, beauty.

The Society is pleased to support this application as it represents an outstanding project which will undoubtedly secure the future of this listed building and also provide a valuable new facility for Hartlepool's future. We look forward to seeing the completed project and we wish Mr Atkinson every success with Hartlepool's first Boutique Hotel.

PLANNING POLICY

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

Adopted Hartlepool Local Plan 2018

6.29 The Hartlepool Local Plan was adopted in May 2018. The following policies are considered to be relevant to the determination of this application;

CC1: Minimising and adapting to Climate Change
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 HE8 : Works to Listed Buildings (including Partial Demolition)
 LS1: Locational Strategy
 LT4: Tourist Accommodation
 NE1: Natural Environment
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC1: Retail and Commercial centre Hierarchy
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)

6.30 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
 PARA006: Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA035: Practical location of development

PARA 056 : Design of built environment
 PARA 064 : Refusal for development of poor design
 PARA069 : Social interaction and creating healthy, inclusive communities
 PARA 096 : New development
 PARA 128 : Heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA186: Decision taking in a positive way
 PARA 187 : Solutions not problems
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development
 PARA 216: Emerging Plans

6.31 **HBC Planning Policy** - Planning Policy have no objections to the proposed development. It is considered that the applicants are appropriately mitigating any potential harm to the character of the building and any internal changes will be appropriate. The development within the currently vacant building will support the viable re-use of the building, in accordance with policy HE4 therefore the listed building consent for change of use is supported by Planning Policy.

PLANNING CONSIDERATIONS

6.32 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposal on the character and setting of the listed building. This and any other residual matters are considered in detail below.

IMPACT ON THE CHARACTER AND SETTING OF THE LISTED BUILDING

6.33 The property comprises a grade II listed two storey building located in the Park Conservation Area at 187 Grange Road, Hartlepool. Both the building and the conservation area are considered to be designated heritage assets.

6.34 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

6.35 In considering applications for listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.36 The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement within the setting of heritage assets to better reveal their significance (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). The National Planning

Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

6.37 At a local level, policy HE1 (Heritage Assets) of the 2018 Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings and Structures) of the Local Plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.'

6.38 Further to this, Local Plan policy HE3 (Conservation Areas) 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.'

6.39 The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwellings which once sat within generous grounds are being subsumed by development.

6.40 Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

6.41 Wilton Grange is a substantial property constructed in 1902 – 03. The significance of the designated heritage asset lies in its aesthetic and historical value as a fine example of a property built in this area at a time when industry was growing and those made wealthy through this were looking to move away from the town centre and so developed property within the west park area.

6.42 The Council's Heritage and Countryside Manager has confirmed that they do not have any objections in principle to the proposed change of use. With regard to the alterations to the exterior of the building, it is noted that this will remain largely unchanged, save for the new plant to the roof of the property.

6.43 The Council's Heritage and Countryside Manager has also confirmed that they have no objections to the proposed single storey extension, however it is requested that large scale details and information on the materials are provided prior to commencement of the works and an appropriate planning condition is therefore recommended accordingly.

6.44 In relation to the internal changes to the building, the Council's Heritage and Countryside Manager has commented that it is welcomed that the principal rooms

will remain unaltered which will result in the retention of many of the fine architectural details within the building that contribute to its listed status. With regard to the first floor facilities there is no objection to the proposed layout.

6.45 Notwithstanding this, further details have been requested with respect to various aspects of the proposed works including the removal of a staircase to the basement to accommodate a ground floor W/C, the provision of a bar in the proposed ground floor lounge, the creation of a new opening between the proposed ground floor breakfast rooms, works to facilitate the installation of a lift and subdivision of existing rooms. Appropriate planning conditions are therefore recommended to secure further/final details prior to any works on these aspects of the development commencing.

6.46 The Council's Heritage and Countryside Manager accepts that works are required to provide onsite car parking and external bin storage however has requested that final details of these are provided. Suitable planning conditions are therefore recommended with respect to securing final details of hard landscaping and any bin store structures before any works in respect of these matters are commenced, though it is noted the applicant has not indicated any intention to erect any external bin store structures.

6.47 The Council's Heritage and Countryside Manager has no objections to the alterations to the boundary walls of the property (including the addition of railings) and provision of separate pedestrian and extended vehicular accesses.

6.48 The Council's Heritage and Countryside Manager has also requested conditions requiring a historic building survey and full schedule of the proposed works be provided prior to commencement of the development, and these are recommended accordingly.

6.49 Tees Archaeology has been consulted on the application and has also advised that, as Wilton Grange is a grade II listed building with surviving original interiors, it would be appropriate for the developer to commission an historic building survey as a record of the building prior to any development. This should be carried out by a suitably qualified professional, and made publicly accessible in line with the advice given in NPPF para 141. Tees Archaeology has confirmed that the historic building recording could be secured by means of a planning condition, as above. No further concerns have been raised by Tees Archaeology.

6.50 In addition, Hartlepool Civic Society has submitted representations in support of this application, commenting that the proposal represents an outstanding project which will secure the future of the listed building and provide a valuable new facility for Hartlepool's future.

6.51 In view of the above considerations, the Council's Heritage and Countryside Manager has concluded that the proposal will cause less than substantial harm to the listed building however it is accepted that this harm is outweighed by the long term use that will be provided within the property. It therefore considered on balance that the proposal is acceptable with respect to the impact on the character and setting of the listed building, subject to the abovementioned planning conditions, and

is in accordance with policies HE1, HE3, HE4 and HE7 and paragraphs 126, 128, 131, 132, and 137 of the NPPF.

RESIDUAL MATTERS

6.52 Comments have been received from neighbouring land users and internal and external consultees with respect to the impacts of the proposal on landscape features and protected trees, the amenity and privacy of neighbouring land users, highway and pedestrian safety and car parking, ecology and nature conservation, flood risk and drainage and safety and security. These matters are beyond the scope of this application for Listed Building Consent however have been considered in full as part of the associated full application for planning permission (ref: H/2018/0111) received at the same time as this application.

PLANNING BALANCE AND OVERALL CONCLUSION

6.53 With regard to the abovementioned material planning considerations and the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF, the application is considered on balance to be acceptable and is recommended for approval subject to the planning conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.54 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.55 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.

6.56 There are no Section 17 implications.

REASON FOR DECISION

6.57 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 the following approved plan(s) and details;

Drawing No 2701 (Existing Floor Plans)
Drawing No2702 (Existing Elevations)

Drawing No 2703 (Proposed Floor Plans)
 Drawing Ref. AMS EXI (Existing Trees Shown on Existing Layout)
 Drawing Ref. AIA TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)
 Drawing Ref. AMS TPP (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)
 Drawing No. E3 (Overall Dimensions of ESP4500)
 Proposed Socket & switch rewire detail - Wilton Grange - C
 First floor gallery bannister rail modification detail-2
 received 06 April 2018 by the Local Planning Authority;

Site Location Plan (1:1250 scale print at A4)
 Drawing No 2704 Revision A (Proposed Elevations)
 received 24 April 2018 by the Local Planning Authority;

Drawing No 2705 Revision A (Existing Site Plan)
 received 03 May 2018 by the Local Planning Authority;

and amended plans;

Drawing No 2706 Revision D (Proposed Site Plan)
 received 08 June 2018 by the Local Planning Authority
 For the avoidance of doubt.

3. Notwithstanding the submitted details and prior to the commencement of development, a full detailed schedule of the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
 In the interests of visual amenity and to protect the character and setting of the Listed Building.

4. A) No works 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 works shall take place other than in accordance with the Written Scheme of Investigation approved under part (A) of this condition.

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

The site is of archaeological interest.

5. 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 and to protect the character of the Listed Building.

6. Notwithstanding the submitted details and prior to commencement of the development, large scale details of the proposed single storey W/C and lobby extension (including section drawings, finishing materials, how the extension will fix to the building and details of the proposed windows), as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority and Drawing No 2704 Revision A (Proposed Elevations) received 24th April 2018 by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. In the interests of visual amenity and to protect the character of the Listed Building.

7. Notwithstanding the submitted details and prior to the commencement of the development, details of the siting and design of four commercial bat boxes to be erected either on the building or in mature trees remaining within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.

8. Notwithstanding the submitted details and prior to the commencement of any works to the boundaries of the property, final details of means of all boundary enclosures (including fence colour, finishing material details, details of works to the eastern boundary wall and large scale gate details) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the amenities of the occupants of the neighbouring property, visual amenity and to protect the character and setting of the Listed Building.

9. Prior to the commencement of works to install the proposed ground floor unisex disabled toilet, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, full details of ventilation measures to this room 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.

In the interests of visual amenity and to protect the character of the Listed Building.

10. Prior to the installation of the cocktail bar to the proposed ground floor cocktail lounge, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, full details of the bar, including how this is to be fixed, 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 Listed Building.
11. Prior to the formation of the new opening and installation of steps between the proposed ground floor breakfast rooms, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of the proposed works, including the design and finish of the opening, steps and balustrade, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.
To protect the character of the Listed Building.
12. Prior to the installation of the proposed lift, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of any repair/replacement work to make good any areas affected by works to accommodate the proposed lift 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 Listed Building.
13. Prior to the subdivision of any of the internal spaces within the building, as shown on Drawing No 2703 (Proposed Floor Plans) received 6th April 2018 by the Local Planning Authority, large scale details of any new doors and details of how new walls will be detailed 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 Listed Building.
14. Notwithstanding the submitted details and prior to the erection of any canopy, cover or other associated structure for the storage of bins, full details of the appearance, layout and scale of the bin store 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.
In the interests of visual amenity and to protect the character and setting of the Listed Building.
15. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.

In the interests of the amenities of the occupants of neighbouring properties, visual amenity and to protect the character and setting of the Listed Building.

BACKGROUND PAPERS

6.58 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

6.59 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

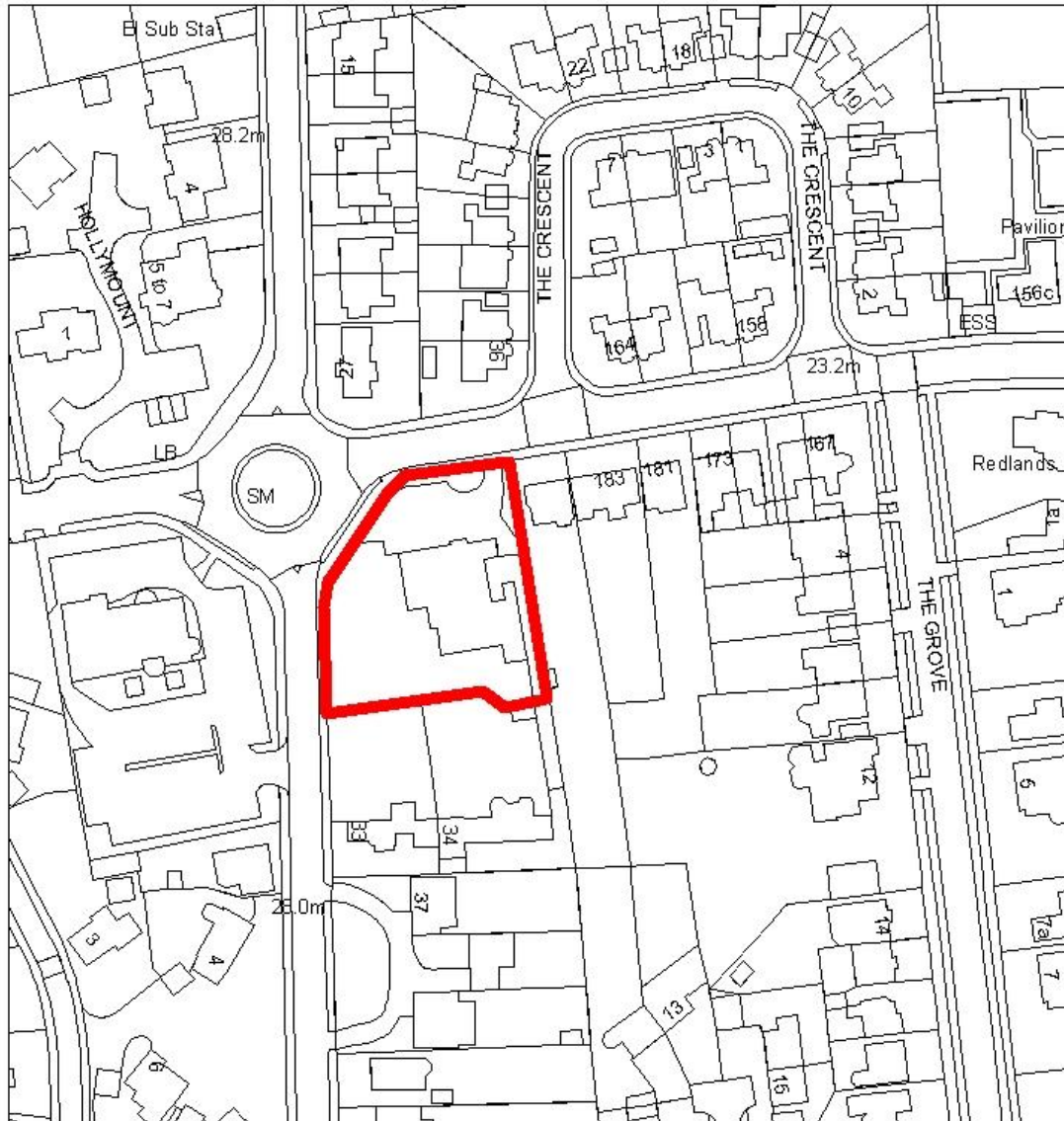
AUTHOR

6.60 Ryan Cowley
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523279
E-mail: Ryan.Cowley@Hartlepool.gov.uk



WILTON GRANGE, GRANGE ROAD



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1 style="margin: 0;">HARTLEPOOL</h1> <h2 style="margin: 0;">BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0112	REV

No: 7
Number: H/2017/0611
Applicant: MR E DUNKERLEY CONISCLIFFE ROAD
HARTLEPOOL TS26 0BT
Agent: GEORGE HIND 100 SPALDING ROAD HARTLEPOOL
TS25 2JP
Date valid: 23/02/2018
Development: Erection of two detached dormer bungalows and
associated hard and soft landscaping, boundary
treatments and access
Location: 4 HARTVILLE 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 following planning history is considered to be relevant to the current application site;

7.3 TPO/0000/0230 – Tree Preservation Order (TPO) effective from 19th June 2012 including 5 sycamore trees and 1 common ash tree within the application site.

7.4 H/2013/0272 – Planning permission was granted on 31st July 2013 for the erection of a 4 bedroom, two storey, detached dwellinghouse. This permission has not come forward.

PROPOSAL

7.5 Planning permission is sought for the erection of two detached dormer bungalows and associated hard and soft landscaping, boundary treatments and access.

7.6 Following receipt of amended plans, the proposed dormer bungalows comprise 1.5 storeys with an open plan lounge and kitchen/dining room, two bedrooms and a bathroom at ground floor and a third bedroom with dressing room and en-suite bathroom at first floor. The dormer bungalows also include an attached garage to the side of the main house. Each dormer bungalow measures approximately 9.97 metres in width by 8.95 metres in length. In addition, the proposed attached garage(s) project approximately 2.84 metres beyond the side elevations of their respective dormer bungalows, with a length of approximately 6.1 metres, and a set back from the front elevation(s) of the dormer bungalows of approximately 1.976 metres. The proposed dormer bungalows feature a dual pitched roof design with side

facing gable, including first floor dormer windows and roof lights to the front, with a maximum eaves height of approximately 2.55 metres and a total ridge height of approximately 7.25 metres.

7.7 The proposals also incorporate hard and soft landscaping to external areas including the provision of a small garden area with private driveway access to the proposed garages at the front of the property and a rear garden area with part hard and part soft landscaping. Both driveways are accessed via Verner Road. The proposed dormer bungalows also feature a separate pedestrian access each onto Verner Road. The rear gardens of the properties are accessed via an alleyway between the two dormer bungalows.

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

SITE CONTEXT

7.9 The application site comprises a vacant plot of land and former garden area located to the rear of 4 Hartville Road. The site of the proposed dormer bungalows is bounded to the north by the residential property at 4 Hartville Road, to the west by a residential property at Fox Haven and to the south by a residential property at 15 Verner Road. To the east of the application site lies the adopted highway along Verner Road with residential bungalows at 16, 18, 20 and 22 Verner Road beyond. The application site accommodates a number of trees along the eastern and western boundaries protected by virtue of Tree Protection Order (TPO) 230.

PUBLICITY

7.10 The application has been advertised by way of neighbour letters (15) and a site notice. To date, 3 objections have been received with the following comments (summarised);

- Highway safety risk due to proposed access onto Verner Road and location opposite existing driveways
- Proposal will increase traffic/congestion
- Detrimental impact on access for residents, deliveries, refuse collection, emergency services
- Detrimental impact on car parking (incl. reducing on-street parking)
- Proposals could impact on TPO trees
- Loss of privacy to neighbouring land users (incl. through overlooking)
- There will be construction disruption (incl. impact on emergency access)
- Overdevelopment of the site
- Proposed dwellings are too large/out of keeping with area

7.11 Copy Letters **G**

7.12 The period for publicity has expired.

CONSULTATIONS

7.13 The following consultation replies have been received:

HBC Traffic and Transport – There are no highway or traffic concerns, both properties provide sufficient parking.

The drive crossings should be constructed in accordance with the Hartlepool Borough Council Design Guide and Specification and installed by a NRSWA accredited contractor.

UPDATE 01/05/18: I have no objections to the proposed amendment.

UPDATE 12/07/18: There are no highway or traffic concerns, both properties provide sufficient parking.

The drive crossings should be constructed in accordance with the Hartlepool Borough Council Design Guide and Specification and installed by a NRSWA accredited contractor.

HBC Public Protection – I would have no objections to this application in this location subject to the following conditions. In the interests of the amenities of the occupants of neighbouring properties.

Demolition or construction 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.

There should be adequate dust suppression facilities on site.

There should be no open burning at any time on the site

HBC Arboricultural Officer – I have been involved with this site previously and although there are trees on this site, having discussed the design solutions and seen the results of previous trial dig excavations, the proposed new build could be built without damaging the rooting areas of these trees. It is important to stress however that it is the roots that are the vulnerable part of the tree - the access road into the site needs to be constructed first so that the weight of any vehicles can be evenly distributed during the construction phase where it traverses within the root protection area and thereafter the 'Herras' fencing is to be erected to the line shown on the drawing.

HBC Ecology – NPPF paragraph 118 Biodiversity Enhancement

Paragraph 118 includes the bullet point: 'opportunities to incorporate biodiversity in and around developments should be encouraged'. This should be appropriate to the scale of the development and should be conditioned. The site is in an area of the borough which links to habitat supporting a high bat population. To enhance the area for bats, I recommend a condition that at least one integral bat roost brick, ridge tile or roof tile is incorporated into each new bungalow.

Bat access bricks are commercially available and can be fitted into ridges and/or roofs. I have studied the submitted plans and these show a loft void, so bat access could be provided through the ridge or through a tile in upper section of the roof. Companies such as Habitat embed a moulded tile into the tile of the builder's choice. Further information can be found at:

<http://www.habibat.co.uk/category/bat-access-tiles>

<https://heritagetiles.co.uk/index.php?p=articles-bat-access-tile-set-accessories-clay-roof-tiles>

<https://www.nhbs.com/bat-access-tile-set>

If a bat roof tile is to be fitted, the east elevation is preferred, however, as the eastern sides have windows in them, it would be acceptable to have them on the west elevations.

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

HBC Building Control – I can confirm that Building Regulations will be required for the works described in the attached consultation. Building Control sent a pre-submission letter to Mr Dunkerley in March 2018.

HBC Heritage and Countryside Manager – No representation received.

Tees Archaeology - I have checked the HER and can confirm that the proposed development should not have a significant impact on any known heritage assets. I therefore have no objection to the proposal and have no further comments to make.

HBC Engineering Consultancy – Can I please request a surface water condition on this application please?

Hartlepool Water – No representation received.

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 the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The Developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration); or where not reasonably practicable
- Discharge to a surface water body; or where not reasonably practicable
- Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
- Discharge to a combined sewer

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Cleveland Police - Although the proposed development is not located in a high crime area we would always recommend that crime prevention measures are adopted in the building of new homes to reduce the opportunity for crime. This will include both physical security and layout and design. In relation to physical security Police would always encourage the use of doors and windows that are certified to PAS24:2016. In relation to design it is always important to deter access to the private rear areas of properties therefore boundaries to these areas should be a min of 1.8m in height. Also dusk to dawn lighting to the rear of properties can help to deter criminal activity.

PLANNING POLICY

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

Hartlepool Local Plan 2018

7.15 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

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

National Planning Policy Framework (NPPF)

7.16 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 002 : Primacy of Development Plan
 PARA 006 : Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 049 : Housing applications and sustainable development
 PARA 056 : Design of built environment
 PARA 064 : Refusal for development of poor design
 PARA 069 : Social interaction and creating healthy, inclusive communities
 PARA 096 : New development
 PARA 186 : Decision taking in a positive way
 PARA 187 : Solutions not problems
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development

7.17 HBC Planning Policy - Planning policy have no objections to the proposed development. To ensure compliance with Local Plan policy QP7 and NPPF paragraph 96, it is trusted that the case officer will ensure the development is as energy efficient as possible.

PLANNING CONSIDERATIONS

7.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposed development on the amenity and privacy of neighbouring land users, the visual amenity of the application site and the character and appearance of the surrounding area, landscape features, ecology and nature conservation, highway and pedestrian safety and car parking, flood risk and drainage, and archaeology. These and all other planning and residual matters are considered in details below.

PRINCIPLE OF DEVELOPMENT

7.19 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

7.20 Paragraph 47 requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Following the adoption of the Hartlepool Local Plan in May 2018, the authority can now demonstrate a five year supply of deliverable housing sites.

7.21 Within the Hartlepool Local Plan 2018, this site lies within the limits to development on unallocated 'white land'. Policy QP3 of the 2018 Local Plan states that all new development must be safe and accessible, including by being located in a sustainable location or where there is potential for it to be well connected with opportunities for sustainable travel.

7.22 Whilst the site has not been identified through the Strategic Housing Land Availability Assessment (SHLAA) and has not been allocated as a housing site in the 2018 Local Plan, the proposed development is in a sustainable location within the development limits of Hartlepool, in an established residential area, and is within relative proximity to public transport and local centre amenities at Clavering Road.

7.23 Policy QP7 (Energy Efficiency) of the adopted Hartlepool Local Plan 2018 requires all developments to improve energy efficiency over and above the requirements of the building regulations either by virtue of the construction methods, layout and design of the site or by building fabric improvements.

7.24 The Council's Planning Policy section has confirmed that they have no objections to the principle of the development, subject to the development achieving high levels of energy efficiency, as required by policy QP7. A suitable planning condition is therefore recommended to secure this.

7.25 The principle of residential development in this location is therefore considered to be acceptable subject to the abovementioned planning condition and the consideration of all other relevant material planning considerations, as set out below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

7.26 Objections have been received from neighbouring land users citing concerns with respect to the proposed dormer bungalows resulting in a loss of privacy for neighbouring land users, through overlooking.

7.27 Policy QP4 (Layout and Design of Development) of the adopted Hartlepool Local Plan 2018 sets out minimum separation distances for new residential development. The policy requires that a minimum separation distance of 20 metres

is maintained between principal elevations and a separation distance of approximately 10 metres is maintained between gable to principal elevations.

7.28 To the north, a satisfactory separation distance of approximately 10 metres will be maintained between the blank gable elevation of the attached garage of the northernmost bungalow ('Unit 2') and the (principal) rear elevation of the dwellinghouse at 4 Hartville Road. A satisfactory separation distance of approximately 13 metres will also be maintained between the (principal) rear elevation of this neighbouring dwellinghouse and the blank gable elevation of 'Unit 2'. In addition, the shared boundary between the proposed northernmost bungalow and 4 Hartville Road features an approximately 1.8 metre high closed boarded fence. In view of this boundary screening, taking into account the abovementioned satisfactory separation distances and the absence of windows or doors in the northern side elevation of 'Unit 2', and given that the proposal is for dormer bungalows (with relatively modest eaves heights), it is considered that there would be no significant detrimental impact on the amenity or privacy of neighbouring land users to the north in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

7.29 To the east, the proposed dormer bungalows step forward of the existing building line along Verner Road by approximately 0.7 metres. Notwithstanding this, a satisfactory minimum separation distance of approximately 22 metres is maintained between the (principal) front elevation(s) of the proposed dormer bungalows and the (principal) front elevations of the neighbouring bungalows opposite at 18 and 20 Verner Road, which directly face the application site. Furthermore, it is noted a greater separation distance of approximately 24 metres is maintained between the front of these neighbouring bungalows and the front elevation of the proposed first floor dormer windows. The front (east) boundary of the site currently features an approximately 1.8 metre high closed boarded fence with significant planting, including 4no. mature TPO trees. Whilst final details of boundary enclosures and landscaping shall be secured by virtue of a planning condition, it is noted that the 4no. TPO trees shall remain along this boundary.

7.30 Whilst it is appreciated that the presence of the proposed dormer bungalows will have some degree of impact on the amenity and privacy of these neighbouring bungalows (as the site is currently vacant), in view of the abovementioned satisfactory separation distances, existing landscape screening to be retained (from TPO trees) and design of the proposed bungalows (with low eaves heights and dual-pitched roof sloping away from the eastern/front boundary of the site), it is considered there would be no significant detrimental impact on the amenity (through overshadowing, any overbearing effect or poor outlook) or privacy (through overlooking) of neighbouring land users to the east, to warrant refusal of the application. Furthermore, it is noted that a two storey dwellinghouse, with first floor east facing bedroom windows overlooking Verner Road, as referred to above, has previously been approved (ref: H/2013/0272) on this site.

7.31 To the south, the southernmost dormer bungalow ('Unit 1') steps forward of the neighbouring dwellinghouse at 15 Verner Road by approximately 0.7 metres. However, whilst the attached garage is located immediately adjacent to the shared boundary with this neighbouring property (approx. 0.15m set back), the garage does

not extend beyond the front or rear elevations of this neighbouring dwellinghouse and the remainder of the dormer bungalow itself is set back off the shared boundary by approximately 3.15 metres. 'Unit 1' does not project beyond the rear elevation of this neighbouring dwellinghouse and does not feature any windows in the southern gable elevation(s) facing this neighbouring dwellinghouse. The neighbouring dwellinghouse at 15 Verner Road does not feature any windows or doors in the northern gable elevation facing the application site. The southern boundary of the site currently features an approximately 1.8 metre high closed boarded fence.

7.32 In view of the above, it is considered that the proposed dormer bungalows would not have any significant detrimental impact on the amenity or privacy of neighbouring land users to the south in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

7.33 To the west, the rear boundary of the site is currently screened by an approximately 1.8 metre high closed boarded fence and planting (including 2no. TPO trees). A separation distance of approximately 18-19 metres is to be maintained between the (principal) rear elevation(s) of the proposed dormer bungalows and the (principal) rear elevation of the neighbouring dwellinghouse to the west at Fox Haven.

7.34 The proposals initially achieved a minimum separation distance of approximately 15.8 metres only, however following concerns raised by the case officer in view of the minimum separation distances stipulated in policy QP4 above, the applicant subsequently amended the scheme to move the bungalows further forward (as far as practicable without impacting on protected trees), amend the roof design to remove a rear facing gable, remove rear facing roof lights and reduce the size (length) of the bungalows, to achieve a greater separation distance.

7.35 Whilst it is appreciated the amended scheme still only achieves a separation distance of approximately 18-19 metres, and this is short of the separation distances stipulated within policy QP4, it is noted that this is in line with separation distances considered to be acceptable through the approval of the previous application (ref: H/2013/0272) for a detached dwellinghouse on this site, referred to above, and in view of the modest eaves height, dual pitched roof design (sloping away from the shared boundary), absence of first floor west facing windows and existing boundary screening, it is considered on balance that the proposals would not have a significant detrimental impact on the amenity (through overshadowing, any overbearing effect or poor outlook) or privacy (through overlooking) of neighbouring land users to the west, to warrant refusal of the application.

7.36 Objections have also been received from neighbouring land users with respect to loss of amenity for neighbouring land users due to construction disruption. Construction and demolition is subject to the Control of Pollution Act 1974 and is therefore controlled under separate Environmental Health legislation. Notwithstanding this, the Council's Public Protection section has been consulted on the application and has confirmed that they have no objections to the proposals subject to planning conditions with respect to hours of construction, dust suppression and open burning on the site, and these are recommended accordingly.

7.37 In addition, to ensure a satisfactory form of development and in the interests of the amenities of neighbouring land users, planning conditions are also recommended with respect to securing final details of site levels, boundary enclosures and refuse storage. Given the constraints of the site, planning conditions are also recommended to remove permitted development rights for alterations and extensions to the property and to prevent free-standing structures from being erected without planning permission, in the interests of the amenities of neighbouring properties.

7.38 In view of the above, it is considered on balance that the application is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, subject to the abovementioned planning conditions, and is in accordance with policy QP4 of the adopted Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA

7.39 Objections have been received from neighbouring land users citing concerns with respect to the proposals constituting overdevelopment of the site and the proposed dormer bungalows being too large/out of keeping with the area.

7.40 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, 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.

7.41 Policy QP4 of the 2018 Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area and should be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally.

7.42 The surrounding area is predominantly residential in nature, located at the northern edge of the town, close to the limits to development, with the open countryside beyond. The immediate area features a mix of dwelling types and sizes with properties along Verner Road including mid-late 20th century dormer bungalows with front facing gables and detached and semi detached early-mid 20th century two storey dwellinghouses. 4 Hartville Road to the immediate north comprises a modest traditional semi-detached two storey dwellinghouse whilst Fox Haven to the immediate west comprises a substantial two storey detached modern dwellinghouse.

7.43 The scale of the proposed dormer bungalows is considered to be in keeping with the surrounding area and their location on the urban fringe. The proposed dwellings are similar in massing to the existing bungalows opposite on Verner Road

(albeit are orientated differently), and substantially smaller than the 4 bedroom two storey dwellinghouse previously approved (ref: H/2013/0272) on this site, and the dwellinghouse to the rear at Foxhaven. Whilst it is appreciated there are now two dwellings proposed for this plot, the submitted plans demonstrate that satisfactory separation distances can be achieved to neighbouring properties, as set out above, with reasonable space remaining for private amenity space and off-street parking.

7.44 The appearance of the proposed dormer bungalows and proposed works is considered to be acceptable in the context of the mix of house designs in the immediate vicinity and it is noted that the proposed dormer bungalows will be partially screened by the retained TPO trees and abovementioned existing (and any proposed) boundary treatments. It is therefore considered that the proposals would not have a significant detrimental effect on the visual amenity of the application site or the character and appearance of the surrounding area.

7.45 Notwithstanding the above, in order to ensure a satisfactory form of development in the interests of visual amenity, planning conditions with respect to securing final details of external finishing materials, hard and soft landscaping, boundary enclosures and refuse storage are recommended. Given the constraints of the site, planning conditions are also recommended to remove permitted development rights for alterations and extensions to the property and to prevent free-standing structures from being erected without planning permission.

7.46 The proposal is considered to be acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned planning conditions, and in accordance with policy QP4 of the Hartlepool Local Plan 2018 and paragraphs 17 and 56 of the NPPF.

LANDSCAPE FEATURES

7.47 A number of trees on this site, including 5 sycamore and 1 common ash tree, are subject to TPO 230. Furthermore, the site currently features a number of other trees and shrubs around its perimeter, although these are not formally protected. In view of this, the Council's Arboricultural Officer has been consulted on the application.

7.48 Objections have been received from neighbouring land users with respect to concerns that the proposals could have a detrimental impact on the existing TPO trees on this site.

7.49 The Council's Arboricultural Officer has advised that although there are trees on this site, the proposed dormer bungalows could be built without damaging the rooting areas of these trees. However, it is important to stress that it is the roots that are the vulnerable part of the tree and as such protective measures must be put in place to ensure these are not damaged, such as the access road into the site being constructed first so that the weight of any vehicles can be evenly distributed during the construction phase and the erection of protective 'Herras' fencing. A planning condition is therefore recommended to ensure that no development takes place until a scheme for the protection during construction works of all trees to be retained on

the site is submitted to and approved in writing by the Local Planning Authority, to the satisfaction of the Council's Arboricultural Officer. A planning condition is also recommended to secure final details of soft landscaping works prior to commencement of the development.

7.50 In view of the above, the application is considered to be acceptable with respect to the impact on landscape features, subject to the abovementioned planning conditions.

ECOLOGY AND NATURE CONSERVATION

7.51 The Council's Ecologist has been consulted on the application and has confirmed that they have no concerns or objections subject to a planning condition requiring the incorporation of an integral bat roost brick or tile into each bungalow, in the interests of biodiversity enhancement, in accordance with paragraph 118 of the NPPF, and this is recommended accordingly.

7.52 The application is therefore considered to be acceptable with respect to the impact on ecology and nature conservation subject to the abovementioned planning condition.

HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

7.53 Each of the proposed dormer bungalows feature a private driveway accessed via Verner Road and serving the proposed attached garages. The proposals also include separate pedestrian access to the front of each dormer bungalow onto Verner Road.

7.54 Objections have been received from neighbouring land users with respect to the impacts of the proposal on highway safety due to the proposed access arrangements, associated increase in vehicular traffic/congestion, the effect on access along Verner Road, and the impact on car parking (incl. reducing on-street parking)

7.55 Whilst it is acknowledged that the presence of the two proposed vehicular accesses will prevent on-street parking in these locations, the Council's Highways, Traffic and Transport section has been consulted on the application and has confirmed that both properties provide sufficient parking and that there are no further highway or traffic concerns.

7.56 Notwithstanding this, the Council's Highways, Traffic and Transport section has advised that the drive crossings should be constructed in accordance with the Hartlepool Borough Council Design Guide and Specification and installed by a NRSWA accredited contractor. A suitable informative to advise the applicant of this is recommended accordingly.

7.57 In view of the above, it is considered that the proposal is acceptable with respect to the impact on highway and pedestrian safety and car parking.

FLOOD RISK AND DRAINAGE

7.58 The Council's Engineering section, Northumbrian Water and Hartlepool Water have been consulted regarding the proposed development. They have raised no objections to the proposal. The Council's Engineering section has however requested a planning condition requiring further details of surface water drainage to be submitted to and approved by the Local Planning Authority prior to commencement of development, which is recommended accordingly.

7.59 In addition, Northumbrian Water has provided advice with respect to the management of surface water. A suitable informative to make the applicant aware of this advice is therefore recommended.

7.60 The application is therefore considered to be acceptable with respect to matters of flood risk and drainage.

ARCHAEOLOGY

7.61 With respect to archaeology, Tees Archaeology has been consulted and has confirmed that the proposed development should not have a significant impact on any known heritage assets and as such they have no objections to the application. The application is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

7.62 The Council's Countryside Access Officer has confirmed that they have no objections to the application. The application is therefore considered to be acceptable with respect to the impact on public rights of way.

7.63 The application site is not located within a conservation area nor within proximity to any listed buildings or any other known heritage assets. The Council's Heritage and Countryside Manager has not submitted any objections to the application. The application is therefore considered to be acceptable with respect to the impact on heritage assets.

7.64 Cleveland Police have been consulted on the application and have provided advice with respect to physical security of the site and layout/design of the development (principally in relation to boundary treatments). A suitable informative is therefore recommended to make the applicant aware of Cleveland Police's advice and it is noted boundary treatments details can be agreed by virtue of a planning condition, which is recommended accordingly.

PLANNING BALANCE AND OVERALL CONCLUSION

7.65 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and the relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.66 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.67 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.

7.68 There are no Section 17 implications.

REASON FOR DECISION

7.69 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 the following approved plan(s) and details;

399 (Location Plan 1:1250)

399 (Block Plan 1:500)

received 12th January 2018 by the Local Planning Authority;

Sheet 1 Revision no. A (Existing, site layout)

received 29th January 2018 by the Local Planning Authority;

and amended plans and details;

Sheet 10 Revision no. X (Proposed, Unit 2, Ground Floor Plan)

Sheet 11 Revision no. X (Proposed, Unit 2, First Floor Plan)

Sheet 12 Revision no. X (Proposed, Unit 2, East Elevation)

Sheet 13 Revision no. X (Proposed, Unit 2, West Elevation)

Sheet 14 Revision no. B (Proposed, Unit 2, North Elevation)

Sheet 15 Revision no. X (Proposed, Unit 2, South Elevation)

Sheet 18 Revision no. G (Proposed, site layout)

Sheet 20 Revision no. X (Proposed, Unit 1, Ground Floor Plan)

Sheet 21 Revision no. X (Proposed, Unit 1, First Floor Plan)

Sheet 22 Revision no. X (Proposed, Unit 1, East Elevation)

Sheet 23 Revision no. X (Proposed, Unit 1, West Elevation)

Sheet 24 Revision no. X (Proposed, Unit 1, South Elevation)

Sheet 25 Revision no. X (Proposed, Unit 1, North Elevation)

received 21st June 2018 by the Local Planning Authority.

For the avoidance of doubt.

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries 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.
5. No development shall take place until a scheme for the management of remediation, demolition and construction works has been submitted to and agreed in writing with the Local Planning Authority, including the effective control of dust emissions from the site. The scheme shall address offsite dust monitoring and include details of adequate dust suppression facilities on site. Thereafter the development shall be carried out in accordance with the approved details. There shall be no burning on site of materials arising from the demolition or construction phases of the development.
In the interests of the amenities of the occupants of neighbouring properties.
6. Notwithstanding the submitted details, development of the dwellings hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development 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 surface water flooding from any sources in accordance with the NPPF.
7. Notwithstanding the submitted details, 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. 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.

8. Notwithstanding the submitted details and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, 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 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.

9. Prior to the commencement of the development, details of an integral bat roost brick(s), ridge tile(s) or roof tile(s) to be incorporated into one of the elevations of each of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the submitted details.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.

10. Notwithstanding the submitted details, no development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the erection of temporary protective 'Herras' fencing. Details of foundation design will be provided where these traverse any of the root protection areas in order to avoid damaging any tree roots. Furthermore, details of the construction method of the driveway(s) leading to the garage(s) shall be provided to demonstrate that tree roots will not be damaged. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. The access road into the site shall be constructed first so that the weight of any vehicles can be evenly distributed during the construction phase, where it traverses within the root protection area. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of an amenity value.

11. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development (measured by the Dwelling Fabric Energy Efficiency) (DFEE)) and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

12. Notwithstanding the submitted details, a scheme for means of enclosure (including proposed alteration to any existing enclosures) shall be submitted to and approved by the Local Planning Authority before the dwellings hereby approved are occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected/provided prior to the occupation of the dwellings hereby approved.
In the interests of the amenity of proposed occupiers of the dwelling and that of surrounding neighbouring properties.

13. Notwithstanding the submitted details and prior to the occupation of the dwelling hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.

14. Demolition or construction 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.
To avoid excessive noise and disturbance to the occupants of nearby properties.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no free-standing buildings or structures shall be erected within the curtilage of the dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.

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

17. The development hereby approved shall be laid out in strict accordance with drawing Sheet 18 Revision G (proposed site layout) received 28th March 2018 by the Local Planning Authority. The curtilage of the two dwellings hereby approved shall be confined within the red line boundary as shown on drawing 399 (Block Plan 1:500) received 12th January 2018 by the Local Planning Authority.
For the avoidance of doubt.
18. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

BACKGROUND PAPERS

7.70 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

7.71 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

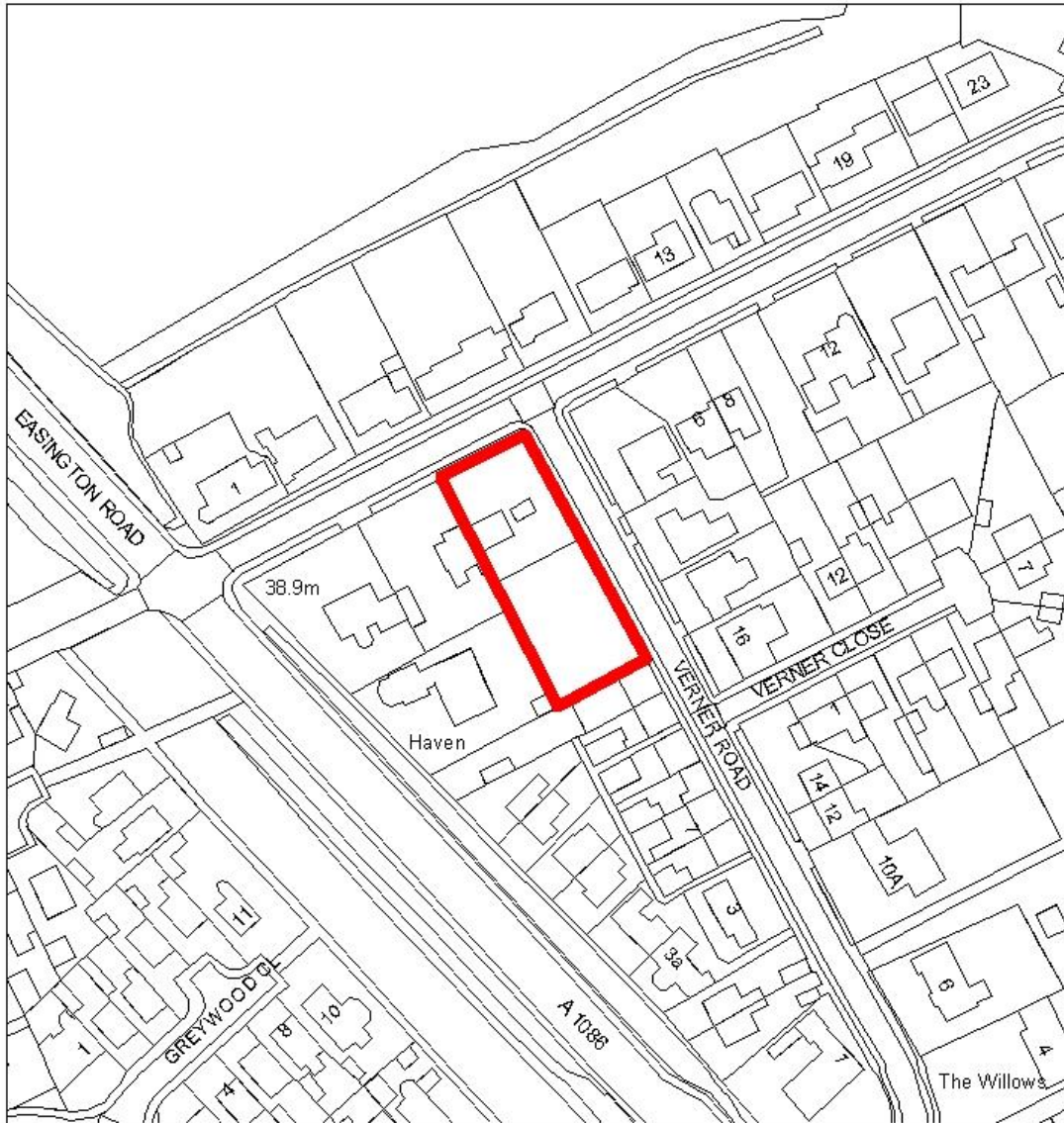
AUTHOR

7.72 Ryan Cowley
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523279
E-mail: Ryan.Cowley@Hartlepool.gov.uk



4 HARTVILLE ROAD



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 19/07/18
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0611	REV

POLICY NOTE

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

[https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156 -
_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
_and_waste_development_plan_documents_for_the_tees_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

PLANNING COMMITTEE

1st August 2018



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 4 HAWKRIDGE CLOSE,
HARTLEPOOL, TS26 8SA

APPEAL REF: APP/H0724/D/18/3201294

Erection of a single storey extension at the rear
(H/2018/0073).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the Erection of a single storey extension at the rear at 4 Hawkridge Close, Hartlepool.
- 1.2 The application was determined by the Chairman of the Planning Committee on 20th April 2018. The application was refused on the grounds that, in the opinion of the Local Planning Authority the proposed rear extension, because of its scale will remove a substantial proportion of the host dwelling's private outdoor amenity space. The development is therefore considered to be contrary to the provisions of saved policies GEP1 and HSG10 of the Hartlepool Local Plan, policy HSG11 of the emerging Hartlepool Local and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design and should not deny existing and future occupiers adequate private amenity space. (Report **Attached – APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 Leigh Dalby
Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523537
E-mail: leigh.dalby@hartlepool.gov.uk

DELEGATED REPORT

Application No H/2018/0073

Proposal Erection of a single storey extension at the rear

Location 4 HAWKRIDGE CLOSE HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	02/04/2018
1) Publicity Expiry	Site notice:	N/A
	Advert:	N/A
	Weekly list:	08/04/2018
	Expiry date:	23/04/2018
	Extended date:	N/A
2) Publicity/Consultations		
The application was advertised by way of seven neighbour letters. One letter of support was received in writing. No objections were received.		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy		
<u>Planning Policy</u>		
<p>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.</p>		

National Planning Policy Framework

Section 7 (Requiring Good Design)

Relevant Saved Planning Policies of the Hartlepool Local Plan

GEP1 - General Environmental Principles
HSG10 – Residential Extensions

Supplementary Planning Note 4: Guidelines For House Extensions

Guideline 1 - Rear Extensions
Guideline 4 – Roof Design
Guideline 7 – Separation Distances

Emerging Hartlepool Local Plan

The Council's emerging Local Plan is currently at an Advanced Stage and weight can therefore also be given to policies within it. More or less weight can be apportioned to individual policies dependent on the level of objection received in respect of them.

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

QP4- Layout and Design of Development
HSG11 – Extensions to Existing Dwellings

6) Planning Consideration

SITE

Number 4 Hawkrigde Close is a semi-detached 1980s residential dwelling located within the Victoria Ward of Hartlepool.

Adjoining the host dwelling to the north is the residential property of number 5 Hawkrigde Close. To the rear of the host dwelling to the west are the residential properties of numbers 19, 23 and 27 Jobson Street. Adjacent to the host dwelling to the south are the residential properties of numbers 1, 2 and 3 Hawkrigde Close.

PLANNING HISTORY

There is no relevant planning history for this site.

PROPOSAL

Planning permission is sought for the erection of a single storey rear extension at number 4 Hawkrigde Close, Hartlepool. The extension will protrude approx 2.7 metres from the host dwelling's rear elevation, built to a width of approx 4.6 metres and to a maximum height of approx 3.5 metres.

The extension will feature a mono-pitched roof built to roof eaves of approx 2.385 metres and built to roof ridge of approx 3.5 metres.

The proposal will feature one window measuring approx 1.8 metres wide by approx 1.5 metres high and one door measuring approx 0.9 metres wide by approx 2.1 metres high. Both the door and window will be located on the proposal's rear elevation.

The proposal will be built using materials that are matching the existing host dwelling.

Planning permission is required for this proposal as the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the impact on the character and appearance of the existing dwelling and surrounding area and the impact on the amenity and privacy of neighbouring land users.

IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

It is considered the host dwelling is situated within a modest curtilage with little outdoor private amenity space. As the host dwelling's garage is situated further west into the host dwelling's rear garden compared to surrounding properties, as well the fact the host dwelling has a modest outbuilding built behind their garage, the host dwelling currently has an approx 27.02m² of private amenity space to the rear.

The proposal seeks planning permission for a single storey rear extension that will protrude approx 2.7 metres into the rear garden of the host dwelling and built to a width of approx 4.6 metres, therefore removing approx 12.42 m² of private outdoor amenity space for the host dwelling. Therefore, hypothetically if the proposal was built the host dwelling would retain approx 14.66m² of private outdoor amenity space, less than half of the modest garden area as originally intended.

It is considered that 14.66m² of outdoor amenity space for a 2 bedroom semi-detached property is inadequate to sustain normal outdoor domestic needs. It is therefore considered the proposal is in contrary to policy HSG10 of the Hartlepool Saved Local Plan 2006 and policy HSG11 of the emerging Hartlepool Local Plan 2018.

In conclusion, for the above reasons it is considered the proposal fails to meet local planning policy and is therefore recommended for refusal.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS**Impact onto number 5 Hawkridge Close (adjoining property)**

The proposed single storey extension will be built approx 0.05 metres to the south from the boundary/dwellinghouse of number 5 Hawkridge Close. The north elevation of the proposed extension will be situated approx 0.5 metres from number 5's rear elevation French doors, which serve a kitchen/diner. The proposal will be built to height to roof eaves of approx 2.6 metres and built to a height to roof ridge of approx 3.5 metres.

Despite the proposal being modest in nature, given the small scale nature of both the host dwelling's and numbers 5's rear gardens as well as the inadequate separation distance between the proposal and number 5's rear elevation French doors, it is considered the proposal will result in an adverse impact in terms of overshadowing and having an overbearing effect onto number 5. This consideration is further supported due to the presence of number 5's garage which is located further west than number 5's dwellinghouse.

As the proposal's north elevation feature no windows and/or doors it is considered there will be no adverse impact in terms of overlooking/ loss of privacy onto number 5.

Notwithstanding the above, it should be considered that if the proposal reduced its width and was not built from the side elevation of the host dwelling's garage, the proposal would be classified as permitted development. Therefore, it is considered that the adverse impact created from the proposal, is alone, not significant enough as to justify a refusal.

Impact onto numbers 1, 2 and 3 Hawkridge Close (properties to the south)

Due to the presence of the host dwelling's garage, it is considered the proposed single storey extension will be completely screened from viewing from the above dwellinghouses'. It is therefore considered there will be no adverse impact in terms of overlooking, overshadowing and/or having an overbearing effect onto the properties to the south.

Impact onto numbers 19, 23, 27 Jobson Street (properties to the west)

The dwellinghouses at the above properties are all situated approx 15 meters to the west from the rear elevation of the proposed single storey extension and therefore not meeting the recommended separation distance of 20 metres as set within SPN4. Despite this, due to the modest nature of the proposal, adequate boundary treatments between the sites and the presence of a back alley between the host dwelling and the rear properties it is considered there will be no adverse impact in terms of overlooking, overshadowing and/or having an overbearing effect onto the properties to the west.

CONCLUSION

Having regard for the above policies identified within the saved Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan 2018, it is considered the proposed single storey rear extension, by virtue of its scale would result in a detrimental impact on the private amenity space of the host dwelling’s current and future occupants. It is therefore considered the proposal should be recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Chair’s Consent Necessary N

10) Recommendation
REFUSE subject to the following reason.

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority the proposed rear extension, because of its scale will remove a substantial proportion of the host dwelling’s outdoor private amenity space. The development is therefore considered to be contrary to the provisions of saved policies GEP1 and HSG10 of the Hartlepool Local Plan, policy HSG11 of the emerging Hartlepool Local and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design and should not deny existing and future occupiers adequate private amenity space.

INFORMATIVE

1) NPPF – Statement of Proactive Engagement.

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

Author of Report: Robert Alstead

PLANNING CODE OF PRACTICE

Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

CONTENTS

Introduction	3
The need for a code	4
Scope of the code	4
The role and conduct of Councillors and officers	5
What planning decisions are based on	7
Duties and actions	9
The decision-making process	9
Lobbying of and by councillors	10
Pre-application and pre-decision discussions	13
Registration of Interests	15
Declaration of interests by members at committee	15
Parish council membership	16
Unauthorised development or breach of listed building control	17
Officer reports to committee	17
Committee procedures	18
Committee site visits	20
Decisions delegated to officers	21
Decisions contrary to the development plan	22
Decisions contrary to officer advice	22
Approving repeat applications for development previously refused	23
Development proposals submitted by, or affecting, Councillors and officers	24
The Council's own developments	25
The media	25
Record keeping and complaints	26
Training	26
Learning from past decisions	27
Gifts and hospitality	27
Racist comments	28
Appendices - 1, 2, 3, 4	29, 30, 35, 37

The main points of advice about the conduct expected of Members and Officers are emphasised in bold italics, like this sentence.

1. Introduction

- 1.1** The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for Councillors. Previously the Nolan Committee Report on Standards in Public Life (1997) issued advice to Local Planning Authorities to frame Local Codes of Conduct or Good Practice to cover the question of Probity in Planning. This Code of Practice therefore complements and expands on the Code of Conduct, adopted by the Borough Council in conformity with the Localism Act, 2011. The Code of Conduct is essentially concerned with the responsibilities of councillors when acting in the role as a Member of the Borough Council. The Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on guidance from, ie The Committee on Standards in Public Life, the Local Government Association, the Royal Town Planning Institute, the Department for Communities and Local Government, the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.
- 1.2** The Code will be enforced through the Council's Audit and Governance Committee (or such committee that has 'standards' as part of its responsibilities and functions). The Code will be a consideration in any investigation of maladministration by the Local Government Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, eg Council where planning issues may be discussed. The Code applies to both Councillors and Officers.
- 1.3** In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.
- 1.4** In addition, the role of elected Councillors on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

2. The need for a Code

- 2.1** Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.
- 2.2** One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

3. Scope of the Code

- 3.1** This guidance note sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of Borough Council Officers and Members on planning matters.
- 3.2** It applies to both Councillors and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.
- 3.3** Both Councillors and Officers are guided by codes of conduct. The statutory Code of Conduct, supplemented by guidance from the Department for Communities and Local Government and others,, provides standards and guidance for Councillors. Employees are subject to a separate Employees' Code of Conduct. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.

- 3.4** Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice.*** Officers should seek advice from the Chief Solicitor, who also acts as the Council's Monitoring Officer under the Local Government and Housing Act 1989. Members can seek advice from the Planning and Development Manager or from a Solicitor within the Legal Services Division as appropriate.
- 3.5** Appendix 1 also contains a list of other guidance on planning which is available from the Council.
- 3.6** This guidance is mainly about planning applications, but also applies to the ways in which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contraveners in enforcement cases, and to landowners, developers and objectors involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the Borough Council.

4. The role and conduct of Councillors and Officers

- 4.1** Councillors and Officers have different, but complementary, roles. Both serve the public. Councillors are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the Council as a whole. They advise the Council and its committees, and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may be given to Officers only through a Council or Committee decision. Any other system which develops is open to question. A successful relationship between Councillors and Officers can only be based upon mutual trust, respect and an understanding of each other's roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.
- 4.2** Therefore:
- ***Individual Councillors should not give instructions to Officers on planning matters.***
 - ***Officers' actions will follow Council policy and Committee decisions.***
 - ***Political group meetings should not be used to decide how Members should vote on applications and enforcement cases and Councillors are not mandated on these matters by a political group.***
- 4.3** The Code of Conduct sets out the requirements on Councillors in undertaking their role as a Member of the Council. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests (see next section), but also appropriate relationships with other members, staff and the public, which will impact on the way in which councillors participate in the planning process. Of particular relevance to councillors who become involved in making a planning decision is the requirement that;

“Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends” (‘Principles of Public Life’). “You must not conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct amongst its Members” (paragraph 1.2 of the Code of Conduct).

4.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.**

4.5 Officers must always act impartially. The RTPI Code of Conduct says planners:

- shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions;
- shall act with competence, honesty and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- shall discharge their duty to their employers, clients, colleagues and others with due care and diligence; and
- shall not discriminate on grounds of race, sex, sexual orientation, creed, religion, disability or age, and shall seek to eliminate such discrimination by others and to promote equality of opportunity.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989 as amended, restrictions are placed on the outside activities of senior staff.

Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on members in the Code of Conduct. Members are placed under a requirement by the Code to:

- treat others with respect; and
- act in accordance with the Authority’s reasonable requirements.

4.6 Under the Localism Act, 2011, a Code of Conduct, when viewed as a whole, must be consistent with the following principles;

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

In addition, the Council have incorporated in their Code the additional principles of;

Respect for others
Duty to uphold the law
Personal Judgement

The actions and conduct of Councillors and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish Council. The key is to demonstrate that each Council and Councillor's decision was taken on the facts alone, without any undue outside pressure.

5. What planning decisions are based on

5.1 Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990, as amended, together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.

5.2 ***It is the responsibility of Officers in preparing reports and recommendations to Members, and in advising Committees, to identify the material planning considerations and to ensure Members are aware of those matters which are not material to planning decisions.***

5.3 Section 70 of the Town and Country Planning Act 1990, provides that Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 advises that it is a requirement that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of:

- The policies of the Hartlepool Local Plan 2018 and the policies contained with the Minerals and Waste Development Plan Documents (September 2011) so far as they are consistent with the National Planning Policy Framework.
- Neighbourhood Plans subject to examination in public and approval through referendum, must be in general conformity with an adopted Local Plan

5.4 Other material planning considerations include:

- planning briefs and other ‘supplementary planning guidance’ approved by the Council following public consultation;
- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;
- public proposals for using the same land; and
- legitimate planning gain/community benefit.

5.5 There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land.*** For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions:***

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers’ motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- “trade objections” from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector’s house);
- the fear that an objector’s house or property might be devalued;

- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ie restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

6. Duties and actions

- 6.1** The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see Appendix 4). Decision makers have a very special responsibility and have a number of statutory duties. There are also actions that can be taken against the Council and Members for a failure to properly discharge the Local Planning Authority function. These duties and actions are summarised in Appendix 2.

7. The decision-making process

- 7.1** In reaching a decision on a planning application, Members need to:-
- identify the development plan policies which are relevant to the particular development proposal;
 - identify any other material considerations;
 - if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption.
 - At a fundamental level, Members should go through the following three stage process when making a decision:-

Stage 1

- Identify the relevant development plan policies and other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.
- Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

Stage 2

- Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.
- Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.

Stage 3

- Weigh the material considerations in reaching a decision
- A failure to follow the proper decision making procedure can give rise to proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

In the decision making process, Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.

Members should determine applications in accordance with the advice given to them by their professional Officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.

8. Lobbying of and by Councillors

- 8.1** It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or to a Member of the Planning Committee. As the Nolan Committee's Third Report states: 'local democracy depends on Councillors being available to people who want to speak to them. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representative, the Councillors themselves' (paragraphs 285, 288). However,

such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question.

8.2 Councillors need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application, or of a planning enforcement case, is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer that a member has breached the Code of Conduct.

8.3 A Councillor who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it – it will be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary interest in terms of the Code of Conduct, **the proper course of action for such a Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for a Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

8.4 It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and the 'overriding duty as a Councillor ... to the whole local community'. However, the following guidance will be appropriate in most cases.

8.5 *Councillors who are lobbied on a planning matter before the Planning Committee:*

- *may listen to what is being said;*
- *may give procedural advice ie to write to the Director of Regeneration and Neighbourhoods, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the*

Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;

- *should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;*
- *should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;*
- *should make it clear that Councillors will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;*
- *should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;*
- *should not negotiate detailed planning matters with applicants, agents, objectors, etc;*
- *should pass relevant correspondence to the Case Officer prior to any Committee meeting;*
- *should report instances of significant, substantial or persistent lobbying to the Planning and Development Manager or the Director of Regeneration and Neighbourhoods.*

8.6 *Councillors who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.*

8.7 *To avoid impressions of improper influence which lobbying by Members can create:*

- *Councillors should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other Councillors - such actions can easily be misunderstood by parties to the application and by the general public;*
- *Councillors should not put pressure on Officers for a particular recommendation;*
- *political group meetings should not be used to decide how Members should vote on planning matters;*
- *Councillors should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where a Councillor is involved in a particular planning matter, she/he should take care not to appear to try to influence other Members, and should declare an interest at the relevant Committee meeting.*
- *Whenever a Member is approached or lobbied on any particular application Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which*

Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.

- ***If Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.***
- ***Members should not normally undertake private site inspections in another Member's ward without prior notice to the Ward Member. Again Members should express no opinion on the merits of the application.***

9. Pre-application and pre-decision discussions

9.1 The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.

9.2 However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- ***The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.***
- ***Advice should be consistent and based upon the development plan and material considerations.***
- ***Where the Director of Regeneration and Neighbourhoods is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.***
- ***Whilst Councillors will not normally be involved in pre-application or pre-decision discussions, if a Councillor is present he/she should be accompanied by an Officer. The Councillor should be seen to be***

advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.

9.3 Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- ***Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.***
- ***Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.***
- ***Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use or Development. Advice from an Officer cannot legally circumvent this procedure.***
- ***Officers will be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.***

9.4 The Planning Advisory Service operated by the Planning and Development Team encourages member involvement in pre-application discussions on major applications, a 'Pre Application Development Forum' has been agreed by the Planning Committee which would allow Councillors to be presented with development proposals at an early stage. A local protocol is set out in 9.5 regarding Councillor involvement. Without this, councillor involvement may unnecessarily open any Councillor on the planning committee, to avoidable risks of challenge on apparent predetermination.

9.5 The local protocol for the 'Pre Application Development Forum' is as follows:

- Councillors are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);
- Councillors & the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);
- The relevant officer explains the role of members present at any pre-application discussion and this is recorded in the note of the meeting;
- The Developer is invited to attend and present their proposals;
- Interested Parties are invited to speak;

- Planning committee members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;
- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
- Any planning committee Councillor who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and vote on the application.

10. Registration of Interests

10.1 The Localism Act 2011 places an obligation on members to register and declare certain disclosable pecuniary interests and such other interests as set out within the Code of Conduct for Councillors and Co-opted Members.. Further the Code outlines the consequences for the member's participation in consideration of an issue, in the light of those interests. The attention of Members is also drawn to Council Procedure Rule 23 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Members in contracts and other matters. These requirements must be followed scrupulously and councillors should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Council's Monitoring Officer. However, ultimate responsibility for fulfilling these requirements rests individually with each Councillor.

10.2 You must register in the Authority's Register of Members Interests information about your registerable personal interests. A definition of a registerable personal interest is contained within the Code of Conduct for Councillors and Co-opted Members. A register of members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. A member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.

11. Declaration of interests by Members at Committee

11.1 Information regarding 'your registerable and non-registrable personal interests' is contained in the Code of Conduct for Councillors and Co-opted Members.

11.2 Members of the Planning Committee should consult the Code of Conduct for Councillors and Co-opted Members to determine their registrable and non

registrable personal interests to determine, what, if any, effect these interests could have at a Planning Committee meeting.

Pre-determination and Bias

- 11.3** Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 11.4** At all meetings, when making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 11.5** However, if a member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had ‘pre-determined’ the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.
- 11.6** There will be occasions when members will wish to press for a particular development which the member regards as beneficial to the development of the area. Should that member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the member becomes almost the ‘internal applicant’. In such circumstances, the appropriate approach is likely to be that the member advocating for the development should not vote on the relevant applications.

12. Parish membership

- 12.1** The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

12.2 Difficulties can arise for Councillors who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Councillor will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The member could be considered to have fettered his or her discretion. In those circumstances the member should not participate at the Borough Council meeting. In such cases the member has been excluded not because of the code but because the member's previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, a member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

'Dual' Members should therefore either:

- ***not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or***
- ***not take part in the discussion/decision on the application at the Borough Council's Planning Committee;***

Furthermore:

- ***although the consultation response from a Parish Council is a relevant consideration, Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.***

13. Unauthorised development or breach of listed building control

13.1 Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Planning and Development Manager or the Director of Regeneration and Neighbourhoods of the breach in writing.

13.2 Breaches of planning or listed building control involving a Member or an Officer should be promptly investigated by the Planning and Development Manager and the Director of Regeneration and Neighbourhoods and be the subject of an enforcement report to Planning Committee.

14. Officer reports to Committee

14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, enforcement cases and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will be

agreed through the Planning and Development Manager and will reflect the collective view of the Department - not the view of the individual author.

14.2 Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
- contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

15. Committee procedures

15.1 Decisions relating to planning applications (other than those matters dealt with under the Council’s Scheme of Delegation) are taken by the Council’s Planning Committee. The procedure for processing planning applications may be summarised as follows:



15.2 Reports are available to the public five working days before the Committee on request. Paragraph 14.2 describes the content of reports. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available

for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

- 15.3** A guidance leaflet on public speaking and the process to be followed is available from the Borough Council. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual or Applicant wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes, Members will then debate the merits of the case and arrive at a decision.
- 15.4** It is important that Members are present throughout all the debate on an item. **If any Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence. Similarly if an item is deferred to a future Committee whether for a Site Visit or any other reason when the item is resumed at that Committee any Members who were not present for all the proceedings relating to that item at the original Committee Meeting should also take no part in the discussion or voting on that item**
- 15.5** The Planning Committee may agree or disagree with the report and recommendation (but see sections 18 and 19 below). Having considered all the relevant planning matters, the Committee may:
- grant planning permission (usually with appropriate planning conditions) with justified planning reasons;
 - refuse planning permission, with justified planning reason(s);
 - defer the application for further consideration.
- 15.6** Planning enforcement decisions are normally taken by the Planning Committee. A written Officer report will normally be prepared in advance of the Committee. The report and the discussion at the Committee on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.
- 15.7** Decisions on Local Plan/Local Development Plan proposals are generally within the functions of the Regeneration Services Committee, subject to Council approval as part of the Budget and Policy Framework.
- 15.8** The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chairman of the meeting, assisted where appropriate by Officers. To facilitate this:

- *a briefing for the Chairman and Vice-Chairman of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chairman and Vice-Chairman of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items;*
- *one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;*
- *a Legal Officer will normally also be present.*

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.

16. Committee site visits

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by a Ward Councillor. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Ward Councillor can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

16.2 However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- *A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.*
- *The reasons for a site visit should be clearly stated and minuted.*
- *All Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.*
- *Any Member who requests or votes for a site visit thereby indicates that they do not have sufficient information with which to make a decision, in the event that the Member does not then attend the site visit he/she should, when the item is resumed, indicate that they either made alternative arrangements to view the site or they should take no part in discussion of the matter or any subsequent vote*

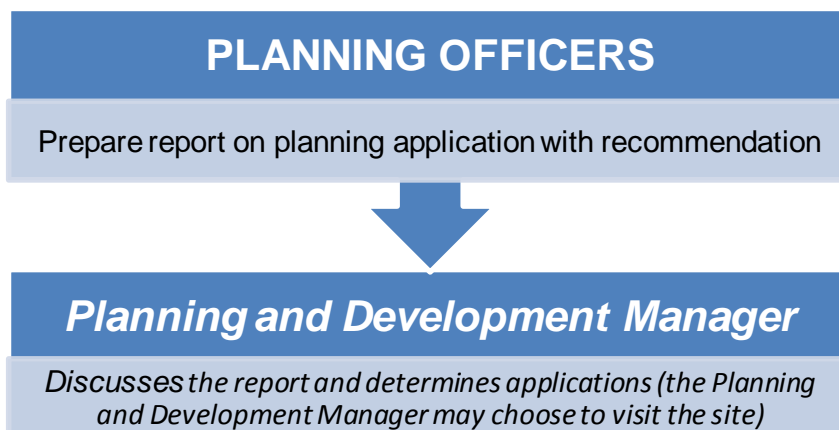
16.3 Site visit meetings will be conducted in a formal manner:

- *The Chairman should start by explaining the purpose and conduct of the site inspection.*

- *The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.*
- *The Officer will be asked to point out relevant features which can be observed. Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.*
- *To avoid giving an impression of being lobbied, Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.*
- *The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Members' attention to any salient features or to any relevant factual information.*
- *Other than to draw Members' attention to any salient feature or to clarify a factual point, through the Chair, the public, applicant and objector will not be allowed to speak.*
- *To avoid Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.*
- *No discussion or decision-making will take place on site.*
- *No hospitality will be accepted before, on or after site visits.*
- *Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.*

17. Decisions delegated to Officers

17.1 The Council has generally agreed that decisions on certain types of application can be taken by the Director of Regeneration and Neighbourhoods through the Planning and Development Manager or the Assistant Director (Economic Growth and Regeneration) some in consultation with the Chair of the Planning Committee. These are wide ranging but generally less contentious the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Regeneration and Neighbourhoods is set out in Appendix 4. The system allows quicker decisions to be taken on straightforward matters. The procedure for processing delegated planning applications may be summarised as follows:



18. Decisions contrary to the development plan

18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 *If Officers are recommending granting planning permission contrary to the development plan:*

- *The decision will always be taken by Committee, and not as a delegated decision.*
- *The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.*
- *The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with Part 3 (18) of The Town and Country Planning (Development Management Procedure) (England) Order 2010.*

18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2.

19. Decisions contrary to Officer advice

19.1 If the Planning Committee makes a decision contrary to the Officers' recommendation on a planning application or enforcement case, then:

- *the proposer of the motion to go against the Officers' recommendation, or the Chairman, should state the planning reasons for the proposed decision before a vote is taken; the Ombudsman has said that the reasons should be clear and convincing, and be material planning considerations they should also reflect the actual discussion which took place(see section 5 above);*
- *the Planning and/or Legal Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are planning matters and, if an approval is proposed, to recommend appropriate planning conditions;*
- *if the decision would be contrary to the Development Plan, then the Officer should comment on the extent to which the other planning considerations could be seen to override the Development Plan, and on whether the decision would require referral (see section 18 above);*
- *where Planning Committee indicates that it is not minded to accept the Officers recommendation for approval, the planning application may be deferred to the next available meeting of Planning Committee where so requested by the Planning and Development Manager on behalf of the Director of Regeneration and Neighbourhoods. This deferral period*

enables Officers to prepare clear and convincing planning reasons for refusal;

- *If any of the conditions required by Planning Committee are 'Pre-Conditions' for which prior agreement is required from the applicant prior to imposition then the Committee Meeting should either be adjourned for a short time to allow for the signing of the appropriate document or the matter should be delegated to the Director of Regeneration and Neighbourhoods to agree the conditions and issue the permission.*
- *a detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Development Plan, the minute should state that and clearly set out those planning considerations which override the development plan.*
- **If a Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Director of Regeneration and Neighbourhoods to execute the S106 Agreement and issue the permission. In the event that the Applicant does not enter into the Agreement within six months of the Committee date the delegation shall require that Director of Regeneration and Neighbourhoods shall refuse permission.**

19.2 If a Committee wishes to amend or add conditions to an approval, Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to applicable Development Plan policies, where relevant.

20. Approving repeat applications for development previously refused

20.1 One complaint that frequently arises, and has been investigated by the Local Government Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

20.2 The principles which can be distilled from Ombudsman cases are as follows: -

- there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;
- the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;
- the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:-
 - insufficient weight has been given to Officers' recommendations and Central Government guidance; and

- there is a failure to give and record reasons for the authority's change of mind.

20.3 Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

20.4 Therefore:

- ***If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval before a vote is taken.***
- ***If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.***

21. Development proposals submitted by, or affecting, Councillors and officers

21.1 Proposals to their own authority by serving and former Councillors and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

21.2 For planning proposals from Officers and Councillors (which are otherwise deemed by the Director of Regeneration and Neighbourhoods, or their representative, to be contrary to the principles set out in the scheme of delegation) shall proceed to determination before Planning Committee, subject to the following principles:

- ***Serving Councillors and Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.***
- ***Such proposals should be reported to Committee and not dealt with by the Director of Regeneration and Neighbourhoods under delegated powers.***
- ***The Council's Monitoring Officer should be informed of such proposals by serving Councillors, and the Officers report to the Committee will show that the applicant is a Councillor.***

- ***Councillors and Officers should never act as agents for people pursuing a planning matter within the Borough.***

21.3 For proposals submitted by close relatives and friends of Officers involved with the development control process:

- ***The Officer concerned will have no involvement with the application.***
- ***The Officer concerned should alert the Director of Regeneration and Neighbourhoods and/or the Planning and Development Manager to the proposal.***

21.4 Where a planning proposal directly affects the property or personal interests of a Councillor, she/he should play no part in the decision-making process. This would apply, for example if a Councillor submitted comments, as a neighbour, on a planning application.

21.5 Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

22. The Council's own developments

22.1 Proposals for the Council's own development have to be treated in the same way as those by private developers.

- All applications for the Council's own development will be reported to Committee where the application does not accord with the Scheme of Delegation.
- All applications for the Council's own development will be the subject of a written Officer report, as with other applications.

23. The media

23.1 The principles of this Code also apply to press contact. Councillors and Officers when commenting to the media on planning matters should:

- ***have regard to the points made in the section on lobbying (Section 8);***
- ***ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application;***
- ***and;***
- ***make clear that Councillors will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;***
- ***for delegated applications, make clear that the Director of Regeneration and Neighbourhoods or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.***

23.2 Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Director of Regeneration and Neighbourhoods or his appointed representative for attributable comments.

24. Record keeping and complaints

24.1 The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be escalated in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- ***The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.***
- ***For delegated applications, a formal note of the main planning considerations is written and kept on file.***
- ***These principles apply equally to enforcement and Development Plan matters.***
- ***All Committee reports and delegated decision reports will be checked and agreed by the Planning and Development Manager.***
- ***A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.***

24.3 Section 14 gives more details on what reports contain.

25. Training

25.1 As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be accessible to each Councillor and Officer in the Regeneration and Neighbourhoods Department, including new Councillors and employees.
- The Council will provide periodic training events for Councillors on planning, which all Members should endeavour to attend as part of their personal development.
- Members newly elected to the Council without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Planning and Development Manager and will seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

25.2 A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Member in carrying out their role properly and effectively.

26. Learning from past decisions

26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented. There will be an annual review by Planning Officers of a selective number of planning decisions which will be appraised through training and other initiatives, including the visiting of affected sites and so considering where appropriate any complaints to learn from experience.

26.2 The Council is working towards a more systematic way of learning lessons from a sample of past planning decisions and outcomes.

27. Gifts and hospitality

27.1 *Councillors and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.*

- 27.2** Councillors should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.
- 27.3** Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Declarations of receipt of gifts and hospitality will be reviewed regularly by the Council's Monitoring Officer.
- 27.4** The presumption should be that any gift is normally refused.

28. Racist comments

- 28.1** The Council will follow the procedures in the RTPI note "Planning Authorities and Racist Representations". In particular:
- Letters containing racist comments will be returned to the writer;
 - Racist comments will not be referred to in reports to Committees;
 - Persistent racist comments will be referred to the Equality and Human Rights Commission or the Police. This is to ensure that the Council abides by Sections 31 and 33 of the Race Relations Act 1976, as amended.
- 28.2** Any applicants suggesting that they have been affected by racial abuse in whatever form, will have their application considered by Planning Committee and the Monitoring Officer will be advised of the circumstances and representations received.

APPENDIX 1 – OTHER GUIDANCE

FROM HARTLEPOOL BOROUGH COUNCIL

- Code of Conduct for Members
- Code of Conduct for Employees
- Council's Constitution
- Statement of Community Involvement

FROM OTHER ORGANISATIONS

- 'Code of Professional Conduct' The Royal Town Planning Institute (RTPI).
- 'Openness and transparency on personal interests', Department for Communities and Local Government. '
- 'Probity in Planning', Local Government Association.
- 'The Role of Elected Members in Plan Making and Development Control'.
- 'Planning Authorities and Racist Representations', RTPI.
- 'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England.
- 'Positive Engagement' – A Guide for Planning Councillors.
- 'Model Members Planning Code of Good Practice – ACSeS
- Planning Policy Guidance – DCLG (March 2014)

APPENDIX 2 – DUTIES AND ACTIONS

1. DUTIES OF MEMBERS

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Members do for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Members of the Local Planning authority have the following duties:-

- Members must at all times act within the law;
- The overriding duty of Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. ACTIONS AGAINST LOCAL PLANNING AUTHORITIES AND MEMBERS

Actions against Local Planning Authorities and Members are necessary because duties without recourse would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Members would become subject to the scrutiny of the following external agencies:-

THE AUDIT AND GOVERNANCE COMMITTEE

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This was a statutory framework within which members should operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of conduct.

The Ethical Framework has the following key elements:

- Codes of Conduct;
- Register of Interests
- Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution).
- A criminal offence provision under Section 34 of the Localism Act, 2011.

The framework is concerned with the proper behaviour of politicians in public life, namely:

- the way in which politicians conduct themselves in decision making;
- their relationships with constituents, officials and outside interests; and
- how conflicts of interest are declared and handled in the decision-making environment of a Council.

EXTERNAL AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. The Annual Statement of Accounts therefore contains

the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

Extraordinary headings of expenditure which could be raised by the external auditor from decisions of the Planning Committee are:

- an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;
- costs of litigation and award of costs following an application for Judicial Review;
- costs of local public inquiries, including possible award of applicants' costs including the possible substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council.

LOCAL GOVERNMENT OMBUDSMAN

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:

- failure to follow a Council's agreed policies, rules or procedure;
- failure to have proper procedures; bias or unfair discrimination;
- failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

JUDICIAL REVIEW

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:

- whether the Council determined the planning application in accordance with the Development Plan or other material considerations;
- whether the Council has taken into account an irrelevant consideration;
- whether the Council has failed to take into account a relevant consideration;
- whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;
- whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

THE "CALL IN" POWERS TO THE SECRETARY OF STATE

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2009 and accompanying Circular 02/09 should now be read in conjunction with this power. There are now five broad categories of development a Local Planning Authority must refer if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development and flood risk development.

THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING DECISION

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

APPENDIX 3 - DRAFT LETTER FOR LOBBYISTS

Dear Sir/Madam

The Role of a Councillor in a Planning Application

Thank you for seeking my advice as a Borough Councillor on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as a Councillor is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on certain planning matters and it is important that applications are dealt with firmly in accordance with those policies so that decisions are consistent throughout the Borough. In accordance with the National Planning Policy Framework, approving proposals for development, should accord with the development plan. In cases, where the development plan is absent, silent or relevant policies are out of date, there is a presumption in favour of granting sustainable development unless;

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the National Planning Policy Framework, or
- Specific policies in the Framework indicate development should be restricted.

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a member of the Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Regeneration and Neighbourhoods and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Planning Code of Practice to maintain my impartiality and integrity and not to attempt or be seen as attempting to influence Planning Officers or fellow Councillors. I therefore cannot act as an advocate or agent on your behalf.

If I am a Member of Planning Committee I may refer you to another Councillor who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as Councillor in the planning process.

ENDS

APPENDIX 4 – SCHEME OF DELEGATION

Scheme of Delegation

As of May 2013, Hartlepool Borough Council has operated a 'committee system', which although had no direct impact on the regulatory activities of its Planning Committee, has led to a review of the Council's Constitution and the way the Council is governed. The functions and responsibilities of Planning Committee are contained within Part 3 of the Constitution, which also contains those matters that can be delegated to officers (see below). In accordance with government guidelines and targets there is a requirement for the delegation of planning applications (unless otherwise stipulated) to officers.

PLANNING COMMITTEE	
Membership:	<p>11 Councillors:</p> <p>Cook (Chair)</p> <p>Brown (Vice Chair)</p> <p>Plus Councillors:</p> <p>S Akers-Belcher, Barclay, Belcher, Buchan, Fleming, James, Loynes and Morris</p>
Quorum:	5
FUNCTIONS	DELEGATIONS
<ol style="list-style-type: none"> 1. Exercise the Council’s development control and management functions including conservation, Town and Village Greens, Commons Registration and Public Rights of Way. 2. All functions relating to town and country planning and development control. 3. Powers relating to the protection of important hedgerows 4. Powers relating to the preservation of trees. 5. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land. 6. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. 	<p>Director of Regeneration and Neighbourhoods</p> <ol style="list-style-type: none"> 1) Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following provisions: 2) Matters which must be referred to Committee for decision;- <ol style="list-style-type: none"> a) Any application which any member requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee. b) Any application which has received more than five material planning objections. c) Any application with an officer recommendation to approve which is materially contrary to current planning policy.

<p>7. Powers, related to Commons Registration.</p> <p>8. Functions relating to public rights of way.</p> <p>9. The licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.</p> <p>10. Functions relating to Town and Village Greens.</p> <p>11. To comment upon relevant Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).</p> <p>12. To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.</p> <p>13. To receive reports on the performance of the Development Control and Planning Policy section.</p> <p>14. To consider reports on proposed changes to national planning policy.</p>	<p>3) Matters which may be refused by the Director of Regeneration and Neighbourhoods</p> <p>a) Any application which is materially contrary to planning policy</p> <p>b) Any application relating to prior notification for Permitted Development.</p> <p>4) Powers which may only be exercised by the Director of Regeneration and Neighbourhoods in cases of urgency, exercise of such powers to be reported for information to the next available meeting of the Committee</p> <p>a. power to require the discontinuance of a use of land</p> <p>b. power to serve a stop notice (including a temporary stop notice)</p> <p>c. power to issue an enforcement notice</p> <p>d. power to apply for an injunction restraining a breach of planning control</p> <p>e. power to serve a building preservation notice and related powers</p> <p>f. power to issue enforcement notice in relation to demolition of unlisted building in conservation area</p> <p>g. powers to acquire a listed building in need of repair and to serve a repairs notice</p> <p>h. power to apply for an injunction in relation to a listed building</p> <p>i. power to defend Planning Appeals and Enforcement Notice Appeals</p>
---	--

	<ul style="list-style-type: none"> 5) Power to formulate and issue decision notices following decisions made in principle by the Committee. 6) Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. 7) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods, following discussion of the issues with the Chair of the Committee. 8) In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. 9) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.
	<p>Planning and Development Manager</p> <ul style="list-style-type: none"> 1) Power to require proper maintenance of land under Section 215 of the Town and Country Planning Act 1990

	<p>Chief Solicitor</p> <ol style="list-style-type: none"> 1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period. 2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period. 3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.
--	--



With track changes

HARTLEPOOL BOROUGH COUNCIL

PLANNING CODE OF PRACTICE

**Hartlepool Borough Council
Civic Centre
Victoria Road
HARTLEPOOL
TS24 8AY**

|

With track changes

CONTENTS

	PAGE
1. INTRODUCTION	73
2. THE NEED FOR A CODE	73
3. SCOPE OF THE CODE	74
4. THE ROLE AND CONDUCT OF COUNCILLORMEMBERS AND OFFICERS	74
5. WHAT PLANNING DECISIONS ARE BASED ON	76
6. DUTIES AND ACTIONS	78
7. THE DECISION MAKING PROCESS	78
8. LOBBYING OF AND BY COUNCILLORMEMBERS	79
9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS	81
10. REGISTRATION OF INTERESTS.....	82
11. DECLARATION OF INTERESTS BY MEMBERS AT COMMITTEE	83
12. PARISH COUNCIL MEMBERSHIP	84
13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL	85
14. OFFICER REPORTS TO COMMITTEE	85
15. COMMITTEE PROCEDURES	86
16. COMMITTEE SITE VISITS	87
17. DECISIONS DELEGATED TO OFFICERS	88
18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN	88
19. DECISIONS CONTRARY TO OFFICER ADVICE	88
20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED	89
21. DEVELOPMENT PROPOSALS SUBMITTED BY, OR AFFECTING, COUNCILLORMEMBERS AND OFFICERS	90
22. THE COUNCIL'S OWN DEVELOPMENTS	90
23. THE MEDIA	91
24. RECORD KEEPING AND COMPLAINTS	91

With track changes

25. TRAINING	92
26. LEARNING FROM PAST DECISIONS	92
27. GIFTS AND HOSPITALITY.....	92
28. RACIST COMMENTS	93
APPENDICES - 1, 2, 3, 4	94-104

The main points of advice about the conduct expected of Members and Officers are emphasised in bold italics, like this sentence.

1. INTRODUCTION

1.1 The Local Government Act 2000 introduced a new ethical framework to local government, including a Model Code of Conduct for [Councillors/Members](#). Previously the Nolan Committee Report on Standards in Public Life (1997) issued advice to Local Planning Authorities to frame Local Codes of Conduct or Good Practice to cover the question of Probity in Planning. This Code of Practice therefore complements and expands on the Code of Conduct, adopted by the Borough Council in conformity with the Localism Act, 2011. The Code of Conduct is essentially concerned with the responsibilities of [Councillors/Members](#) when acting in the role as a Member of the Borough Council. The Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on guidance from, ie The Committee on Standards in Public Life,, the Local Government Association, the Royal Town Planning Institute, the Department for Communities and Local Government, the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.

1.2 The Code will be enforced through the Council's Audit and Governance Committee (or such committee that has 'standards' as part of its responsibilities and functions). The Code will be a consideration in any investigation of maladministration by the Local Government Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, eg Council where planning issues may be discussed. The Code applies to both [Councillors/Members](#) and Officers.

1.3 In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an

appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.

1.4 In addition, the role of elected [Councillors/Members](#) on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

2. THE NEED FOR A CODE

2.1 Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that

With track changes

decisions have been taken in an impartial, unbiased and well-founded way.

3. SCOPE OF THE CODE

3.1 This guidance note sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of Borough Council Officers and Members on planning matters.

3.2 It applies to both ~~Councillor~~Members and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

3.3 Both ~~Councillor~~Members and Officers are guided by codes of conduct. The statutory Code of Conduct, supplemented by guidance from the Department for Communities and Local Government and others,, provides standards and guidance for ~~Councillor~~Members. Employees are subject to a separate Employees' Code of Conduct. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.

3.4 Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice.*** Officers

should seek advice from the Chief Solicitor, who also acts as the Council's Monitoring Officer under the Local Government and Housing Act 1989. Members can seek advice from the Planning and Development Manager or from a Solicitor within the Legal Services Division as appropriate.

3.5 Appendix 1 also contains a list of other guidance on planning which is available from the Council.

3.6 This guidance is mainly about planning applications, but also applies to the ways in which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contraveners in enforcement cases, and to landowners, developers and objectors involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the Borough Council.

4. COUNCILLOR MEMBERS AND OFFICERS

4.1 ~~Councillor~~Members and Officers have different, but complementary, roles. Both serve the public. ~~Councillor~~Members are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the Council as a whole. They advise the Council and its committees, and carry out the Council's work. They are employed by the Council, not by individual ~~Councillor~~Members, and it follows that instructions may be given to Officers only through a Council or Committee decision. Any other system which develops is open to question. A successful relationship between ~~Councillor~~Members and Officers can only be based upon mutual trust, respect and an understanding of each others roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.

4.2 Therefore:

With track changes

- **Individual ~~Councillor~~Members should not give instructions to Officers on planning matters.**
- **Officers' actions will follow Council policy and Committee decisions.**
- **Political group meetings should not be used to decide how Members should vote on applications and enforcement cases and ~~Councillor~~Members are not mandated on these matters by a political group.**

4.3 The Code of Conduct sets out the requirements on ~~Councillor~~Members in undertaking their role as a Member of the Council. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests (see next section), but also appropriate relationships with other members, staff and the public, which will impact on the way in which ~~councillor~~Members participate in the planning process. Of particular relevance to ~~councillor~~Members who become involved in making a planning decision is the requirement that;

“Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends” (‘Principles of Public Life’). “You must not conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct amongst its Members” (paragraph 1.2 of the Code of Conduct).

4.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst ~~Councillor~~Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. ~~Councillor~~Members who do not feel

that they can act in this way should consider whether they are best suited to serve on a planning committee.

4.5 Officers must always act impartially. The RTPI Code of Conduct says planners:

- shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions;
- shall act with competence, honesty and integrity;
- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- shall discharge their duty to their employers, clients, colleagues and others with due care and diligence; and
- shall not discriminate on grounds of race, sex, sexual orientation, creed, religion, disability or age, and shall seek to eliminate such discrimination by others and to promote equality of opportunity.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989 as amended, restrictions are placed on the outside activities of senior staff.

4.6 Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on members in the Code of Conduct. Members are placed under a requirement by the Code to:

- treat others with respect; and
- act in accordance with the Authority’s reasonable requirements,.

4.7 Under the Localism Act, 2011, a Code of Conduct , when viewed as a whole, must be consistent with the following principles;

With track changes

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

In addition, the Council have incorporated in their Code the additional principles of;

Respect for others
Duty to uphold the law
Personal Judgement

The actions and conduct of ~~Councillor/~~Members and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish Council. The key is to demonstrate that each Council and ~~Councillor/~~Member's decision was taken on the facts alone, without any undue outside pressure.

5. WHAT PLANNING DECISIONS ARE BASED ON

5.1 Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990, as amended, together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.

5.2 It is the responsibility of Officers in preparing reports and recommendations to Members, and in advising Committees, to identify the material planning considerations and to ensure Members are aware of those matters which are not material to planning decisions.

5.3 Section 70 of the Town and Country Planning Act 1990, provides that Members have a statutory duty when

determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 advises that it is a requirement that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of:

- The ~~saved~~ policies of the Hartlepool Local Plan ~~2018 (April 2006)~~ and the policies contained with the Minerals and Waste Development Plan Documents (September 2011) so far as they are consistent with the National Planning Policy Framework.

~~The emerging Hartlepool Local Plan will in due course, following public examination, be adopted by the Council as its development plan.~~ Neighbourhood Plans subject to examination in public and approval through referendum, must be in general conformity with an adopted Local Plan.

5.4 Other material planning considerations include:

- planning briefs and other 'supplementary planning guidance' approved by the Council following public consultation;

With track changes

- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage; public proposals for using the same land; and
- legitimate planning gain/community benefit.

5.5 There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land.*** For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions:***

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ie restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal

With track changes

circumstances cannot therefore, in general, outweigh planning considerations.

6. DUTIES AND ACTIONS

6.1 The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see Appendix 4). Decision makers have a very special responsibility and have a number of statutory duties. There are also actions that can be taken against the Council and Members for a failure to properly discharge the Local Planning Authority function. These duties and actions are summarised in Appendix 2.

7. THE DECISION MAKING PROCESS

7.1 In reaching a decision on a planning application, Members need to:-

- (i) identify the development plan policies which are relevant to the particular development proposal;
- (ii) identify any other material considerations;
- (iii) if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption. At a fundamental level, Members should go through the following three stage process when making a decision:-

Stage 1

- (i) Identify the relevant development plan policies and

With track changes

other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.

- (ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

Stage 2

Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.

Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.

Stage 3

Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

- ***In the decision making process, Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.***

- ***Members should determine applications in accordance with the advice given to them by their professional Officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.***

8. LOBBYING OF AND BY COUNCILLOR MEMBERS

8.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or to a Member of the Planning Committee. As the Nolan Committee's Third Report states: 'local democracy depends on CouncillorMembers being available to people who want to speak to them. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representative, the CouncillorMembers themselves' (paragraphs 285, 288). However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a CouncillorMember being called into question.

8.2 CouncillorMembers need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application, or of a planning enforcement case, is a formal administrative process

With track changes

involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer that a member has breached the Code of Conduct.

8.3 A Councillor/Member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it – it will be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary interest in terms of the Code of Conduct, **the proper course of action for such a Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for a Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

8.4 It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and the 'overriding duty as a Councillor/Member ... to the whole local community'. However, the following guidance will be appropriate in most cases.

8.5 Councillor/Members who are lobbied on a planning matter before the Planning Committee:

- *may listen to what is being said;*
- *may give procedural advice ie to write to the Director of Regeneration and Neighbourhoods, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;*
- *should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;*
- *should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;*
- *should make it clear that Councillor/Members will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;*
- *should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;*
- *should not negotiate detailed planning matters with applicants, agents, objectors, etc;*
- *should pass relevant correspondence to the Case Officer prior to any Committee meeting;*
- *should report instances of significant, substantial or persistent lobbying to the Planning and Development Manager or the Director of Regeneration and Neighbourhoods.*

8.6 Councillor/Members who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.

With track changes

8.7 To avoid impressions of improper influence which lobbying by Members can create:

- ***Councillor/Member***s should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other ***Councillor/Member***s - such actions can easily be misunderstood by parties to the application and by the general public;
- ***Councillor/Member***s should not put pressure on Officers for a particular recommendation;
- ***political group meetings*** should not be used to decide how Members should vote on planning matters;
- ***Councillor/Member***s should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where a ***Councillor/Member*** is involved in a particular planning matter, she/he should take care not to appear to try to influence other Members, and should declare an interest at the relevant Committee meeting.
- Whenever a Member is approached or lobbied on any particular application Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.
- If Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.

- ***Members should not normally undertake private site inspections in another Member's ward without prior notice to the Ward Member. Again Members should express no opinion on the merits of the application.***

9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

9.1 The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.

9.2 However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- ***The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.***
- ***Advice should be consistent and based upon the development plan and material considerations.***
- ***Where the Director of Regeneration and Neighbourhoods is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant,***

With track changes

agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.

- **Whilst ~~Councillor~~Members will not normally be involved in pre-application or pre-decision discussions, if a ~~Councillor~~Member is present he/she should be accompanied by an Officer. The ~~Councillor~~Member should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.**

9.3 Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- **Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.**
- **Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.**
- **Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use or Development. Advice from an Officer cannot legally circumvent this procedure.**
- **Officers will be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.**

9.4 The Planning Advisory Service operated by the Planning and Development Team encourages member involvement in pre-application discussions on major applications, a 'Pre Application Development Forum' has been agreed by the Planning Committee which would allow ~~Councillor~~Members to be presented with development proposals at an early stage. A local protocol is set out in 9.5 regarding ~~Councillor~~Member involvement. Without this, ~~councillor~~Member involvement may unnecessarily open any ~~Councillor~~Member on the planning committee, to avoidable risks of challenge on apparent predetermination.

9.5 The local protocol for the 'Pre Application Development Forum' is as follows:

- ~~Councillor~~Members are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);
- ~~Councillor~~Members & the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);
- The relevant officer explains the role of members present at any pre-application discussion and this is recorded in the note of the meeting;
- The Developer is invited to attend and present their proposals
- Interested Parties are invited to speak
- Planning committee members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;

With track changes

- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
 - Any planning committee ~~Councillor~~Member who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and vote on the application.
- [of Conduct for Members and Co-opted Members.](#) A register of members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. A member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.

10. REGISTRATION OF INTERESTS

10.1 The Localism Act 2011 places an obligation on members to register and declare certain [disclosable](#) pecuniary interests and such other interests as set out within the [Code of Conduct for Members and Co-opted Members](#). ~~Council's Code of Conduct~~. Further the Code outlines the consequences for the member's participation in consideration of an issue, in the light of those interests. The attention of Members is also drawn to Council Procedure Rule 23 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Members in contracts and other matters. These requirements must be followed scrupulously and ~~councillor~~Members should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Council's Monitoring Officer. However, ultimate responsibility for fulfilling these requirements rests individually with each ~~Councillor~~Member.

10.2 [You must register in the Authority's Register of Members Interests information about your registerable personal interests. A definition of a registrable personal interest is contained within the Code](#)

11. DECLARATION OF INTERESTS BY MEMBERS AT COMMITTEE

11.1 Information regarding 'your registerable and non-registerable personal interests' is contained in the Code of Conduct for Councillors and Co-opted Members.

11.2 Members of the Planning Committee should consult the Code of Conduct for Members and Co-opted Members to determine their registrable and non registrable personal interests to determine, what, if any, effect these interests could have at a Planning Committee meeting.

Pre-determinaton and Bias

11.3 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

11.4. At all meetings, when making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

The Code of Conduct defines a pecuniary interest, which can have application to a Member, their partner (which includes spouse, civil partner and

co-habitee) as that introduced under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012, which forms a schedule to the Code adopted by the Council. In addition, the Code has maintained references to the terms 'personal' and 'prejudicial' interests. The code defines a personal interest in any matter under discussion as:

(1) if the matter relates to an interest in respect of which the member has given notice in the statutory register of members' interests; and

(2) if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of themselves, a relative or a friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- any body which the member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.

11.2 Where a member considers he has such a personal interest in a matter, he must always declare it, but it does not then necessarily follow that the personal interest debars the member from participation in the discussion.

11.3 The member then needs to consider whether the personal interest is a prejudicial one. The code provides that a personal interest becomes a prejudicial one "...if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 0.75 cm

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Tab stops: 4.25 cm, Left

With track changes

~~prejudice the member's judgement of the public interest". A member with a prejudicial interest shall declare it and leave the room, unless members of the public are allowed to make representations, give evidence or answer question about the matter by statutory right or otherwise. If that is the case, the member can also attend the meeting for that purpose. However, the member must immediately leave the room once they have finished or when the meeting declares that the member has finished (if that is earlier). For the avoidance of doubt, the member should not remain in the public gallery to observe the vote on the matter.~~

~~11.4 Some exceptions are provided, for example, if the matter under discussion relates to:~~

- ~~• another authority of which the Councillor is a member;~~
- ~~• another public authority in which the councillor has a position of general management or control;~~
- ~~• a body to which the councillor has been appointed or nominated as a representative of the authority.~~

~~Then, in these circumstances, the interest **may not be regarded as prejudicial**. In practice, therefore, the member would need to declare the interest, but could participate.~~

~~11.5 It can be seen that these provisions of the code are an attempt to separate out interests arising from the personal and private interests of the councillor and those arising from the councillor's wider public life. The emphasis is on a consideration of the status of the interest in each case by the councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. The decision in the end will be for the Councillor alone to take.~~

~~11.6 Subject to paragraph 11.3, translated to a councillor's involvement in planning issues, the two stage test of~~

~~personal and prejudicial interests will, as now, require a councillor to abstain from involvement in any issue the outcome of which might advantage, or disadvantage the personal interests of the councillor, his family, friends or employer. This would also be applicable if the interest was pecuniary affecting the individual Member or their partner.~~

~~11.7 The exceptions made to the definition of prejudicial interests relating to membership of outside bodies mentioned in paragraph 11.4 are attempts to clarify the nature of such interests and to encourage participation in such cases. It appears that too often in the past, members had been prevented from participation in discussions in such circumstances, on the basis that mere membership of another body constituted an interest that required such a prohibition, even in cases where the member was only on that body as a representative of the authority.~~

~~11.8 When considered in the context of planning matters, this approach will require the exercise of particular judgment on the part of the councillor. The use of the term 'prejudicial' to describe the interest is helpful here. If a planning matter under consideration relates to another body upon which the councillor serves, the member could participate in a decision on that matter – ie membership of that body could not be considered per se a prejudicial interest, which would bar the member.~~

~~11.95 However, if a member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had 'pre-determined' the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.~~

With track changes

11.406 There will be occasions when members will wish to press for a particular development which the member regards as beneficial to the development of the area. Should that member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that a member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the member becomes almost the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the member advocating for the development should not vote on the relevant applications.

but because the member's previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, a member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

'Dual' Members should therefore either:

- **not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or**
- **not take part in the discussion/decision on the application at the Borough Council's Planning Committee;**

Furthermore:

- **although the consultation response from a Parish Council is a relevant consideration, Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.**

12. PARISH MEMBERSHIP

12.1 The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

12.2 Difficulties can arise for ~~Councillor~~Members who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough ~~Councillor~~Member will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The member could be considered to have fettered his or her discretion. In those circumstances the member should not participate at the Borough Council meeting. In such cases the member has been excluded not because of the code

13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL

13.1 Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Planning and Development Manager or the Director of Regeneration and Neighbourhoods of the breach in writing.

13.2 Breaches of planning or listed building control involving a Member or an Officer should be promptly investigated by the Planning and Development Manager and the Director of Regeneration and

With track changes

Neighbourhoods and be the subject of an enforcement report to Planning Committee.

14. OFFICER REPORTS TO COMMITTEE

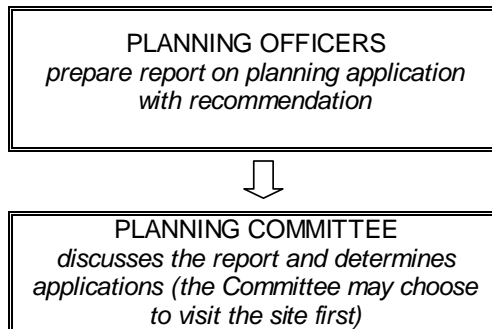
14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, enforcement cases and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will be agreed through the Planning and Development Manager and will reflect the collective view of the Department - not the view of the individual author.

14.2 Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
- contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

15. COMMITTEE PROCEDURES

15.1 Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's Planning Committee. The procedure for processing planning applications may be summarised as follows:



15.2 Reports are available to the public five working days before the Committee on request. Paragraph 14.2 describes the content of reports. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

15.3 A guidance leaflet on public speaking and the process to be followed is available from the Borough Council. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual or Applicant wishing to speak on an application can ask to address the Committee for a defined time, ordinarily four minutes, ~~Members may then ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Again,~~ Members will then debate the merits of the case and arrive at a decision. ~~For the avoidance of doubt, Members should also be similarly limited to the time constraints mentioned above and should not speak more than once at~~

Formatted: Font: 11 pt

Formatted: Indent: Left: 0.63 cm

With track changes

~~the 'debate stage' unless the Chair otherwise determines.~~

subject to Council approval as part of the Budget and Policy Framework.-

15.4 It is important that Members are present throughout all the debate on an item. **If any Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence. Similarly if an item is deferred to a future Committee whether for a Site Visit or any other reason when the item is resumed at that Committee any Members who were not present for all the proceedings relating to that item at the original Committee Meeting should also take no part in the discussion or voting on that item**

15.8 The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chairman of the meeting, assisted where appropriate by Officers. To facilitate this:

15.5 The Planning Committee may agree or disagree with the report and recommendation (but see sections 18 and 19 below). Having considered all the relevant planning matters, the Committee may:

- grant planning permission (usually with appropriate planning conditions) with justified planning reasons;
- refuse planning permission, with justified planning reason(s);
- defer the application for further consideration.

- ***a briefing for the Chairman and Vice-Chairman of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chairman and Vice-Chairman of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items ;***
- ***one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;***
- ***a Legal Officer will normally also be present.***

15.6 Planning enforcement decisions are normally taken by the Planning Committee. A written Officer report will normally be prepared in advance of the Committee. The report and the discussion at the Committee on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.

At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.

15.7 Decisions on Local Plan/Local Development Plan proposals are generally within the functions of the Regeneration Services Committee,

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits

16. COMMITTEE SITE VISITS

With track changes

sometimes result from a request by a Ward Councillor/Member. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Ward Councillor/Member can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

16.2 However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- ***A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.***
- ***The reasons for a site visit should be clearly stated and minuted.***
- ***All Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.***
- ***Any Member who requests or votes for a site visit thereby indicates that they do not have sufficient information with which to make a decision, in the event that the Member does not then attend the site visit he/she should, when the item is resumed, indicate that they either made alternative arrangements to view the site or they should take no part in discussion of the matter or any subsequent vote.***

16.3 Site visit meetings will be conducted in a formal manner:

- ***The Chairman should start by explaining the purpose and conduct of the site inspection .***
- ***The Officer will describe the proposal and highlight the issues***

relevant to the site inspection and other material planning considerations.

- ***The Officer will be asked to point out relevant features which can be observed. Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.***
- ***To avoid giving an impression of being lobbied, Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.***
- ***The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Members' attention to any salient features or to any relevant factual information.***
- ***Other than to draw Members' attention to any salient feature or to clarify a factual point, through the Chair, the public, applicant and objector will not be allowed to speak/participate.***
- ***To avoid Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.***
- ***No discussion or decision-making will take place on site.***
- ***No hospitality will be accepted before, on or after site visits.***
- ***Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.***

17. DECISIONS DELEGATED TO OFFICERS

17.1 The Council has generally agreed that decisions on certain types of application can be taken by the Director of Regeneration and Neighbourhoods through the Planning and Development Manager or the Assistant Director (Economic Growth and Regeneration) some in consultation with the Chair of the

Formatted: Font: 11 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Font: 11 pt, Bold, Italic

Formatted: Font: 11 pt, Bold, Italic

With track changes

Planning Committee. These are wide ranging but generally less contentious the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Regeneration and Neighbourhoods is set out in Appendix 4. The system allows quicker decisions to be taken on straightforward matters. The procedure for processing delegated planning applications may be summarised as follows:

PLANNING OFFICERS
prepare report on planning application with recommendation



Planning and Development Manager discusses the report and determines applications (the Planning and Development Manager may choose to visit the site)

18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 *If Officers are recommending granting planning permission contrary to the development plan:*

- The decision will always be taken by Committee, and not as a delegated decision.*
- The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.*
- The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with Part 3 (18) of The Town and Country Planning (Development Management Procedure) (England) Order 2010*

18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State ~~for Communities and Local Government~~ to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2..

19. DECISIONS CONTRARY TO OFFICER ADVICE

19.1 If the Planning Committee makes a decision contrary to the Officers' recommendation on a planning application or enforcement case, then:

- the proposer of the motion to go against the Officers' recommendation, or the Chairman, should state the planning reasons for the proposed decision before a vote is taken; the Ombudsman has said that the reasons should be clear and convincing, and be material planning considerations they should also reflect the actual discussion which took place(see section 5 above);*
- the Planning and/or Legal Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are planning matters and, if an approval is proposed, to recommend appropriate planning conditions;*
- if the decision would be contrary to the Development Plan, then the Officer should comment on the extent to which the other planning considerations could be seen to override the Development Plan, and on whether the decision would require referral (see section 18 above);*
- where Planning Committee indicates that it is not minded to accept the Officers recommendation for approval, the planning application may be deferred to the next available meeting of Planning Committee*

Formatted: Font: 11 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Font: 11 pt, Bold, Italic

With track changes

where so requested by the Planning and Development Manager on behalf of the Director of Regeneration and Neighbourhoods. This deferral period enables Officers to prepare clear and convincing planning reasons for refusal;

- If any of the conditions required by Planning Committee are 'Pre-Conditions' for which prior agreement is required from the applicant prior to imposition then the Committee Meeting should either be adjourned for a short time to allow for the signing of the appropriate document or the matter should be delegated to the Director of Regeneration and Neighbourhoods to agree the conditions and issue the permission
- a detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Development Plan, the minute should state that and clearly set out those planning considerations which override the development plan.
- If a Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Director of Regeneration and Neighbourhoods to execute the S106 Agreement and issue the permission. In the event that the Applicant does not enter into the Agreement within six months of the Committee date the delegation shall require that Director of Regeneration and Neighbourhoods shall refuse permission.

19.2 If a Committee wishes to amend or add conditions to an approval, Officers should be requested to draft the detailed wording of the conditions in line with the Committee's wishes. Both reasons for refusal and reasons for supporting conditions need to clearly refer to

applicable Development Plan policies, where relevant.

20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED

20.1 One complaint that frequently arises, and has been investigated by the Local Government Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

20.2 The principles which can be distilled from Ombudsman cases are as follows:-

- there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;
- the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;
- the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:-
 - insufficient weight has been given to Officers' recommendations and Central Government guidance; and
 - there is a failure to give and record reasons for the authority's change of mind.

20.3 Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

Formatted: Font: 11 pt, Bold, Italic

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Bold, Italic

Formatted: Font: 11 pt, Bold, Italic

20.4 Therefore:

- *If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval before a vote is taken.*
- *If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.*

21. DEVELOPMENT PROPOSALS SUBMITTED BY OR AFFECTING COUNCILLOR MEMBERS AND OFFICERS

21.1 Proposals to their own authority by serving and former [Councillor Members](#) and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

21.2 For planning proposals from Officers and [Councillor Members](#) (which are otherwise deemed by the Director of Regeneration and Neighbourhoods, or their representative, to be contrary to the principles set out in the scheme of delegation) shall proceed to determination before Planning Committee, subject to the following principles:

- *Serving [Councillor Members](#) and Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.*

- *Such proposals should be reported to Committee and not dealt with by the Director of Regeneration and Neighbourhoods under delegated powers.*
- *The Council's Monitoring Officer should be informed of such proposals by serving [Councillor Members](#), and the Officers report to the Committee will show that the applicant is a [Councillor Member](#).*
- *[Councillor Members](#) and Officers should never act as agents for people pursuing a planning matter within the Borough.*

21.3 For proposals submitted by close relatives and friends of Officers involved with the development control process:

- *The Officer concerned will have no involvement with the application.*
- *The Officer concerned should alert the Director of Regeneration and Neighbourhoods and/or the Planning and Development Manager to the proposal.*

21.4 Where a planning proposal directly affects the property or personal interests of a [Councillor Member](#), she/he should play no part in the decision-making process. This would apply, for example if a [Councillor Member](#) submitted comments, as a neighbour, on a planning application.

21.5 Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

22. THE COUNCIL'S OWN DEVELOPMENTS

22.1 Proposals for the Council's own development have to be treated in the same way as those by private developers.

- All applications for the Council's own development will be reported to Committee where the application does

With track changes

not accord with the Scheme of Delegation.

- All applications for the Council's own development will be the subject of a written Officer report, as with other applications.

23. THE MEDIA

23.1 The principles of this Code also apply to press contact. ~~Councillor~~Members and Officers when commenting to the media on planning matters should:

- *have regard to the points made in the section on lobbying (Section 8);*
- *ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application ; and;*
- *make clear that ~~Councillor~~Members will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;*
- *for delegated applications, make clear that the Director of Regeneration and Neighbourhoods or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.*

23.2 Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Director of Regeneration and Neighbourhoods or his appointed representative for attributable comments.

24. RECORD KEEPING AND COMPLAINTS

24.1 The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be

~~escalated referred to the relevant Policy Committee Chair for consideration~~ in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- *The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.*
- *For delegated applications, a formal note of the main planning considerations is written and kept on file.*
- *These principles apply equally to enforcement and Development Plan matters.*
- *All Committee reports and delegated decision reports will be checked and agreed by the Planning and Development Manager.*
- *A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.*

With track changes

24.3 Section 14 gives more details on what reports contain.

25. TRAINING

25.1 As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be accessible to each ~~Councillor~~Member and Officer in the Regeneration and Neighbourhoods Department, including new ~~Councillor~~Members and employees.
- The Council will provide periodic training events for ~~Councillor~~Members on planning, which all Members should endeavour to attend as part of their personal development.
- Members newly elected to the Council without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Planning and Development Manager and will seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

25.2 A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Members of the Committee shall also endeavour

to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Member in carrying out their role properly and effectively.

26. LEARNING FROM PAST DECISIONS

26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented. There will be an annual review by Planning Officers of a selective number of planning decisions which will be appraised through training and other initiatives, including the visiting of affected sites and so considering where appropriate any complaints to learn from experience.

26.2 The Council is working towards a more systematic way of learning lessons from a sample of past planning decisions and outcomes.

27. GIFTS AND HOSPITALITY

27.1 ~~Councillor~~Members and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.

27.2 ~~Councillor~~Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any members receiving any gift or hospitality, **in their capacity as members**, over the value of ~~£250~~£2550, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

27.3 Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Declarations of receipt of gifts and hospitality will be reviewed regularly by the Council's Monitoring Officer.

27.4 The presumption should be that any gift is normally refused.

28. RACIST COMMENTS

28.1 The Council will follow the procedures in the RTPi note "Planning Authorities and Racist Representations". In particular:

- Letters containing racist comments will be returned to the writer;
- Racist comments will not be referred to in reports to Committees;
- Persistent racist comments will be referred to the Equality and Human Rights Commission or the Police. This is to ensure that the Council abides by Sections 31 and 33 of the Race Relations Act 1976, as amended.

28.2 Any applicants suggesting that they have been affected by racial abuse in whatever form, will have their application considered by Planning Committee and the Monitoring Officer will be advised of the circumstances and representations received.

APPENDIX 1; OTHER GUIDANCE

FROM HARTLEPOOL BOROUGH COUNCIL

Code of Conduct for Members
Code of Conduct for Employees
Council's Constitution
Statement of Community Involvement

FROM OTHER ORGANISATIONS

'Code of Professional Conduct' The Royal Town Planning Institute (RTPI)..

'Openness and transparency on personal interests', Department for Communities and Local Government.'

'Probity in Planning', Local Government Association..

'The Role of Elected Members in Plan Making and Development Control'..

'Planning Authorities and Racist Representations', RTPI.

'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England..

'Positive Engagement' – A Guide for Planning Councillors.

'Model Members Planning Code of Good Practice – ACSes

Planning Policy Guidance – DCLG (March 2014)

APPENDIX 2; DUTIES AND ACTIONS

1. DUTIES OF MEMBERS

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Members do for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Members of the Local Planning authority have the following duties:-

- (i) Members must at all times act within the law;
- (ii) The overriding duty of Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;
- (iii) Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).
- (iv) Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)
- (v) Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.
- (vi) Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (vii) Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. ACTIONS AGAINST LOCAL PLANNING AUTHORITIES AND MEMBERS

Actions against Local Planning Authorities and Members are necessary because duties without recourse would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Members would become subject to the scrutiny of the following external agencies:-

(1) THE AUDIT AND GOVERNANCE COMMITTEE

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This was a statutory framework within which members should operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of conduct..

The Ethical Framework has the following key elements:

- (1) Codes of Conduct;
- (2) Register of Interests
- (3) Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution).
- (4) A criminal offence provision under Section 34 of the Localism Act, 2011..

The framework is concerned with the proper behaviour of politicians in public life, namely:

- (1) the way in which politicians conduct themselves in decision making;
- (2) their relationships with constituents, officials and outside interests; and
- (3) how conflicts of interest are declared and handled in the decision making environment of a Council.

(2) EXTERNAL AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. The Annual Statement of Accounts therefore contains the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

Extraordinary headings of expenditure which could be raised by the external auditor from decisions of the Planning Committee are:

- (a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;
- (b) costs of litigation and award of costs following an application for Judicial Review;;
- (c) costs of local public inquiries, including possible award of applicants' costs including the possible substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council .

(3) **LOCAL GOVERNMENT OMBUDSMAN**

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

- (a) failure to follow a Council's agreed policies, rules or procedure;
- (b) failure to have proper procedures; bias or unfair discrimination;
- (c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;
- (d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

(4) **JUDICIAL REVIEW**

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

- (a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;
- (b) whether the Council has taken into account an irrelevant consideration;
- (c) whether the Council has failed to take into account a relevant consideration;
- (d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;
- (e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

(5) **THE “CALL IN” POWERS TO THE SECRETARY OF STATE**

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2009 and accompanying Circular 02/09 should now be read in conjunction with this power. There are now five broad categories of development a Local Planning Authority must refer if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development and flood risk development .

(6) **THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION**

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

APPENDIX 3;

DRAFT LETTER FOR LOBBYISTS

Dear Sir/Madam

The Role of a ~~Councillor~~Member in a Planning Application

Thank you for seeking my advice as a Borough ~~Councillor~~Member on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as a ~~Councillor~~Member is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on certain planning matters and it is important that applications are dealt with firmly in accordance with those policies so that decisions are consistent throughout the Borough. In accordance with the National Planning Policy Framework, approving proposals for development, should accord with the development plan. In cases, where the development plan is absent, silent or relevant policies are out of date, there is a presumption in favour of granting sustainable development unless;

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the National Planning Policy Framework, or
- Specific policies in the Framework indicate development should be restricted.

A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a member of the Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Regeneration and Neighbourhoods and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Planning Code of Practice to maintain my impartiality and integrity and not to attempt or be seen as attempting to influence Planning Officers or fellow ~~Councillor~~Members. I therefore cannot act as an advocate or agent on your behalf.

If I am a Member of Planning Committee I may refer you to another ~~Councillor~~Member who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.

I hope this clarifies my role as ~~Councillor~~Member in the planning process.

Scheme of Delegation

As of May 2013 Hartlepool Borough Council has operated a 'committee system', which although had no direct impact on the regulatory activities of its Planning Committee, has led to a review of the Council's Constitution and the way the Council is governed. The functions and responsibilities of Planning Committee are contained within Part 3 of the Constitution, which also contains those matters that can be delegated to officers (see below). In accordance with government guidelines and targets there is a requirement for the delegation of planning applications (unless otherwise stipulated) to officers.

Planning Committee	
Membership:	<p>11</p> <p>Councillors: Cook (Chair) Brown (Vice Chair)</p> <p>Plus CouncillorMembers:</p> <p>S Akers-Belcher, Barclay, Belcher, Buchan, Fleming, James, Loynes, Martin-Wells and Morris</p>
Quorum:	5
FUNCTIONS	DELEGATIONS
<p>1. Exercise the Council's development control and management functions including conservation, Town and Village Greens, Commons Registration and Public Rights of Way.</p> <p>2. All functions relating to town and country planning and development control.</p> <p>3. Powers relating to the protection of important hedgerows</p> <p>4. Powers relating to the preservation of trees.</p> <p>5. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.</p> <p>6. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Director of Regeneration and Neighbourhoods</p> <p>1. Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following exceptions:</p> <p>i) in the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application.</p> <p>ii) any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial,</p> <p>iii) the determination of applications submitted by the Council in respect of its own land or proposed development, except those relating to operational development to which there is no lodged objection.</p>

Planning Committee (continued)	
FUNCTIONS	DELEGATIONS
7. Powers, related to Commons Registration	iv) the refusal of an application except with the agreement of the Chair of the Committee.
8. Functions relating to public rights of way.	v) except in cases of urgency
9. The licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980.	a) power to require the discontinuance of a use of land b) power to serve a stop notice (including a temporary stop notice) c) power to issue an enforcement notice d) power to apply for an injunction restraining a breach of planning control
10. Functions relating to Town and Village Greens	e) power to serve a building preservation notice and related powers
11. To comment upon relevant Development Plan Documents (DPD's) and Supplementary Planning Documents (SPD's).	f) power to issue enforcement notice in relation to demolition of unlisted building in conservation area
12. To consider reports on the proposed DPD's of neighbouring authorities where the Council is a consultee.	g) powers to acquire a listed building in need of repair and to serve a repairs notice h) power to apply for an injunction in relation to a listed building;
13. To receive reports on the performance of the Development Control and Planning Policy section.	exercise of such powers to be reported for information to the next available meeting of the Committee.
14. To consider reports on proposed changes to national planning policy.	2. Power to formulate decision notices following decisions made in principle by the Committee.

Planning Committee (continued)	
FUNCTIONS	DELEGATIONS
	<p data-bbox="544 539 1002 712"> 3.— Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. </p> <p data-bbox="544 748 1002 981"> 4.— Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods, following discussion of the issues with the Chair of the Committee. </p> <p data-bbox="544 1016 1002 1218"> 5.— In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. </p> <p data-bbox="544 1254 1002 1429"> 6.— Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management. </p> <p data-bbox="544 1464 1002 1659"> 7.— Power to carry out all of the functions of the Committee with the exception of any matter which falls significantly outside of established policy guidelines or which would otherwise be likely to be controversial. </p>

	<p>8.— Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period</p> <p>Director of Regeneration and Neighbourhoods</p> <ol style="list-style-type: none"> 1) Power to carry out all of the functions of the Committee in paragraphs 1-5 adjacent, subject to the following provisions: 2) Matters which must be referred to Committee for decision;- <ol style="list-style-type: none"> a) Any application which any member requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee. b) Any application which has received more than five material planning objections. c) Any application with an officer recommendation to approve which is materially contrary to current planning policy. 3) Matters which may be refused by the Director of Regeneration and Neighbourhoods <ol style="list-style-type: none"> a) Any application which is materially contrary to planning policy b) Any application relating to prior notification for Permitted Development.
--	---

	<p>4) Powers which may only be exercised by the Director of Regeneration and Neighbourhoods in cases of urgency, exercise of such powers to be reported for information to the next available meeting of the Committee</p> <ul style="list-style-type: none"> a) power to require the discontinuance of a use of land b) power to serve a stop notice (including a temporary stop notice) c) power to issue an enforcement notice d) power to apply for an injunction restraining a breach of planning control e) power to serve a building preservation notice and related powers f) power to issue enforcement notice in relation to demolition of unlisted building in conservation area g) powers to acquire a listed building in need of repair and to serve a repairs notice h) power to apply for an injunction in relation to a listed building i) power to defend Planning Appeals and Enforcement Notice Appeals <p>5) Power to formulate and issue decision notices following decisions made in principle by the Committee.</p> <p>6) Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.</p> <p>7) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way (other than those delegated to the Director of Regeneration and Neighbourhoods, following discussion of the issues with the Chair of the Committee.</p> <p>8) In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.</p> <p>9) Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.</p>
--	--

	<p>10) Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period.</p>
	<p>Planning and Development Manager</p> <p>Power to require proper maintenance of land under Section 215 of the Town and Country Planning Act 1990</p>
	<p>Chief Solicitor</p> <ol style="list-style-type: none"> 1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period. 2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period. 3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.

<p>PLANNING COMMITTEE</p> <p>1ST AUGUST 2018</p>



Report of: Interim Chief Solicitor

Subject: PERIODIC REVIEW OF THE COUNCIL'S
CONSTITUTION – CODES AND PROTOCOLS

1. PURPOSE OF REPORT

1.1 To seek a view from the Planning Committee in relation to suggested changes to the following Codes and Protocols, prior to their consideration by the Constitution Committee:-

- Planning Code of Practice

2. BACKGROUND

2.1 As the Committee will be aware there is a duty for the Council 'to promote and maintain high standards of conduct' amongst its Members under Section 27 of the Localism Act, 2011. This is underpinned in the Code of Conduct which the Council is obliged to operate and which must be consistent with the seven 'Principles of Public Life' set out under the Act. This report, submitted for the views of the Committee, covers issues pertinent to the maintenance of strong, ethical standards.

2.2 The Council's Constitution at Article 15 ("Review and Revision of the Constitution") requires that the Monitoring Officer "*will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.*" Council agreed that in the Monitoring Officer conducting a periodic review of the Constitution, a report should be submitted to the September meeting of Council, unless otherwise directed by Council.

2.2 A report summarising the outcome of the review of the Constitution will be submitted to the Constitution Committee on 31 August 2018 and to Council on 13 September 2018. As part of the review the Planning Code of Practice, included in Part 5 of the Constitution, has been reviewed and suggested changes have been made in a version appended to this report.

2.3 The Constitution recognises the requirement for Councillors to agree to follow a number of Codes and Protocols to ensure high standards in the way they undertake their duties. The Council has a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority. The previous Guidance by the Department of the Environment, Transport and the Regions (DETR) 'New Council Constitutions – Modular Constitutions for English Local Authorities (December 2000)' provided for the inclusion of the following Codes and Protocols:-

- Members' Code of Conduct
- Officers' Code of Conduct
- Protocol on Member/Officer Relations

Part 5 of the Council's Constitution comprises the above documents together with the following additional Codes and Protocols:-

- Planning Code of Practice
- Guide to Pre-Application Developer Forums
- Code of Corporate Governance
- Guidance for Members and Officers Serving on Outside Organisations and Other Bodies
- Public Questions to Council Meetings
- Filming, Recording and Photographing Council Meetings Protocol
- Guidance Note – Political Balance

3. CODES AND PROTOCOLS

3.1 As part of the review process, the views of the Planning Committee are sought on the following updated Codes and Protocols which cover issues pertinent to the maintenance of high standards of conduct by Members and co-opted Members of the Authority.:-

- Planning Code of Practice

4. RECOMMENDATIONS

4.1 That the Planning Committee reviews the suggested amendments to the Codes and Protocols and identifies any views or comments it wishes to be taken in to consideration by the Constitution Committee.

5. REASON FOR RECOMMENDATIONS

5.1 To ensure the Planning Committee is kept up to date with the Codes and Protocols set out in the Constitution.

6. BACKGROUND PAPERS

6.1 DETR Guidance 'New Council Constitutions – Modular Constitutions for English Local Authorities (December 2000)'

7. CONTACT OFFICERS

Andrew Maughan
Locum Planning Solicitor
Andrew.maughan@hartlepool.gov.uk
01429 402788

Hayley Martin
Interim Chief Solicitor
Hayley.martin@hartlepool.gov.uk
01429 523002

Amanda Whitaker
Legal and Democratic Services Team Manager
Amanda.whitaker@hartlepool.gov.uk
01429 523013

PLANNING COMMITTEE

1st August 2018



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 30 WASDALE CLOSE, HARTLEPOOL,
TS24 8RF
APPEAL REF: APP/H0724/W/17/3186024
Erection of boundary fence at front (H/2017/0388).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been determined in respect of the decision of the Council to refuse retrospective planning permission for the erection of boundary fence at front at 30 Wasdale Close, Hartlepool

The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

- 4.1 Leigh Dalby
Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523537
E-mail: leigh.dalby@hartlepool.gov.uk



Appeal Decision

Site visit made on 12 June 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2018

Appeal Ref: APP/H0724/D/17/3186024

30 Wasdale Close, Hartlepool, TS24 8RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gary Lithgo against the decision of Hartlepool Borough Council.
- The application Ref: H/2017/0388, dated 20 June 2017, was refused by notice dated 6 September 2017.
- The development proposed is the erection of a boundary fence at front.

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the development given by the Council on the decision notice accurately and succinctly describes the development proposed and, therefore, I have used this description for the purposes of the appeal.
3. The appeal form states that the appeal is against the refusal to remove or vary a condition. From the evidence, the permitted development rights that are now set out in Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) to erect walls or fences at the front of the properties were removed by a condition imposed on the original planning permission for development of estate. The planning application sought planning permission for the fence and did not seek to remove or vary the condition on the original planning permission. The effect of the condition is that development which would normally be permitted by the GPDO requires the submission of an application for planning permission.
4. The development has been carried out and I was able to see it when I visited the site. Section 73A of the Town and Country Planning Act (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use, as opposed to their retention or continuation. I have therefore determined the appeal on the basis that it is for the erection of a boundary fence at the front of the property.
5. After the date on which the appeal was submitted, the Hartlepool Local Plan was adopted on 22 May 2018. The views of the parties were sought on whether the adoption of the Hartlepool Local Plan 2018 (the Local Plan) had

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

Appeal Decision APP/H0724/D/17/3186024

any implications for the evidence that had been submitted by the respective parties. The Council advised that no major modifications were made to Policy HSG11 between the determination of the application and adoption of the Local Plan. Policy HSG11 of the new Local Plan replaces Saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 which are cited in the reason for refusal. I have, therefore, determined the appeal in the context of Policy HSG11 of the Local Plan only, as Saved Policies GEP1 and Hsg10 are no longer extant.

Main Issue

6. The main issue in the appeal is the effect of the development on the character and appearance of the area.

Reasons

7. Policy HSG11 of the Local Plan sets out various criteria against which extensions and alterations to dwelling houses will be assessed. Among these is criterion 2 which expects new development to not adversely affect the character of the surrounding residential area.
 8. I saw when I visited the site that the appeal site is located within a relatively recently built residential estate comprised of a mix of bungalows, two storey houses and small blocks of three storey flats laid out around a series of roads forming a rough loop with a number of culs-de-sac leading from this. The estate has predominantly open plan frontages to the dwellings and some small areas of incidental open space. As a result the streets within the estate have an open and spacious appearance.
 9. The appeal building is one half of a pair of two storey semi-detached houses located close to the end of a cul-de-sac. As a result of the configuration of the highway at this point, these two houses have comparatively large front gardens to many of the other houses on the street. The fence that forms the subject of this appeal is located on the common boundary between the two houses. Although the fence is approximately 1 metre high, due to its length and position near the end of the cul-de-sac at a point where the carriageway splits to form turning areas, it is very prominent. Within the context of the open frontages elsewhere in the street and as a consequence of being a freestanding, linear, structure that separates but does not enclose the frontages of the properties, it appears as an incongruous feature in a highly visible position. This reduces the spacious character of the street and does not represent a high standard of design as required by the National Planning Policy Framework. As a result the fence is harmful to the character of the area.
 10. The appellant suggests that the fence is required to prevent vehicles driving over his garden when snow is lying and that there are other fences around front garden areas on the estate.
 11. When I visited the site I was able to see the other fences that have been drawn to my attention. I note that the council have granted planning permission for some of these and that others are considered immune from enforcement action. I do not have the full details of any of these cases and so cannot be certain that the circumstances are the same as the case that is before me. However, the fences that have been erected around front gardens at Rosthwaite Close are not directly comparable, as these enclose the whole
-

Appeal Decision APP/H0724/D/17/3186024

garden and do not project as far from the front of their respective properties. I did see that on the frontages of the blocks of flats at the north end of Gatesgarth Close a low post and single rail fence is located at the back of the footpath. I have no information on whether this fence was part of the original layout of the properties and estate, or if it was erected subsequently. Nevertheless, the fence in question is more open in form than the one which is subject of this appeal and parallel to the highway. Consequently, it is much less visually prominent. I do not consider that any of the examples cited would warrant allowing the appeal proposal.

12. Whilst the carriageway deflects around the front garden of the appeal building, I saw that the kerbs at its edges were of the standard height that is typical on most roads. Whilst I accept that the position of the footway crossing providing access to the driveway of the appeal building is such that, should a heavy snowfall be lying, there may be less differentiation between the carriageway and footway at this point, there are other visual cues, such as the position of lighting columns, that indicate that the carriageway changes direction at this point. In addition, residents of the street would be familiar with the road layout. Although visitors to the street would not be familiar with the carriageway alignment, there is no substantive evidence that the combination of a heavy enough snowfall to obscure the kerb line and motorists unfamiliar with the road geometry occurs so frequently that vehicles regularly leave the carriageway and enter the appellant's garden. Consequently, I do not find this argument a persuasive one that would outweigh the harm that the fence causes to the character and appearance of the area.
13. On the basis of the evidence before me and from my observations during the site visit, I conclude that the proposal causes harm to the character and appearance of the area. It is contrary to the relevant requirements of Policy HSG11 of the Local Plan which seeks to ensure that new development does not adversely affect the character of the surrounding residential area.

Conclusion

14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

PLANNING COMMITTEE

1 August 2018



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 have been completed. Investigations have commenced in response to the following complaints:

1. An untidy commercial building on Raby Road.
2. Non-compliance with a condition relating to working hours at a residential development site at land off Tees Road.
3. The erection of a timber outbuilding in the rear garden of a residential property in Millston Road.
4. The erection of a timber outbuilding in the rear garden of a residential property in Stockton Road.
5. The erection of timber hoardings and the siting of portacabins at an area of land adjacent to Middleton House, Middleton Road.
6. A rear extension not built in accordance with the approved plans at a residential property in South Crescent.
7. An area of untidy land at the site of a former church hall on Oxford Street.
8. The installation of UPVC windows at the front of a grade II listed residential property in Regent Square .
9. The installation of a UPVC front door at a grade II listed residential property in Regent Street.
10. The installation of a UPVC front door and UPVC windows at the front of a grade II listed residential property in Regent Street.
11. The installation of UPVC windows at the front of a grade II listed residential property in Regent Street.

12. The erection of low fencing to the front, high fencing to the rear, and a timber lean-to extension at the rear of a residential property in Barley Close.
 13. The conversion of a single dwellinghouse to two flats and a residential property on Moor Parade.
 14. Alterations to a conservatory roof at the rear of a residential property in Studland Drive.
 15. The display of trailer mounted advertisements at an area of land on Merlin Way.
 16. The erection of high fencing at the rear of a residential property in Scott Grove.
 17. Non-compliance with conditions relating to surface water drainage and archaeological investigation at a residential property on Hart Lane.
 18. Change of use from a shop to a hot food takeaway at a commercial premises in Oxford Road.
 19. The installation of a replacement window at the front of a grade II listed residential property in South Crescent.
- 1.2 Investigations have been completed as a result of the following complaints:
1. Non-compliance with a condition relating to working hours at a residential development site in Elwick Road. The development site is now operating in accordance with the relevant condition.
 2. The erection of an outbuilding in the rear garden of a residential property in Harvester Close. It was found that the structure comprised of low walls and paving to create a barbeque and seating area. Permitted development rights apply in this case.
 3. The erection of a timber outbuilding in the rear garden of a residential property in Reedston Road. Permitted development rights applied in this case.
 4. The erection of a timber outbuilding and the use of a residential property as a licensed premises at residential property in Kesteven Road. It was found that permitted development rights applied in respect of the outbuilding, and that no evidence of a change of use could be established.
 5. Non-compliance with a condition relating to dust suppression measures at a school redevelopment site in Catcote Road. It was found that the required dust suppression measures are in place at the site. As a result of the helpful assistance of the site manger, additional dust suppression measures are also being implemented in an effort to more effectively control the problem of dust escaping from the site.

6. A development not built in accordance with approved plans, involving the erection of an addition to an approved extension at a residential property in Hayston Road. A retrospective planning application seeking to regularise the development has since been approved.
7. The erection of high fencing on the side boundary at the rear of a residential property in Sandwich Grove. The section of fence that exceeded the relevant permitted development height has since been reduced in height.
8. Non-compliance with conditions relating to the installation of a highway swale and oil interceptor at a residential development site at land off Valley Drive. All SUDs features at the site have now been completed in accordance with the approved plans.
9. The subdivision of a single flat to two separate flats at a residential property in Avenue Road. The property has now been returned to a single flat.
10. The use of a residential property for the storage of vehicles and equipment in relation to a construction business. All construction vehicles and equipment have since been removed from the property.
11. Non-compliance with a condition relating to working hours at a residential development site in Brierton Lane. The site is now operating in accordance with the relevant condition.
12. The erection of fencing to incorporate an area of Council owned land into garden curtilage at a residential property in Intrepid Close. The fencing has since been reinstated to the correct position.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523596
E-mail andrew.carter@hartlepool.gov.uk

AUTHOR

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