

PLANNING COMMITTEE

AGENDA



Wednesday 3 October 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 Young

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 1 August 2018
- 3.2 To confirm the minutes of the meeting held on 5 September 2018

4. ITEMS REQUIRING DECISION

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

- 1. H/2017/0131 Land to the front of Dean Garth and North View, Dalton Piercy (page 1)
- 2. H/2018/0183 1-84 Oval Grange (page 11)
- 3. H/2018/0338 White House, 4 Church Square (page 21)
- 4. H/2018/0271 5 Tower Street (page 31)
- 5. H/2018/0272 68 Church Street (page 41)
- 6. H/2018/0284 32 The Front, Seaton Carew (page 51)
- 7. H/2018/0227 Land off Coniscliffe Road (page 61)

5. ITEMS FOR CONSIDERATION

- 5.1 Appeal at Annexe at Sunrise Cottage, Benknowle Lane, Elwick, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*



6. ITEMS FOR INFORMATION

- 6.1 Appeal at 12-14 Church Street, Hartlepool – *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 Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 9.2 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 9.3 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 9.4 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 9.5 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 9.6 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

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 31 October 2018.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

1st August 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Sandra Belcher, Paddy Brown,
Tim Fleming, Marjorie James, Brenda Loynes and
George Morris

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Allan Barclay and Councillor Shane Moore was in attendance as substitute for Councillor Tim Fleming

Officers: Jim Ferguson, Planning and Development Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Heritage and Countryside Manager
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

23. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay and Bob Buchan.

24. Declarations of interest by members

Councillor Paul Beck declared a prejudicial interest in planning application H/2018/0017 (Land at Merlin Way) and reserved the right to speak on this matter.

25. Confirmation of the minutes of the meeting held on 20th June 2018 and 4th July 2018.

Minutes approved

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

Number: H/2018/0156

Applicant: MR P MOORE 7 CHURCH STREET SEATON CAREW HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL MR MICHAEL KEEYS PRIVATE SECTOR HOUSING CIVIC CENTRE HARTLEPOOL

Date received: 15/05/2018

Development: Erection of detached single storey residential annexe

Location: 7 CHURCH STREET SEATON CAREW HARTLEPOOL

A family member of the Applicant urged members to support the application which was being pursued out of need rather than want. The proposed extension was roughly the same size as the garage it would be replacing and was more in keeping with the conservation area.

Members expressed their support for the application despite the recommendation to refuse as they felt that the secluded nature of the area meant it would have no impact on the conservation area particularly as only part of the building was actually in the conservation area. They also noted that the design work had been carried out by Council officers which they felt demonstrated a clear need for the extension. A member queried whether the applicant would need planning permission to make future changes to the boundary fence and gate. The Planning Team Leader indicated that this was likely to be the case and advised the applicant to contact the planning department in that case.

Members approved the application by a majority, and against officer recommendations, for the following reasons:

- Secluded nature of the site, screened by high gates and a wall and would not affect the character and appearance of the conservation area
- Replacing a building less in keeping with the conservation area

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 approved plan(s) and details; Site Location plan (1:1250) received 3rd May 2018 by the Local Planning Authority and Detached Care Building (Dwg. No 4974 Rev. A) received 18th July 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. The building hereby approved shall be occupied in conjunction with the use of the existing property as a single dwellinghouse only and shall not be used as a separate dwellinghouse.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Councillor Paul Beck left the Planning Committee during consideration of the following item.

Number: H/2018/0017
Applicant: P & R CONSTRUCTION LTD ROSEVILLE COURT
BLAIR AVENUE, INGLEBY BARWICK STOCKTON
ON TEES

Agent: EMBARK ARCHITECTURE MR NEIL BARKER 11
QUEENS ROAD MONKSEATON WHITLEY BAY

Date received: 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

A member queried whether the inclusion of sprinklers in the development had been considered. The Senior Planning Officer advised that Cleveland Fire Brigade, while not objecting to the plans, had encouraged the use of sprinklers. The designs had yet to be finalised but the applicant was aware of the Fire Brigade's position. A member referred to a crossing which was due to be installed as part of a nearby housing development and queried whether it would be possible for the date of installation to be brought forward. The Senior Planning Officer indicated that the crossing was linked to the housing scheme and this application would not warrant a crossing.

The Agent urged members to support the application which would bring significant investment to the area. None of the statutory consultees had objected and any concerns raised by them had been addressed. The Applicant would be consulting with Cleveland Fire Brigade regarding the inclusion of sprinklers as they felt they were an essential part of the design of any care home.

An objector referred to problems with heavy traffic and parking in the immediate vicinity of the proposed care home. She queried the need for 2 care homes on an estate predominantly consisting of young families and

suggested there were other areas of Hartlepool where a care home could be erected. A member commented that if approved this would be the first and only care home in the area as Hartfields is an old persons' retirement village rather than a care home.

Ward Councillor Paul Beck expressed his support for the application which would bring jobs to the area and allow people suffering with dementia to stay in Hartlepool rather than having to leave town. In terms of traffic concerns agreement had been reached to install double yellow lines on Merlin Way. The number of parking bays were adequate according to national guidelines. He concurred with residents concerns around the need for a crossing but that would be linked to the forthcoming housing development rather than this application.

Members expressed their support for the proposal which would help meet the demand for elderly care homes. They approved the application by a majority.

Decision: Planning Permission Approved subject to completion of S106 Legal Agreement

CONDITIONS AND REASONS

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 opaqueness). 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.

The Committee considered representations in relation to this matter.

Councillor Paul Beck returned to the Committee

Number: H/2018/0174
Applicant: HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE HARTLEPOOL
Agent: HARTLEPOOL BOROUGH COUNCIL MR STEVE WILKIE CIVIC CENTRE HARTLEPOOL
Date received: 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

The owner of a business in the vicinity objected to the detail of the proposal saying the number of vans used by businesses in the area meant that the size and number of parking bays would need to be reconsidered. The proposals to install double yellow lines on Archer Street would cause significant problems in terms of people gaining access to his premises, particularly disabled drivers who would use an access ramp he had provided to gain access. He highlighted problems the proposals could cause for a resident whose property could be blocked by one of the proposed parking bays. He also queried when the wheelie bins currently situated on Archer Street would be moved. He commented that no monies had been made available to him as part of the regeneration of Church Street despite the fact that it would cause him real problems in terms of customer access to his premises.

Members were disappointed to hear that no mitigation had taken place between the objector and Council officers. The Highways, Traffic and Transport Team Leader advised that he had been aware of the broad nature of the concerns but not the detail. However there was scope to create some larger bays for vans and he noted that disabled drivers could park on yellow lines.

The Senior Planning Officer further advised that parking bays would be individually numbered and allocated and placed directly behind the business it was allocated to. The owner of the property highlighted by the objector would also be given an allocated bay should she wish to have one. Officers' felt that her property would not be impacted on by the proposal and she had raised no objections. Also an area had been set aside for the trade waste bins on Archer Street with no parking allowed there.

Members reiterated their disappointment that there had been no dialogue between council officers and the objector. They proposed that the item be deferred for a site visit, stressing the need for this proposal to be absolutely right for the future. This was approved by a majority. It was noted that the objector would not be allowed to speak on this matter when it returned to Committee for consideration.

Decision: **Deferred for a site visit**

Number: H/2018/0111
Applicant: MR D ATKINSON 187 GRANGE ROAD
 HARTLEPOOL
Agent: MA ARCHITECTURE + HERITAGE MR M
 ATKINSON 47 KITCHENER TERRACE NORTH
 SHIELDS

Date received: 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

A member queried why there was no mention of whether or not sprinklers had been considered as part of the design given the recent committee decision that a policy be formulated requiring that designs for all new multi-occupancy buildings should consider the inclusion of sprinklers and if they were not included state the reasons in the planning report. The Solicitor advised that the fitting of sprinklers was not in the remit of the committee as it was covered by other legislation and dealt with through building regulations and design. The member noted that it had been accepted as local policy and would have expected it to be considered and a reason given if it was not included. The Solicitor advised that there was no adopted planning policy nor was there likely to be one given that these were not planning matters. The Applicant indicated that discussions were still ongoing regarding the use of an auto mist system. The member queried why this had not been included in the report and was advised that the planning officer involved was currently on leave but would be asked if he was aware on his return.

The Applicant referred to the varied history of the building and his intention to sustain a future for it as a boutique hotel with a restaurant, cocktail bar and conference facilities. Everything possible would be done to minimise disruption for those living nearby including the replacement of hedges around the perimeter walls with railings, sufficient parking facilities to minimise on street parking and a left turn only policy for any vehicles leaving the car park.

Members were happy to support the application and wished the applicant the best of luck in this venture. They 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 approved plan(s) and details;

Drawing No 2701 (Existing Floor Plans)
 Drawing No2702 (Existing Elevations)
 Drawing No 2703 (Proposed Floor Plans)
 Drawing Ref. AMS EX1 (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.

The Committee considered representations in relation to this matter.

Number:	H/2018/0112
Applicant:	MR D ATKINSON 187 GRANGE ROAD HARTLEPOOL
Agent:	MA ARCHITECTURE + HERITAGE MR M ATKINSON 47 KITCHENER TERRACE NORTH SHIELDS
Date received:	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

Members approved the application by a majority.

Decision: **Listed Building Consent 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 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.

The Committee considered representations in relation to this matter.

Number: H/2017/0611
Applicant: MR E DUNKERLEY CONISCLIFFE ROAD
 HARTLEPOOL
Agent: GEORGE HIND 100 SPALDING ROAD
 HARTLEPOOL
Date received: 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

The Applicant advised members that despite permission being given for a 4-bedroom house on the site in 2014 it was now felt that the site would be better suited to 2 bungalows. This would help alleviate previous objections around overlooking into neighbouring properties and could also help with recent concerns around anti-social behaviour on the plot. He also noted that new proposals were further away from nearby property than the 4-bedroom property had been.

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 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.

The Committee considered representations in relation to this matter.

Number:	H/2017/0486
Applicant:	SEP PROPERTIES DUDLEY HOUSE STONE STREET
Agent:	PL & HP ASSOCIATES MR PAUL LEES CRESCENT HOUSE BROAD STREET BILSTON
Date received:	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

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

Decision: Outline Approval subject to completion of S106 Legal Agreement

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the

expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the 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.

27. Appeal at 4 Hawkrigde Close (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the decision to refuse planning permission for a single storey extension at the rear of 4 Hawkrigde Close.

Decision

That officers be authorised to contest the appeal.

28. Appeal at 30 Wasdale Close (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council's refusal to grant retrospective planning permission for a boundary fence at the front of 30 Wasdale Close had been dismissed. The Inspector's decision letter was appended to the report.

Decision

That the outcome of the appeal be noted.

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

Members were updated on 19 matters currently under investigation and 12 completed investigations.

Decision

That the report be noted.

30. 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 31 – (Enforcement Notice) – 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.

Councillor Paul Beck left the meeting.

31. Enforcement Notice *(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 an Enforcement Notice should be issued. Further information is contained in the exempt minutes.

Decision

Contained in the exempt minutes

32. Planning Code of Practice *(Interim Chief Solicitor)*

As part of the current review of the Constitution a number of amendments had been made to the Planning Code of Practice. A copy of the Code with the proposed changes had been sent out to members of the Planning Committee in advance of the meeting for their consideration. However members noted that sections of the code had been missed off the final document. Members also felt they had been given insufficient time to consider the document in advance of this meeting and asked if this item

could be deferred. The Solicitor indicated that the proposed changes to the code were due to be considered by Regeneration Services Committee before the next Planning Committee. Members suggested therefore that this meeting be adjourned and reconvened the following week. This was approved by members. The Chair asked that a full numbered version of the code with any changes highlighted in colour be sent out to all members in advance of the reconvened meeting.

Decision

That this item be deferred to a reconvened meeting on 8th August 2018 at 9am.

33. 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 requested an update on the formulation of a sprinkler policy as proposed by the committee previously. The Planning and Development Manager advised that work was currently ongoing in relation to this. The member noted they would wish to see a policy in place by October, 6 months after it had originally been discussed by Planning Committee.

The meeting adjourned at 11:50am.

The meeting reconvened at 10:46am on Wednesday 5th September in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Paddy Brown,
Bob Buchan, Marjorie James, Brenda Loynes and
George Morris

Officers: Andrew Carter, Assistant Director (Economic Growth and
Regeneration)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning Team Leader (DC)
Laura Chambers, Senior Planning Officer
Andrew Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

34. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher and Tim Fleming.

35. Planning Code of Practice *(Interim Chief Solicitor)*

A complete copy of the Planning Code of Practice document had been sent out to members in advance of this meeting. Included within it were coloured 'track changes' so that members were fully aware of the proposed amendments compared to the provisions included in existing documentation.

The Locum Solicitor went through the proposed changes, explaining the rationale behind them. Members then made comment upon the proposed changes as follows:

Amendment of Councillors to 'Members' in the document. This was part of corporate amendments being made to the Constitution as a whole. Members requested that this be altered to 'Elected Members'.

Questioning of speakers after they have spoken by Members was removed. This had been removed in order to make the process of speaking procedurally fair in that both applicant and objector would have an equal amount of time to make their case. It would also avoid discussions which might stray into areas from which procedural unfairness might arise and which might result in subsequent legal challenges. Members expressed concern at this, citing a number of previous examples whereby relevant information had only been made clear by questioning the applicant. The Locum Solicitor referred to concerns that previously applicants had been asked to comment on, or make promises related to, information which was not within their domain such as parking availability. They might also be an agent speaking on behalf of an applicant without the power to negotiate on their behalf. He suggested that following receipt of planning reports members could contact the planning officers with any queries and the information could be sought prior to the meeting. If Members were still not happy that they had sufficient information to make a decision they could defer the item until their questions were answered. Members raised concerns all the information they required was not always included in the report, citing previous examples when this had happened. The Locum Solicitor advised that in those cases the item could be deferred until the information was available. Members felt that putting the onus on them to ask questions in advance of the meeting was unfair particularly as they felt reports did not always contain all the relevant information. The Committee agreed to reject this amendment.

If an item was deferred for a site visit or any other reason only those Members who had been present at the start of the process could vote on that item when it returned. Members were happy to approve this change but asked that it be included in the planning training. The Chair confirmed that it would be.

Members who had requested or voted for a site visit but then failed to attend should not vote on the application unless they could demonstrate that they had made alternative arrangements to view the site. The Locum Solicitor clarified that this only related to Members who had indicated within the meeting that they had insufficient information to make a decision without a site visit. Members who had voted against a site visit or failed to vote at all would not be affected. Members raised concerns that the current practice whereby all site visits took place immediately before the next planning meeting might not always be convenient for Members. The Chair indicated that planning officers would be happy to make alternate arrangements if necessary including single Member visits. Members also highlighted that a recorded vote would be needed.

Councillor Allan Barclay left the meeting

In the event that a member decision was contrary to officer recommendation, any pre-commencement conditions requiring prior approval by the applicant should be signed for by the applicant during a meeting adjournment or delegated to the Director of Regeneration and Neighbourhoods. Members requested that in the case of delegation this should take place in consultation with the Chair or Vice-Chair.

Councillor Sandra Belcher left the meeting

Any application receiving more than 5 material planning objections to be referred to Committee for decision. This was an increase on the previous number of more than 2. Members indicated they would prefer to retain the current number of more than 2.

The Locum Solicitor further advised members of the proposed introduction of a standardized 106 agreement sheet which would be given to applicants at the start of the process thereby making clear what was required of them. He also made reference to forthcoming officer training and noted the requirement that any internal planning applications be run through the 'One-Stop Shop'.

Decision

- I. That all suggested amendments to the Planning Code of Practice be recommended for approval with the exception of the following:
 - a. That Members' ability to question speakers as part of the Committee meeting process be retained
 - b. That the minimum number of material planning objections received for an application to be referred to Committee be retained at more than 2.
- II. That references to 'Members' within the document be altered to read 'Elected Members'
- III. That pre-conditions requiring prior approval which are delegated to the

Director of Regeneration and Neighbourhoods be done so in consultation with the Chair or Vice-Chair

36. 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.

37. Sprinkler Policy Update

Members were advised that on 18th September 2018 a joint meeting of the Regeneration Services Committee and Children's Services Committee would consider a report on the adoption of a local policy on sprinklers in schools. Previously Planning Committee had sought to impose conditions that sprinklers be fitted to all new school buildings. However as the fitting of internal sprinkler systems was not a planning matter the Council could not have an adopted planning policy on this subject. It was therefore suggested that a policy be adopted whereby developers would be asked to consider including sprinkler systems in the following:

- New school buildings
- Extensions to existing school buildings
- Change of use of non-school buildings to school use
- Buildings 3-storeys or more
- Houses of Multiple Occupancy
- Hotels
- Hostels
- Nursing Homes

In all these cases Cleveland Fire Authority would be asked to comment on whether they felt sprinklers were necessary. A specific section would then be included within the report giving their feedback and detailing whether or not sprinklers were to be included. The Assistant Director (Economic Growth and Regeneration) advised Members that in future all new school builds would be funded by the Education Skills Funding Agency who would only fund sprinklers as part of the school design if there was a local policy in place.

The meeting concluded at 12 pm

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th September 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Paddy Brown,
Bob Buchan, Marjorie James, Brenda Loynes and
George Morris

Officers: Andrew Carter, Assistant Director (Economic Growth and
Regeneration)
Mike Blair, Transport and Infrastructure Manager
Jim Ferguson, Planning and Development Manager
Daniel James, Planning Team Leader (DC)
Kieran Bostock, Principal Engineer (Environmental
Engineering)
Laura Chambers, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Fiona Riley, Townscape Heritage Project Officer
Andrew Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

38. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher and Tim Fleming.

39. Declarations of interest by members

None

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

Number: H/2018/0290

Applicant: MR A MOUTREY STOCKTON ROAD NEWTON
BEWLEY BILLINGHAM

Agent: MR A MOUNTREY MANOR HOUSE FARM

STOCKTON ROAD NEWTON BEWLEY
BILLINGHAM

Date received: 27/07/2018

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 referred to concerns that the development could in the future allow direct access onto the village green. They asked that a condition be included specifically forbidding this. The Senior Planning Officer confirmed that any future alterations to the property, including the movement of doors and windows, would need to come back to committee for approval. However specific reference to extensions and alterations would be added to the acceptance notice for the avoidance of doubt. The Locum Solicitor noted that the developer was allowed to locate a door to come directly onto the village green but could not include the village green in the curtilage of the development. Therefore they would not be able to place a pathway or other furniture directly outside their property.

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 170901-03e (Proposed Ground Floor Plan), drawing number 170901-04d (Proposed First Floor Plan), drawing number 170901-05d (Proposed Roof Plan & Location Plan), drawing number 170901-06d (Proposed Elevations & Section) and drawing number 170901-07b (Proposed Block Plan), all received by the Local Planning Authority 26/07/18.
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the occupation of development, the 2no. windows to be installed within the first floor east elevation (serving 'Bedroom 2') and the 1no. dormer window (serving 'Bedroom 3'), 1no. first floor window (serving 'Bedroom 1') and 1no. roof light (serving the 'landing area') to be installed within the south elevation detailed on drawing numbers 170901-06d (Proposed Elevations & Section) and 170901-04d (Proposed First Floor Plan), received by the Local Planning Authority 26th July 2018 shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale and shall be non-opening, and shall remain as such for

lifetime of the development hereby approved unless an alternative scheme to protect the privacy of neighbouring occupiers is submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details and thereafter retained for the lifetime of the development.

In the interests of the privacy of neighbouring occupiers.

4. The external materials used for this development shall match those of the adjoining building to the south unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

5. 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.

In the interests of the amenities of neighbouring occupiers.

6. 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 altered or extended in any way without the prior written consent of the Local Planning Authority.

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

7. 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 outbuildings shall be erected without the prior written consent of the Local Planning Authority.

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

8. The residential curtilage of the dwelling hereby approved shall be limited to the area bounded in red on the submitted Proposed Block Plan (drawing number 170901-07b), received by the Local Planning Authority 26/07/18.

For the avoidance of doubt.

Number:	H/2018/0228
Applicant:	MR D DOBSON SCARBOROUGH STREET HARTLEPOOL
Agent:	MR D DOBSON EVOLUTION TRAINING 27 SCARBOROUGH STREET HARTLEPOOL
Date received:	28/06/2018
Development:	Retrospective application for installation of

replacement door

Location: 27 SCARBOROUGH STREET HARTLEPOOL

The Planning and Development Manager advised Members that while the physical replacement of the door was not a problem the style and design chosen was inappropriate and out of keeping with the conservation area. Additional detailing around the door frame had also been lost. They acknowledged that other properties in the area had similar work done to them but felt areas should be improved rather than go with the lowest common denominator. They would be happy to advise the owner on a suitable style of door.

Members refused the application by a majority.

Decision: Planning Permission Refused

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the replacement door, uPVC cladding and timber boarding to front cause less than substantial harm to the designated heritage asset (Church Street Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient 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 policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

Number: H/2018/0054

Applicant: MRS D ROBINSON QUEENSLAND ROAD
HARTLEPOOL

Agent: MRS D ROBINSON 17 QUEENSLAND ROAD
HARTLEPOOL

Date received: 27/04/2018

Development: Erection of boundary fence and pillars (retrospective application)

Location: 17 QUEENSLAND ROAD HARTLEPOOL

Members were happy to approve the application, particularly with the inclusion of the dark staining of the fence.

Decision: Planning Permission Approved**CONDITIONS AND REASONS**

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; 'UK Planning Maps' plan (Scale 1:1250) received 12th April 2018 by the Local Planning Authority, and amended plans; 'Drawing 1 of 1' (proposed elevations) and 'UK Planning Maps' plan (Scale 1:500) received 9th August 2018 by the Local Planning Authority.
For the avoidance of doubt.
 2. Notwithstanding the submitted details, and within two months from the date of the decision notice, the existing 1.93 metre high fence shall be set back a minimum of 4.3 metres from the front elevation of the dwellinghouse and the brick pillar situated in line with the front of the dwellinghouse shall be reduced to 1.07 metres in height, in accordance with the amended plan 'Drawing 1 of 1' (proposed elevations) received 9th August 2018 by the Local Planning Authority, and the fence and gate shall be stained a dark oak colour. The works shall be carried out to the satisfaction of the Local Planning Authority.
In the interests of visual amenity and to ensure a satisfactory form of development
-

41. Appeal at 4 Hawkridge Close, Hartlepool (*Assistant Director (Economic Growth and Regeneration)*)

An appeal in respect of the Council's decision to refuse planning permission for a single storey extension to the rear of 4 Hawkridge Close had been dismissed. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted.

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

Members were informed of 17 complaints currently under investigation and 21 complaint investigations which had been completed.

Decision

That the report be noted

43. Church Street Revival Project Update (*Assistant Director*)

(Economic Growth and Regeneration))

The Townscape Heritage Project Officer gave members an update on the Townscape Heritage Scheme in the Church Street Conservation Area, funded through the Heritage Lottery Fund. There were a number of distinct elements to the scheme:

- Grant programmes whereby grants were being offered to the owners of buildings in the area to enable them to make improvements both inside and out.
- An activity plan whereby volunteers were being sought to carry out an oral building recording project focusing on the historical development of Church Street. This would be done in partnership with the Northern School of Art, Hartlepool College of Further Education and the Council's Museums and Cultural Services.
- An enforcement strategy to provide clear guidance on actions that could be taken in the future to protect investment in the area including options for the Council to step in. Unauthorised and inappropriate development and poor design would be identified and addressed, through enforcement action if necessary

A member queried whether the railway station and line were eligible for grant funding as they felt that the owners should be taking more responsibility, particularly given how overgrown the far side of the station had been allowed to become. The Townscape Heritage Project Officer advised that the railway station area was not included in the initial grant priority area as it was not located on Church Street. However she would follow up the issues which had been raised.

Decision

That the progress made on the Townscape Heritage Project be noted.

44. 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 45 – (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.

45. 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 queried whether it would be possible for briefings to take place advising members of any changes developers wished to make to previously approved applications. The Chair noted that there had been agreement previously to do this automatically for large scale new applications and he did not feel it would be problematic to do something similar for variations to the approved plans. The Locum Solicitor noted that a site visit should also take place to allow members to raise queries at that time. The Chair requested clarification on the rules regarding the calling of site visits. The Locum Solicitor advised that site visits should be proposed and agreed in an open meeting in order that the public at large were aware that it was taking place.

46. Enforcement Action (*Director of Regeneration and Neighbourhoods*)

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

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 10:45am

CHAIR

No: 1
Number: H/2017/0131
Applicant: MISS S CHAPMAN DALTON PIERCY HARTLEPOOL
TS27 3HS
Agent: MISS S CHAPMAN CLERK on behalf of DPPC
BOGGLEBECK DALTON PIERCY HARTLEPOOL TS27
3HS
Date valid: 11/04/2017
Development: Provision of parking bays in front of North View and
extension to existing parking bay opposite Dean Garth
(retrospective)
Location: LAND TO THE FRONT OF DEAN GARTH AND NORTH
VIEW DALTON PIERCY HARTLEPOOL

PURPOSE OF REPORT

1.1 An 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.

SITE CONTEXT

1.2 The application site relates to two areas of land (and village green), known as Dean Garth and North View within Dalton Piercy Village. The village has a mix of traditional and modern properties. The properties on Dean Garth are set back from the public highway and are separated by designated village green. Pedestrian access to the front of the properties is taken from steps which extend from the highway to the front of the properties. The properties sit on an elevated position in relation to the public highway, with the village green sloping towards the highway. North View is opposite Dean Garth and is separated by the village road, which runs the length of the village. The properties on North View are set back from the village green and separated by an access road.

1.3 The application has been referred to Planning Committee owing to the number of objections received and the nature of the development.

HBC LEGAL COMMENT

1.4 As Commons Registration Authority the Council has the statutory duty to keep a Register of Towns and Village Greens under the Commons Registration Act 1965. According to Section 10 of that Act, entry on the Register is 'Conclusive Evidence' of status as a Town or Village Green. As Interim Chief Solicitor I am also, at the current time, the 'Proper Officer' for the purposes of the Commons Registration Act 1965 and therefore responsible for the keeping of the Register.

1.5 I can confirm that part of the land contained inside the 'red line' boundary of the current application (H/2017/ 0131) contains the area of land registered as Dalton

Piercy Village Green (VG75), a copy of the Register Plan is appended to this report at Appendix 1. The application for registration was made on the 30th May 1968 as of the date of this report the Council, as Registration Authority, has not received any notification from the Secretary of State that any application has been made to amend or challenge the contents of the Register; I can therefore confirm that VG75 as defined on the Register Plan is a village Green.

1.6 The Register of Towns and Village Greens is available for public viewing by arrangement with the Landcharges Section in the Civic Centre.

PUBLICITY

1.7 The application has been advertised by way of site notice and neighbour letters (10). To date, there have been 4 letters of objection. The objections received can be summarised as follows:

- Parking area is illegally on village green
- No consultation was given in the village
- Increase danger to pedestrians
- Hazardous for horse riders through village, new layout makes a blind spot
- Vehicles have to reverse onto road
- Vehicles parked overhang onto the main highway
- Highway safety compromised

1.8 Copy Letters **A**

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

HBC Traffic and Transport - The northern parking area requires vehicles to reverse back onto the carriageway, the speed limit on this stretch of road is 20mph and there are no concerns regarding the visibility of the parking bay or visibility for the driver exiting the bay.

I have no concerns with the southern parking bay.

HBC Public Protection – No objection

HBC Engineering Consultancy – No objection

HBC Heritage & Countryside - The sites lies in close proximity to Learmount identified as a Locally Listed Building and therefore recognised as a non-designated heritage asset). HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to

take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

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

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

It is considered that the proposal is sufficient distance from the heritage asset that it will not impact on its significance. No objections.

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

Tees Archaeology - I have checked the HER and can confirm that the development should not have had a significant impact on any known heritage assets.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

1.12 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

1.13 The following paragraphs are relevant to this application:

Paragraph 2: Permission determined in accordance with development plan

Paragraph 7: Achieving sustainable development

Paragraph 8: 3 dimensions of sustainable development

Paragraph 11: the presumption in favour of sustainable development

Paragraph 38: Positive approach to decision making

Paragraph 47: Determine applications in accordance with development plan

Hartlepool Local Plan

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

LS1: Locational Strategy

NE2: Green Infrastructure

QP3: Location, Accessibility, Highway Safety and Parking

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

1.15 The HRNP is at the stage of 'Final Draft Version Amended' to reflect the Planning Inspector's modifications. A Referendum relating to the adoption of the Hartlepool Rural Neighbourhood Plan will be held on 4 October 2018. In respect of the current application the following policies are considered to be applicable;

Gen1: Development Limits

C1: Safe Guarding and Improvement of Community Facilities

HBC Planning Policy Comments

1.16 The development falls on an area which is safeguarded as amenity open space through policy NE2 of the Adopted Hartlepool Local Plan and this policy states that the loss of allocated green infrastructure will generally be resisted and the space will be safeguarded from inappropriate development. It is considered important to protect, manage and enhance the green infrastructure network throughout the Borough as it is considered to provide a wide range of environmental and quality of life benefits, therefore it is considered that the development is contrary to policy. The Council's Green Infrastructure SPD provides further information on the importance and benefits of these spaces in the borough.

1.17 Due to the location of the development within the village of Dalton Piercy, consideration must be given to the emerging Rural Plan. Two particular policies of note are GEN1 which specify that development within the rural areas will only be permitted if in accordance with site allocations and policies within the local plan, and as established, it is considered that this development is contrary to policy. Also, policy C1 requires the safeguarding of open spaces unless there is considered to be a surplus. In this instance, it is considered that the allocated space in Dalton Piercy is crucial to add to the visual amenity and character of the area, and development on it should be restricted.

1.18 The proposed development will result in the loss of this valued incidental open space therefore Planning Policy objects to this development.

PLANNING CONSIDERATIONS

1.19 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 (including designated heritage assets), and the impact on highway safety and parking. These and any other matters are considered as follows.

PRINCIPLE OF DEVELOPMENT AND CHARACTER AND APPEARANCE OF AREA

1.20 The application site is within Dalton Piercy Village Green, which as amenity open space is protected under Local Plan Policy NE2, in this instance the proposal is considered contrary to policy.

1.21 This area of open space makes a valuable contribution to the appearance of the village as an amenity area. The use of the land for car parking use could not only result in members of the public being unable to make use of the land, but also has the potential to result in a change in the character and appearance of the land through the introduction of hard standing on the village green/open space. The parking on the northern side adjacent to Dene Garth retains a knee high kick railing which demarcates the parking area from the village green. This has been repositioned to accommodate the increase in parking area. Overall the works are considered to be an inappropriate use of the land and potentially detrimental to the character and appearance of the village.

1.22 Policy NE2 of the Hartlepool Local Plan states that the loss of allocated green infrastructure will generally be resisted and the space will be safeguarded from inappropriate development. In this instance the space is a designated Village Green (VG75). Dalton Piercy is a small village with public open spaces being limited to the highway verge and the Village Green. Accordingly, the amenity provided by the application site is valuable and significant due to a lack of open spaces and greenery elsewhere. The proposal cannot therefore be said to accord with the exemption test of Policy NE2 of the Hartlepool Local Plan or the objectives of the Hartlepool Rural Neighbourhood Plan.

1.23 Furthermore the Hartlepool Rural Neighbourhood Plan identifies that development should demonstrate “how the design helps to reinforce the existing streetscape or green public spaces by facing onto them”. The proposed parking areas on Dean Garth and North View are to the front of the Village Green, and it is considered that the incorporation of this additional land into increased parking areas would not reinforce the existing streetscape or green public spaces, as identified above.

1.24 Overall, it is considered that the scheme would be detrimental to the character and appearance of the area by virtue of the alterations that have already been carried out. In view of the above, the principle of development cannot be supported and would therefore warrant a reason for refusal of the application.

IMPACT ON HERITAGE ASSETS

1.25 The sites lie in close proximity to 'Learmount' identified as a Locally Listed Building and therefore recognised as a non-designated heritage asset. HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

1.26 In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF). Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible. Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed.

1.27 It is considered that the proposal is sufficient distance from the heritage asset that it will not impact on its significance, as reflected in the comments received from the Heritage and Countryside Manager. The proposal is therefore acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

1.28 Notwithstanding the above concerns in respect to the loss of the amenity space, the change of use of part of the village green to parking areas is considered unlikely to have a significant impact in terms of poor outlook, dominance issues or loss of privacy to neighbouring land users. The Council's Public Protection team have been consulted and raised no objection or concerns. The application is considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

1.29 Objections have been raised from local residents with regard to the reversing out of parking bays onto the highway and vehicles overhanging the main highway and creating blind spots.

1.30 The Council's Traffic and Transport team have been consulted and acknowledge that the northern parking area requires vehicles to reverse back onto the carriageway, however the speed limit on this stretch of road is 20mph and there are no concerns regarding the visibility of the parking bay or visibility for the driver exiting the bay. There are no concerns raised with regard to the southern parking bay. It is therefore considered that the proposal is acceptable in terms of highway safety.

OTHER PLANNING MATTERS

1.31 There have been no objections raised by technical consultees with respect to drainage, public rights of way and archaeology, as such the proposals are considered acceptable in those terms.

RESIDUAL MATTERS

1.32 While there are parallel objectives in preserving Village Green for its amenity value in planning terms, the enforcement of Village Green legislation is a separate legal process that is not governed by Planning legislation.

CONCLUSION

1.33 The proposed development would see the change of use of two areas of public open space designated as Village Green to car parking areas. This would result in the loss of recreational amenity space and would be detrimental to the visual amenities of the village as a whole, contrary to Local Plan policy NE2 (2i).

1.34 The application is considered to be unacceptable with respect to the above mentioned relevant material planning considerations and is considered not to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF and the Hartlepool Rural Neighbourhood Plan. The development is recommended for refusal for the reason set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.36 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

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

RECOMMENDATION – REFUSE for the following reason;

1. The development results in the loss of amenity open space in the form of the Dalton Piercy Village Green, which would be detrimental to the visual amenity of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan policies LS1 and NE2 (2i), as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

BACKGROUND PAPERS

1.38 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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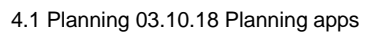
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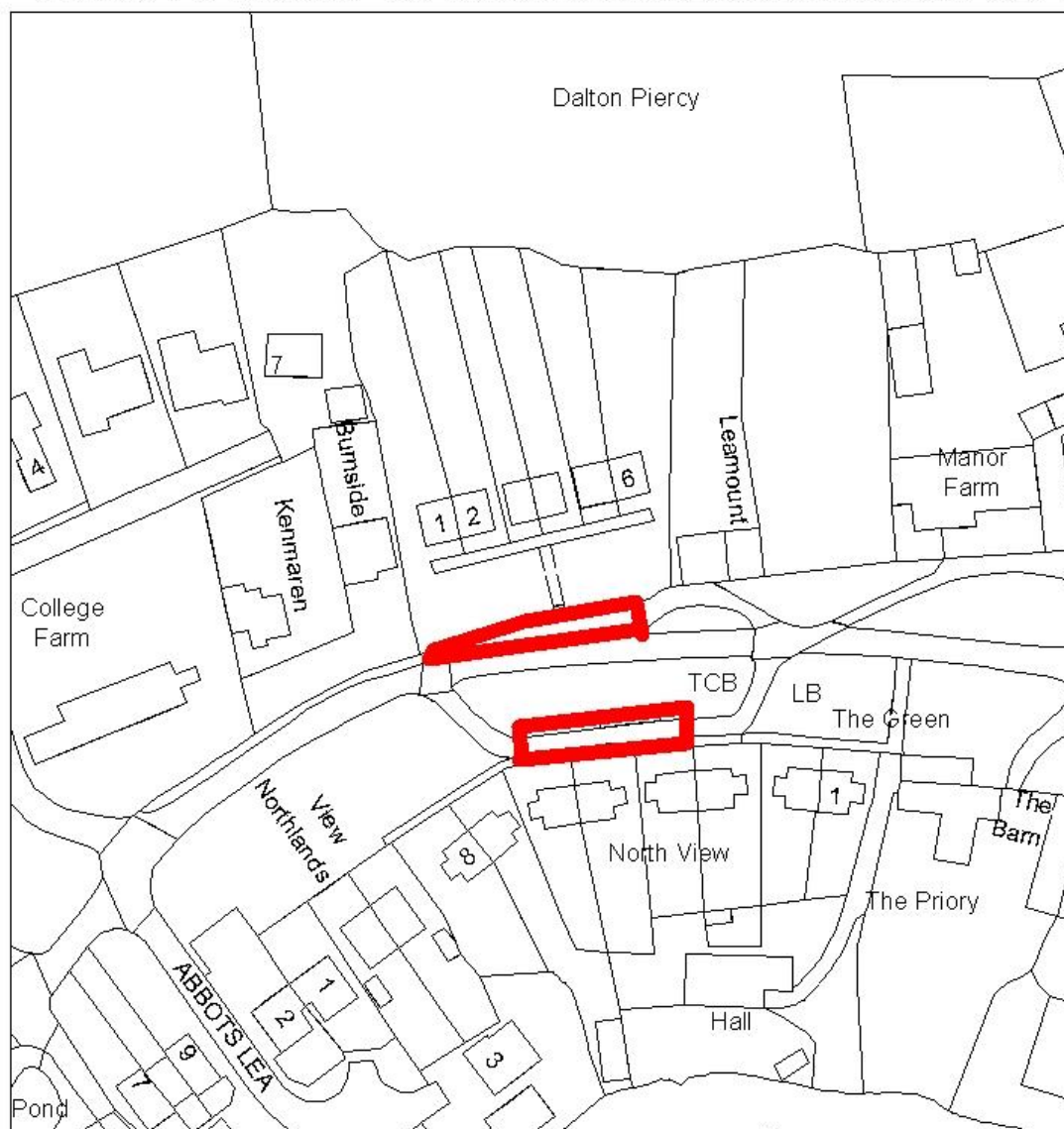
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LAND TO FRONT OF DENE GARTH AND NORTH VIEW



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0131	REV

No: 2
Number: H/2018/0183
Applicant: THIRTEEN HOUSING
Agent: MR WESLEY MCGEENEY
Date valid: 30/07/2018
Development: Installation of air source heat pumps
Location: 1-84 OVAL GRANGE, 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 applications are associated with the site:

2.3 H/1974/0256 - Erection of 84 flats and 34 garages, granted 04.10.1974;

2.4 H/2007/0538 - Alterations to elevations and provision of pitched roofs, granted 17.09.2007. (This application has not been implemented).

PROPOSAL

2.5 The application seeks planning permission for the installation of air source heat pumps at 1-84 Oval Grange. The proposed air source heat pumps would be approximately 0.75 metres in height, approximately 1.1 metres in length and approximately 0.35 metre in width. The units are proposed to be sited externally, at the ground floor to the front and rear of each block of flats.

2.6 The design and access statement indicates that a 'brickwork' covering will be used on each unit to minimise the visual impact of the proposal.

2.7 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the objections received.

SITE CONTEXT

2.8 The application site is known as 'Oval Grange' and is a self contained site consisting of five blocks of three storey flats with flat roofs. (Block 1, Flats 1-18), (Block 2, Flats 19-42), (Block 3, Flats 43-54), (Block 4, Flats 55-69) (Block 5, Flats 70-84). Vehicular access to the site is obtained via Tunstall Avenue and there is an additional pedestrian access off Elm Grove.

2.9 The nearest residential properties to the application site are those on South Drive approximately 10 metres to the north of Blocks 3 and 4; Tunstall Avenue is

approximately 10 metres to the east of Block 5; Elm Grove is approximately 30 metres to the south of Block 1 and approximately 35 metres to the south of Blocks 5; Wooler Road is approximately 35 metres to the of Block 1. Other notable residential properties are No.'s 1 and 2 The Cottages approximately 15 metres to the north of Block 1 and approximately 20 metres to the west of Block 2 and the property of Hazelhurst is approximately 15 metres to the north of Blocks 2 and approximately 20 metres to the west of Block 3.

2.10 It should be noted that the application site is on the boundary of (but outside of) Park Conservation Area, and adjacent to No.'s 8, 10, 14 Elm Grove and 42 Tunstall Avenue recognised as locally listed buildings.

PUBLICITY

2.11 The application has been advertised by way of one hundred and eighteen neighbour letters (118) and three site notices (on lamp posts at the entrances to the site, off Elm Grove and Tunstall Avenue and one at the bus stop on Wooler Road). To date, four letters of representation have been received from neighbouring land users (three objections and one comment).

2.12 The concerns raised are summarised below:

- All rented flats have no wall insulation or sound proofing and need the existing double glazing replacing rather than the proposed air source heat pumps;
- Changing the heating system is pointless and a waste of money due to there being no draught proofing at all;
- An alternative of solar panels would help against our fuel bills;
- Noise from the air source heat pumps and the impacts upon existing residents and surrounding neighbours;
- Noise impacts due to the large number of air source heat pumps. A full environmental impact assessment should be required to ensure the noise impact of the proposal is not intrusive to residents.
- The flats are always cold and damp;
- Having already had problems with security lighting on the Oval Grange development which is intrusive as a result of being badly installed, we do not want to have additional problems with the latest proposal.

2.13 The period for publicity expired 12/09/18.

2.14 Copy letters C

CONSULTATIONS

2.15 The following consultation replies have been received:

Engineering Consultancy – No objection

Heritage and Countryside Manager – The application site is on the boundary of Park Conservation Area, a designated heritage asset, and within the setting of 8, 10,

14 Elm Grove and 42 Tunstall Avenue recognised as locally listed buildings and therefore heritage assets.

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.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF). Further to this it also looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

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.

The application is for the installation of air source heat pumps, which include units fixed to the buildings.

It is considered that the proposal will not significantly impact on the designated and non-designated heritage assets; no objections.

Heritage and Countryside – Ecology – No ecology concerns or requirements;

Public Protection – Not Object;

Landscape – Not Object;

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

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

2.17 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
2	Primacy of the Development Plan
7	Three dimensions to sustainable development
8	Achieving sustainable development
9	Pursuing sustainable development
10	Achieving sustainable development
11	Planning law and development plan
12	Status of the development plan
14	Presumption in favour of sustainable development
17	Role of the planning system
47	Determining Applications
124	Well-designed places
127	Achieving well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to climate change
HE1	Heritage assets
HE3	Conservation areas
HSG11	Extensions to Existing Dwellings
QP4	Layout and Design of Development

Planning Policy Comments:

2.20 There are no planning policy objections to the application, subject to the consideration of the impact of the proposals on the setting of the Park Conservation area and any other relevant material planning considerations.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the character and appearance of the building and surrounding conservation area and the non-designated heritage assets, the impact on the amenity of existing residents and neighbouring land users, and any other planning matters.

PRINCIPLE OF DEVELOPMENT

2.22 The principle of development has been established by the current use of the site (i.e. residential) and the proposed development would be ancillary to the existing use. Furthermore, there have been no policy objections to the proposed development therefore, it is considered the principle of development is acceptable subject to the consideration of other material planning matters.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA AND NON-DESIGNATED HERITAGE ASSETS

2.23 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

2.24 Further to this, at a local level, Policy HE1 of the Hartlepool Local Plan (2018) states that 'the Borough Council will seek to preserve, protect and positively enhance all heritage assets.'

2.25 Policy HE3 states that the 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.

2.26 Policy HE5 of the Hartlepool Local Plan (2018) states that ‘where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.’

2.27 The Council’s Heritage and Countryside Manager has been consulted upon the application and considers that the proposal will not significantly impact on the designated and non-designated heritage assets, and therefore raises no objections.

2.28 It is considered that due to the nature of the development, the separation distance and the intervening boundary treatment of various elements (i.e. the tree line, hedgerows, timber fencing and/or brick walling) the proposed development would not affect the significance of the designated heritage asset of Park Conservation Area or the non-designated heritage assets of 8, 10, 14 Elm Grove and 42 Tunstall Avenue.

2.29 Therefore it is considered the proposed development is in accordance with the NPPF (2018) and is compliant with policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018).

IMPACTS ON EXISTING BUILDINGS AND SURROUNDING AREA

2.30 It is noted that elements of the proposed development will be visible from the street scene, however given the modest design and scale, the proposed development is considered to respect the character and appearance of the existing building and the surrounding area.

2.31 The proposal is therefore considered acceptable in terms of its impact on the visual amenity of the site and the surrounding area, in accordance paragraph 127 of the NPPF (2018) and in compliance with the requirements set out within policy QP4 of the Hartlepool Local Plan (2018).

AMENITY OF EXISTING RESIDENTS AND NEIGHBOURING OCCUPIERS

2.32 It is noted that the objections received raise concerns regarding the noise impacts of the proposal in relation to both the existing residents and neighbouring occupiers.

2.33 It is acknowledged that the application site is surrounded by further residential land uses and the nearest residential properties to the application site are those on South Drive approximately 10 metres to the north of Blocks 3 and 4; Tunstall Avenue is approximately 10 metres to the east of Block 5; Elm Grove is approximately 30 metres to the south of Block 1 and approximately 35 metres to the south of Blocks 5; Wooler Road is approximately 35 metres to the of Block 1. Other notable residential properties are No.’s 1 and 2 The Cottages approximately 15 metres to the north of Block 1 and approximately 20 metres to the west of Block 2 and the property of

Hazelhurst is approximately 15 metres to the north of Blocks 2 and approximately 20 metres to the west of Block 3.

2.34 The agent has submitted the 'Daikin Altherma, Heating Technical Data' document in support of the application, which details the associated noise levels. The Council's Public Protection Team have been consulted upon the application and the information submitted and raised no objections to the proposal.

2.35 It is considered that the noise associated with the proposed development is unlikely to have a significant adverse impact upon any neighbouring residential properties due to the nature of the development, the separation distance and the intervening boundary treatment of various elements (i.e. the tree line, hedgerows, timber fencing and/or brick walling).

2.36 Furthermore, it is considered that the proposal is acceptable and will not result in an adverse loss of amenity or privacy for the neighbouring properties in terms of outlook, overbearing nature or overlooking.

2.37 In terms of the impact upon the existing and future occupiers of the flats, it is considered that due to the modest size and scale of the air source heat pumps the units will be below window level in relation to the ground floor flats and will not result in an adverse loss of amenity or privacy for the any of the flats in terms of outlook, overbearing nature or overlooking. In addition as mentioned above the Council's Public Protection Team have raised no objections to the proposal in relation to noise impacts therefore the proposal is considered acceptable in this regard.

2.38 Therefore, the proposed is considered to be in compliance with the requirements set out within policy QP4 of the Hartlepool Local Plan (2018).

OTHER PLANNING MATTERS

2.39 It is noted that the application was subject to consultation with HBC Engineering Consultancy, Ecology, Landscape and Traffic and Transportation. In regard to the above mentioned consultations, no objections have been received. It is considered the proposed development would not have a significant adverse impact upon drainage, ecology, the natural environment or the public highway and therefore the proposal is acceptable in regards to the above matters.

OTHER MATTERS

2.40 It is noted that the objections received have commented upon the application regarding the cost of running the air source heat pumps, that no insulation has been provided in the existing building and issues with the site's security lighting. Whilst these comments are acknowledged it is considered that these matters are outside the control of planning and are therefore not material planning considerations in relation to determination of this application.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.41 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.42 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.

2.43 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan, received by the Local Planning Authority 21st May 2018 (1:1250); Air Source Heat Pump Locations (1 of 3), Ref. Flats 1-42, received by the Local Planning Authority 8th June 2018 (1:500); Air Source Heat Pump Locations (2 of 3), Ref. Flats 43-54, received by the Local Planning Authority 8th June 2018 (1:500); Air Source Heat Pump Locations (3 of 3), Ref. Flats 55-84, received by the Local Planning Authority 8th June 2018 (1:500); Proposed Elevations, Ref. Typical Elevations with Air Source Units, Drawing No. OGAS001, received by the Local Planning Authority 17th July 2018 (1:75); and Daikin Altherma, Heating Technical Data, ref. EEDEN15-725, Spec No.s EDLQ-CV3, EK2CB-CV3, EKMBUHC3V3 & EKMBUHC9W1, received by the Local Planning Authority 21st May 2018.
For the avoidance of doubt.
3. Prior to the commencement of development, the final design of the 'brickwork' covering for the Air Source Heat Pumps shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as agreed and the coverings shall remain in place through the lifetime of the development.
In the interests of visual amenity.

BACKGROUND PAPERS

2.45 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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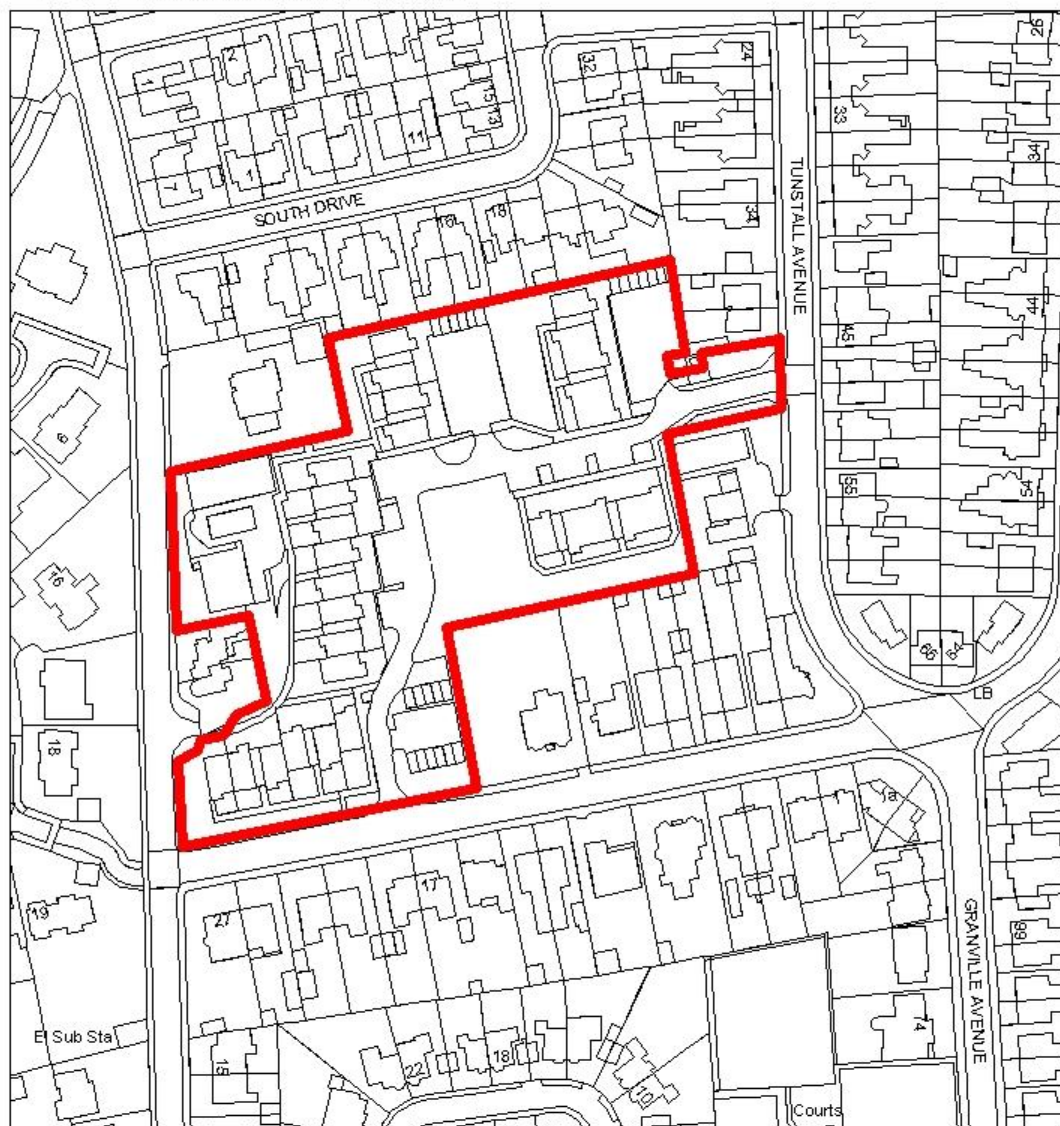
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1-84 OVAL GRANGE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0183	REV

No: 3
Number: H/2018/0338
Applicant: MR J ARTHUR 4 CHURCH SQUARE HARTLEPOOL
TS24 7EL
Agent: MR J ARTHUR WHITE HOUSE 4 CHURCH SQUARE
HARTLEPOOL TS24 7EL
Date valid: 17/08/2018
Development: Installation of replacement windows (retrospective
application)
Location: WHITE HOUSE 4 CHURCH SQUARE HARTLEPOOL

PURPOSE OF REPORT

3.1 An 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 H/2018/0339 – Change of use from music school to offices (retrospective application) – still under consideration.

PROPOSAL

3.3 The application seeks retrospective permission for the installation of two dormer windows on the front elevation, and four replacement windows in the side elevation (east) at first floor. The front dormer windows are casement uPVC windows with bottom opening. The windows to the side at first floor are casement windows, three appear to be top opening and one of which has both top and bottom opening sections.

3.4 The application has been brought to planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

3.5 The application site 4 Church Square (known as the White House) is a large semi detached commercial building with a small car park on the east side of the building. The property occupies a prominent position in Upper Church Square. The site is a Locally Listed Building within the Church Street Conservation Area.

3.6 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.

3.7 The area opposite the site is currently the focus of considerable investment with a Townscape Heritage Scheme providing £1.2million in building grants, activities to raise awareness of the heritage of the area and public realm to Church Square.

PUBLICITY

3.8 The application has been advertised by way of neighbour letters (3) a site notice and a press notice. To date, there have been representations received.

3.9 The period for publicity has expired.

CONSULTATIONS

3.10 The following consultation replies have been received:

HBC Heritage & Countryside (Conservation) – The application site is located in Church Street Conservation Area, a designated heritage asset, and is recognised as a locally listed building, therefore a heritage asset in its own right.

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. 200, 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. 185 & 192, 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 conservation area is considered to be at risk under the criteria used by Historic England to assess heritage at risk.

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

- Aesthetic value derived from the architectural detailing within the area.

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

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.

The National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

The building is described in the local listed as,

'Circa 1860 town houses now used as music school. 4 Church Square constructed in a Pease brick but re-fronted in an ashlar stone (likely early 20th century) with recessed centre double entrance door (panelled with fanlight over) flanked by paired six over six sash windows. Architrave moulding to entrance. First floor very similar layout but with sash window positioned above entrance. Roof in slate with two dormer windows with closed gabled pediments containing timber sash windows and side cheeks.'

Church Street Conservation Area is currently the focus of considerable investment with a Townscape Heritage Scheme providing £1.2million in building grants, activities to raise awareness of the heritage of the area and public realm to Church Square, directly in front of the application site.

This is a retrospective application. Two dormer windows to the front of the property were timber sliding sash and these have been replaced with bottom opening casement window. To the side of the property four casement windows, with small top openers, at first floor level have been replaced with casement windows three of which appear to be top opening casement windows and one of which has both top and bottom opening sections. All of the replacement windows are in UPVC. It is considered that the replacement windows cause less than substantial harm to the significance of the designated heritage asset. In the case of the dormer windows on the prominent front elevation of this property windows of a traditional design, materials and opening mechanism have been removed and replaced with windows which have a flatter, wider frame and a different opening mechanism and therefore result in the loss of traditional detailing to the front elevation; this is particularly significant as the remaining windows on the front elevation are all of traditional design.

With regard to the windows to the side of the building the windows that have been altered were replacements, however the new windows have a flatter, wider frame and include the introduction of glazing bars to two windows. These windows do not reflect the traditional detailing which can be seen on the windows to the ground floor therefore it is considered that the new windows do not preserve or enhance the conservation area.

No information has been provided to demonstrate that the harm caused by the windows would be outweighed by the public benefits of the proposal.

Hartlepool Civic Society – No comments received.

PLANNING POLICY

3.11 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)

3.12 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

3.13 The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Positive approach to decision-making

PARA047: Determining applications in accordance with development plan

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Refusal of poor design

PARA185: Conserving and enhancing the historic environment

PARA189: Proposals affecting heritage assets

PARA190: Proposals affecting heritage assets

PARA192: Proposals affecting heritage assets

PARA193: Considering potential impacts
 PARA 196: Less than substantial harm

Hartlepool Local Plan 2018

3.14 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
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE5: Locally Listed Buildings and Structures
 HE7: Heritage at Risk
 LS1: Locational Strategy
 LT1: Leisure and Tourism
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP8: Energy Efficiency
 RC7: Late Night Uses Area
 RC3: Innovation and Skills Quarter
 SUS1: The Presumption in Favour of Sustainable Development

Planning Policy Comments

3.15 Planning policy objects to the development. The location of the development falls under Policy HE3 of the Local Plan, as it is within the Church Street conservation area, this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan states that the Council will seek to preserve, protect and enhance all heritage assets, and policy HE7 sets the retention, protection and enhancement assets which are classified as “at risk” as a priority for the Council. As the conservation is currently considered as being “at risk”, it is of great importance to recognise the importance of this building as a locally listed building. It is considered that the windows which have been fitted are not appropriate to the conservation area as they don’t include traditional features; those which are explained further in the comments of the Heritage and Countryside Manager. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy. Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided any information in support of the public benefits of the development and therefore in the view of policy, the public benefits of the development do not outweigh the harm to the heritage asset and conservation area.

PLANNING CONSIDERATIONS

3.16 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON CHARACTER OF THE CONSERVATION AREA

3.17 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

3.18 Further to this, at a local level, Policy HE3 states that the 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.

3.19 Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed.

3.20 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Church Street Conservation Area derives its significance in part from the architectural detailing of buildings from the Victorian period, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The conservation area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

3.21 The property occupies a prominent location within Church Square and is a locally listed building. Church Street Conservation Area is currently the focus of considerable investment with a Townscape Heritage Scheme providing building grants, activities to raise awareness of the heritage of the area and public realm to Church Square, directly in front of the application site.

3.22 The Council's Heritage and Countryside Manager was consulted on the application and has commented that the two dormer windows to the front of the property were originally timber sliding sash and these have been replaced with bottom opening casement window. The windows on the side elevation (east) of the property had four casement windows, with small top openers, at first floor with have been replaced with casement windows, three of which appear to be top opening casement windows and one which has both top and bottom opening sections. All replacement windows are in uPVC.

3.23 It is considered that the replacement dormer windows to the front of this property do not replicate the traditional design. The replacement windows have a

flatter, wider frame and different opening mechanism and therefore result in the loss of traditional detailing to the front elevation; this is particularly significant as the remaining windows on the front elevation are all of traditional design.

The windows to the side of the building have been altered with non traditional windows which have a flatter, wider frame and include the introduction of glazing bars to two of the four windows at first floor. These windows do not reflect the traditional detailing which is evident on the ground floor windows which have been retained.

3.24 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as being less than substantial harm. No supporting information has been provided to suggest public benefits could be derived from the works. This identified 'harm' would therefore warrant a refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

3.25 It is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

3.26 The Local Planning Authority considers that, by virtue of the design and profile of the windows, the proposal would cause less than substantial harm to the Church Street Conservation Area, a designated heritage asset. No justification has been submitted in terms of public benefits of the scheme. The proposed has a detrimental impact on the character and appearance of the Conservation Area and Locally Listed Building. Therefore the scheme is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.28 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.

3.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. The Local Planning Authority considers that the replacement windows would cause less than substantial harm to the Church Street Conservation Area, a designated heritage asset, by reason of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is no information to suggest that the harm would be outweighed by any public benefits of the proposal. As such it is considered contrary to policies HE1 and HE3 of the Hartlepool Local Plan 2018 and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

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

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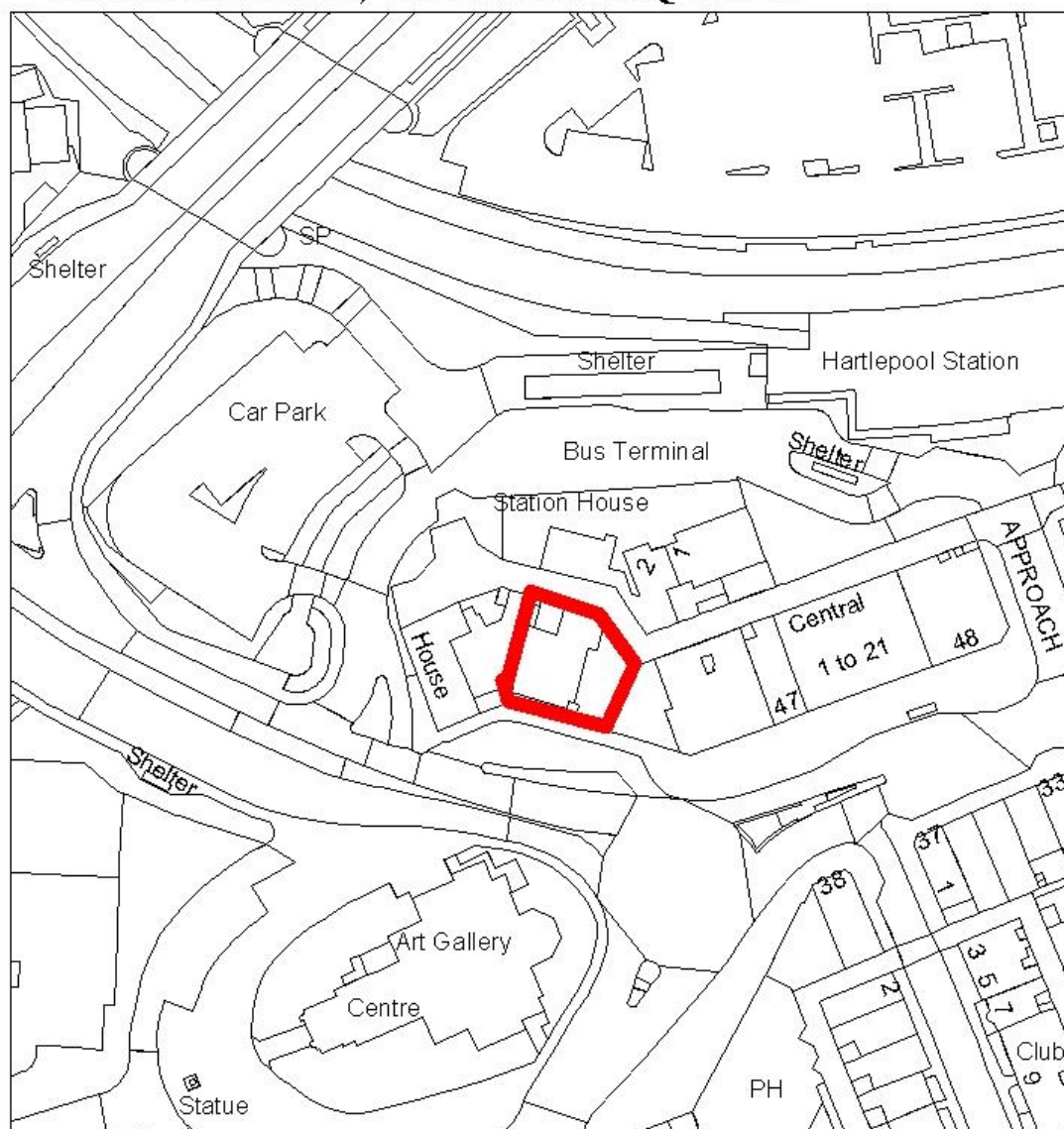
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WHITE HOUSE, 4 CHURCH SQUARE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0338	REV

No: 4
Number: H/2018/0271
Applicant: MR PAUL EDWARDS 10 CHURCH STREET
HARTLEPOOL TS24 7DJ
Agent: BUILDING DESIGN (UK) LTD MR GRAHAM POOLE
TAYSON HOUSE METHLEY ROAD CASTLEFORD
WF10 1PA
Date valid: 30/07/2018
Development: Retrospective application for the installation of metal door
Location: 5 TOWER STREET HARTLEPOOL

PURPOSE OF REPORT

4.1 An 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 associated with the site and relevant to the current proposals:

4.3 H/2005/5973 – Change of use and erection of rear extensions to form 20 studio flats and installation of new shop front, approved 17/03/06.

4.4 The following planning application is considered relevant to the application, albeit for a different property, having been submitted by the same applicant for the same form of development:

4.5 H/2018/0272 – Retrospective application for the installation of metal door, 68 Church Street, pending determination.

PROPOSAL

4.6 The application seeks retrospective permission for the installation of a replacement door to the front of the property. A former partially glazed timber door to the property was approved under the 2005 application identified above, which included a new shop front across the whole building; this has been replaced with a solid metal door. Two other doors within the shop front remain as previously approved.

4.7 Since submission of the current application it is apparent that the approved door from 2005 was replaced without the benefit of planning permission sometime between June 2015 and May 2016 but was not brought to the attention of the Local Planning Authority. That door appears to have been a solid door but without specifications associated with a planning application, the materials cannot be ascertained with certainty. More recently the door to which this application was

installed in place of the previous unauthorised door and permission is now sought retrospectively to retain it.

4.8 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

4.9 The application site is located on the eastern side of Tower Street, to the north of Exeter Street. The property is part of a three-storey building with commercial premises at the ground floor and residential flats above. The site is within the Church Street Conservation Area, the Clarendon Public House to the north of the application site and the Jacksons Arms Pubic House to the south are locally listed.

PUBLICITY

4.10 The application has been advertised by way of twelve neighbour letters, site notice and a press notice. To date, no objections have been received from neighbouring land users.

4.11 The period for publicity expired 06/09/18.

CONSULTATIONS

4.12 The following consultation responses have been received:

HBC Heritage & Countryside (Conservation) – The application 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. 200, 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. 185 & 192, 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 conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. 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 significance of the conservation area lies in the following values:

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

This area is known as the Innovation and Skills Quarter (ISQ). Considerable investment has been targeted at the area in order to create an environment in which the creative industries can thrive. This has included the expansion of the Northern School of Art (formerly CCAD), the redevelopment of the former Post Office on Whitby Street as a centre for businesses in the creative industry and the recent enhancement of the public realm. There is currently a Townscape Heritage Scheme active within the conservation area. Funded by the Heritage Lottery (HLF) this offers grant assistance to property owners for the restoration of their buildings. Alongside this is a Council's own grant scheme, which similarly makes funding available for works. Both of these schemes focus on the use of traditional materials and their restoration. In addition in accepting the funding from HLF there is an anticipation that the Council will work to protect the character of the conservation area and the future investment.

The proposal is a retrospective application for a metal door and frame. The door is plain and has no moulding or detailing.

The Church Street Conservation Area Appraisal (2017) notes the, 'use of inappropriate materials' as a key challenge in the area, stating that these are an, 'important element of its character and appearance.'

It is considered that the proposal will cause less than substantial harm to the designated heritage asset. This is due to the introduction of a door which is of a modern design and has no characteristics which reflect the timber doors found in the conservation area. In particular this shop front and those on the adjacent properties have been installed as a set piece with matching detailing to all three buildings. The introduction of a solid door in the centre of these shops, disrupts that uniformity and in turn harms the significance of this part of the conservation area.

No information has been provided to demonstrate that this harm will be outweighed

by the public benefits of the proposal therefore it is requested that this application is recommended for refusal.

HBC Townscape Heritage Project Officer – I have great concerns regarding this application. This property is within the Church Street Conservation Area which sets the boundary for the Heritage Lottery Funded Townscape Heritage (TH) Project. The objectives of the TH Project include improving the condition of the Church Street Conservation Area which is currently classified as ‘at risk’ with the condition being described as ‘very bad’, part of the reason for this is the use of inappropriate materials and poor design. The regeneration and conservation projects in the area are having a positive impact on the Church Street conservation area; it is essential that these continuing improvements and investment are protected.

Therefore it is critical that inappropriate development, such as the use of unsuitable materials and design within the conservation area does not occur. This development has a negative detrimental impact on the conservation area.

Please accept this as an objection to this application.

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

HBC Public Protection – Not Object.

Hartlepool Civic Society – The Society has studied the plans and we object to both applications. We would repeat the comments we made in response to H/2018/0228 – 27 Scarborough Street. - 28 July 2018.

These properties are in a Conservation Area and the replacement should reflect the original. The metal doors which have already been installed are totally out of keeping with a historic area. Surely hardwood doors would offer a sufficient degree of security without there being metal. Presumably this type of premises would also have security systems fitted.

As with 27 Scarborough Street, this application shows that the applicant (for both properties) has no appreciation of the meaning of a Conservation Area.

We again can not stress too much our increasing concern with the number of retrospective applications, particularly in Conservation Areas which are being approved by the Planning Committee, despite not complying with the Conventions applying to Conservation Areas and often against advice from the Council’s own officers. It seems that applicants are ‘cottoning on’ to this and having work done and applying later (if discovered) – then citing examples of other poor planning decisions to condone their own poor quality works.

This is an enormous betrayal of those, recognising among other things the economic benefits which heritage offers, are investing in their historic properties including the Borough Council (e.g the Old General Post Office) in the vicinity of these applications.

We again, would strongly make the point – the Council needs to tighten up adherence to the guidelines, or we are going to be left with a mish mash of a town.

PLANNING POLICY

4.13 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)

4.14 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
196	Less than substantial harm

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas

Planning Policy Comments

4.17 The application is contrary to Policy in the adopted Local Plan and should be refused. The site sits within the Church Street Conservation Area in the town centre which is currently classified as at risk. This is due to inappropriate developments which have occurred over the years. The metal door which has been installed is not sympathetic to or complementary to the character and appearance of the conservation area. The traditional shop front of a door with a window in is the style of door which should be installed to protect the character of the conservation area.

PLANNING CONSIDERATIONS

4.18 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON CHARACTER OF THE CONSERVATION AREA

4.19 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

4.20 Further to this, at a local level, Policy HE3 states that the 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.

4.21 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Church Street Conservation Area derives its significance in part from the architectural detailing of buildings from the Victorian period and that the area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

4.22 It is acknowledged that the shop front to the property is not historic; however its design is sympathetic to the period of the building and character of the wider area and therefore the property does offer value in terms of the significance of the Church Street Conservation Area. The shop front as originally granted planning permission is an example of modern development respecting its setting. The modified door within the shop front disrupts the uniformity of the original design and markedly stands out against the remaining doors alongside it being of an entirely different design, colour and use of materials.

4.23 The timer doors originally approved within this shop front were partially glazed with panel detailing below. By contrast, the door that has been installed has no detailing at all, presenting a solid grey metal utilitarian door that bears no resemblance to the building itself or the wider conservation area.

4.24 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. The supporting documentation provided as part of the application indicates that the door has been fitted with state of the art locking system for security. No detail has been provided to indicate why the aim of improving security necessitated a door of the style installed or whether any other more traditional options were considered. While noting the importance of securing the residential properties on the upper floors of the building, no supporting evidence has been provided to demonstrate that why the door installed when the flats on the upper floors of the building were granted planning permission was not sufficient for this purpose, why the new door installed would be the only means to achieve that or that a public benefit would result that outweighs the harm of the appearance of the door on the character of the conservation area. This would therefore warrant refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

4.25 It is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers and this is reflected in the comments received from HBC Public Protection; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

4.26 Whilst the aim of securing the premises is noted, it is not considered the door installed is the only way in which this could have been achieved and further that these works cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Church Street Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.28 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.

4.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement door to the front causes less than substantial harm to the designated heritage asset (Church Street Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient 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 policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

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

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

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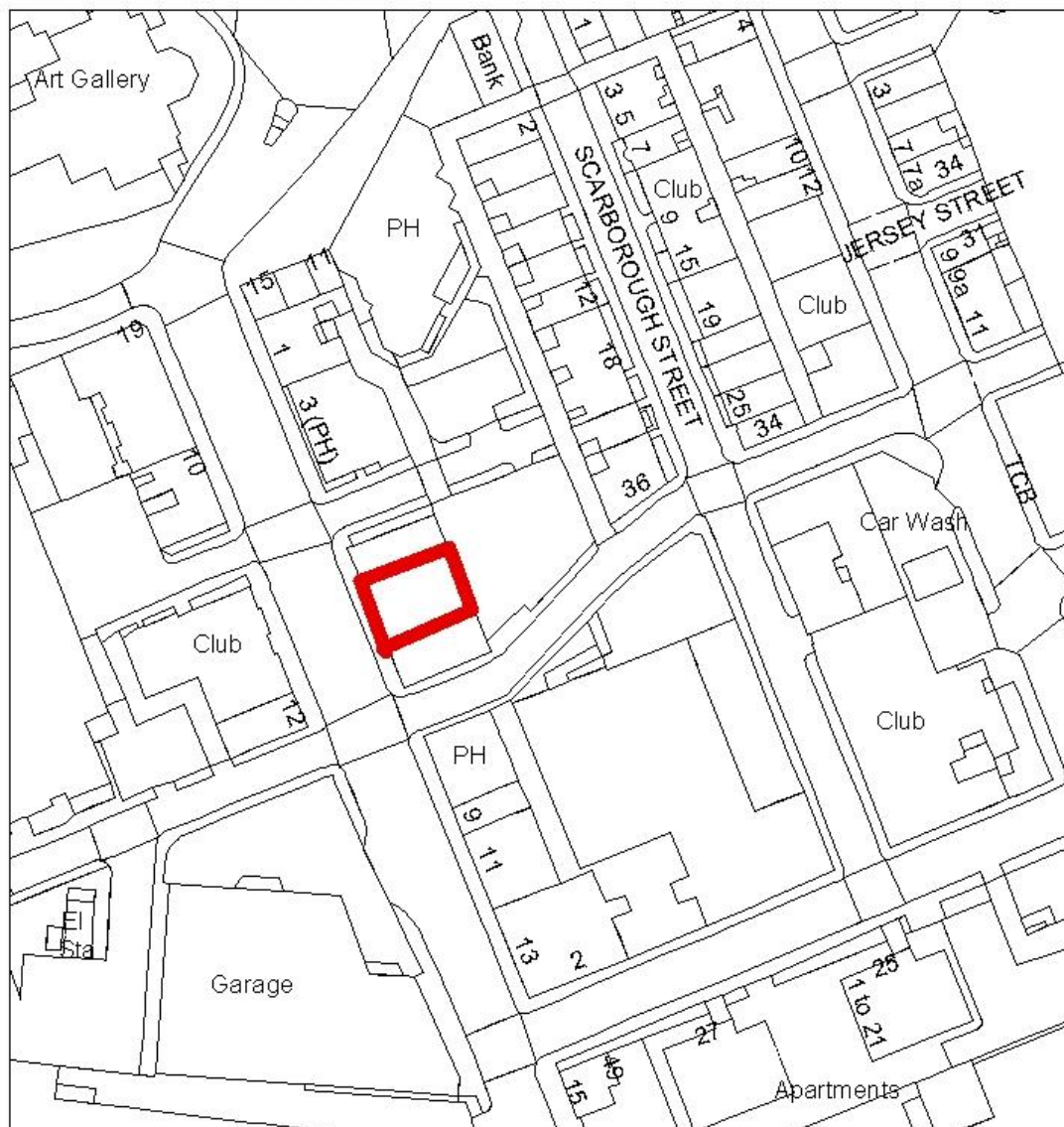
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5 TOWER STREET



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0271	REV

No: 5
Number: H/2018/0272
Applicant: MR PAUL EDWARDS 10 CHURCH STREET
HARTLEPOOL TS24 7DJ
Agent: BUILDING DESIGN (UK) LTD MR GRAHAM POOLE
TAYSON HOUSE METHLEY ROAD CASTLEFORD
WF10 1PA
Date valid: 30/07/2018
Development: Retrospective application for the installation of metal door
Location: 68 CHURCH STREET HARTLEPOOL

PURPOSE OF REPORT

5.1 An 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 application is considered relevant to the application, albeit for a different property, having been submitted by the same applicant for the same form of development:

5.3 H/2018/0271 – Retrospective application for the installation of metal door, 5 Tower Street, pending determination.

PROPOSAL

5.4 The application seeks retrospective permission for the installation of a replacement door to the front of the property. The frontage of the building includes three doors, one to either side and one centrally positioned, each of these doors were originally timber panelled doors. This application relates to the door to the right when viewed from Church Street, it has been replaced with a plain metal door.

5.5 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

5.6 The application site is located on the northern side of Church Street, to the east of Lynn Street. The property is part of a three-storey building that has a decorative shop front at ground floor, bay windows to first floor and sash windows to the second floor. The site is within the Church Street Conservation Area, there are a number of listed and locally listed buildings in the vicinity of the site.

PUBLICITY

5.7 The application has been advertised by way of twenty two neighbour letters, site notice and a press notice. To date, no objections have been received from neighbouring land users.

5.8 The period for publicity expired 06/09/18.

CONSULTATIONS

5.9 The following consultation responses have been received:

HBC Heritage & Countryside (Conservation) – The application 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. 200, 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. 185 & 192, 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 conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. 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 significance of the conservation area lies in the following values:

- Aesthetic value derived from the architectural detailing within the area.
- Historic value of the development of the Church Street area as one of the principal roads in the development of West Hartlepool, and

- Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

This area is known as the Innovation and Skills Quarter (ISQ). Considerable investment has been targeted at the area in order to create an environment in which the creative industries can thrive. This has included the expansion of the Northern School of Art (formerly CCAD), the redevelopment of the former Post Office on Whitby Street as a centre for businesses in the creative industry and the recent enhancement of the public realm. There is currently a Townscape Heritage Scheme active within the conservation area. Funded by the Heritage Lottery (HLF) this offers grant assistance to property owners for the restoration of their buildings. Alongside this is a Council's own grant scheme, which similarly makes funding available for works. Both of these schemes focus on the use of traditional materials and their restoration. In addition in accepting the funding from HLF there is an anticipation that the Council will work to protect the character of the conservation area and the future investment.

The proposal is a retrospective application for a metal door and frame. The door is plain and has no moulding or detailing.

The Church Street Conservation Area Appraisal (2017) notes the, 'use of inappropriate materials' as a key challenge in the area, stating that these are an, 'important element of its character and appearance.'

It is considered that the proposal will cause less than substantial harm to the designated heritage asset. This is due to the introduction of a door which is of a modern design and has no characteristics which reflect the timber doors found in the conservation area.

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal therefore it is requested that this application is recommended for refusal.

HBC Townscape Heritage Project Officer – I have great concerns regarding this application. This property is within the Church Street Conservation Area and within the priority area where we are trying to improve the quality of the commercial buildings through the Heritage Lottery Funded Townscape Heritage (TH) Project. The objectives of the TH Project include improving the condition of the Church Street Conservation Area which is currently classified as 'at risk' with the condition being described as 'very bad', part of the reason for this is the use of inappropriate materials and poor design. The regeneration and conservation works in the street and wider area are having a positive impact on the conservation area; it is essential that these continuing improvements and investment are protected.

Therefore it is critical that inappropriate development, such as the use of unsuitable materials within the conservation area do not occur. A more appropriate approach would be a timber panelled door, similar to the photograph in the link to Hartlepool Then and Now <https://www.hhtandn.org/relatedimages/4638/the-zetland-2>.



Please accept this as an objection to this application.

HBC Public Protection – Not Object.

Hartlepool Civic Society – The Society has studied the plans and we object to both applications. We would repeat the comments we made in response to H/2018/0228 – 27 Scarborough Street. - 28 July 2018.

These properties are in a Conservation Area and the replacement should reflect the original. The metal doors which have already been installed are totally out of keeping with a historic area. Surely hardwood doors would offer a sufficient degree of security without there being metal. Presumably this type of premises would also have security systems fitted.

As with 27 Scarborough Street, this application shows that the applicant (for both properties) has no appreciation of the meaning of a Conservation Area.

We again can not stress too much our increasing concern with the number of retrospective applications, particularly in Conservation Areas which are being approved by the Planning Committee, despite not complying with the Conventions applying to Conservation Areas and often against advice from the Council's own officers. It seems that applicants are 'cottoning on' to this and having work done and applying later (if discovered) – then citing examples of other poor planning decisions to condone their own poor quality works.

This is an enormous betrayal of those, recognising among other things the economic benefits which heritage offers, are investing in their historic properties including the Borough Council (e.g the Old General Post Office) in the vicinity of these applications.

We again, would strongly make the point – the Council needs to tighten up adherence to the guidelines, or we are going to be left with a mish mash of a town.

PLANNING POLICY

5.10 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)

5.11 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
196	Less than substantial harm

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas

Planning Policy Comments

5.14 The application is contrary to Policy in the adopted Local Plan and should be refused. The site sits within the Church Street Conservation Area in the town centre which is currently classified as at risk. This is due to inappropriate developments which have occurred over the years. The metal door which has been installed is not sympathetic to or complementary to the character and appearance of the conservation area. A more traditional style door should be installed in place of the metal door to protect the character of the conservation area.

PLANNING CONSIDERATIONS

5.15 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON CHARACTER OF THE CONSERVATION AREA

5.16 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

5.17 Further to this, at a local level, Policy HE3 states that the 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.

5.18 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Church Street Conservation Area derives its significance in part from the architectural detailing of buildings from the Victorian

period and that the area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

5.19 The submitted heritage statement claims the building offers no historic value. While the building appears to be in need of maintenance, the original shop front is highly decorative and of significant architectural value, it is therefore considered the property is of significance within the Church Street Conservation Area and reflective of the character the recent public realm project seeks to protect.

5.20 The original doors to the property would have been timber panelled doors; the applicant indicates that this development replaces a previous plain timber door of a similar appearance to the new metal door. However, the photographs provided to show this appear to show two different doors. It is suggested that the door numbered 67 has been replaced, when in fact it is the door to number 68 where the new metal door has been installed.

5.21 It is apparent that all three of the doors to the property were timber panelled doors as recently as April 2017; at some point in the intervening period two of the doors have been replaced. The door at number 67 is a plain timber door in a poor state of repair, planning permission has not been sought for this door and therefore it remains unauthorised; although the red line boundary of the site encompasses both units this door has not been included in this application. The door at number 68 has been replaced with a grey metal door, for which retrospective permission is now sought.

5.22 The plain timber door at number 67, although of a more traditional material, is not in keeping with the original more decorative door that it has replaced. This poor quality door cannot be considered as a justification for a further degradation of the building by installing the metal door that bears no resemblance to the original design of the building both in terms of style and materials, as suggested by the applicant who claims the two are similar.

5.23 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. The supporting documentation provided as part of the application indicates that the door has been fitted with state of the art locking system for security following incidents of vandalism.

5.24 No detail has been provided to indicate why the aim of improving security necessitated a door of the style installed or whether any other more traditional options were considered. While noting the importance of securing the residential properties on the upper floors of the building, no supporting evidence has been provided to demonstrate why the new door installed would be the only means to achieve that or that a public benefit would result that outweighs the harm of the appearance of the door on the character of the conservation area. This would therefore warrant the refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

5.25 It is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers and this is reflected in the comments received from HBC Public Protection; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

5.26 Whilst the aim of securing the premises is noted, it is not considered the door installed is the only way in which this could have been achieved and further that these works cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Church Street Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.28 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.

5.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement door to the front causes less than substantial harm to the designated heritage asset (Church Street Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient 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 policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

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

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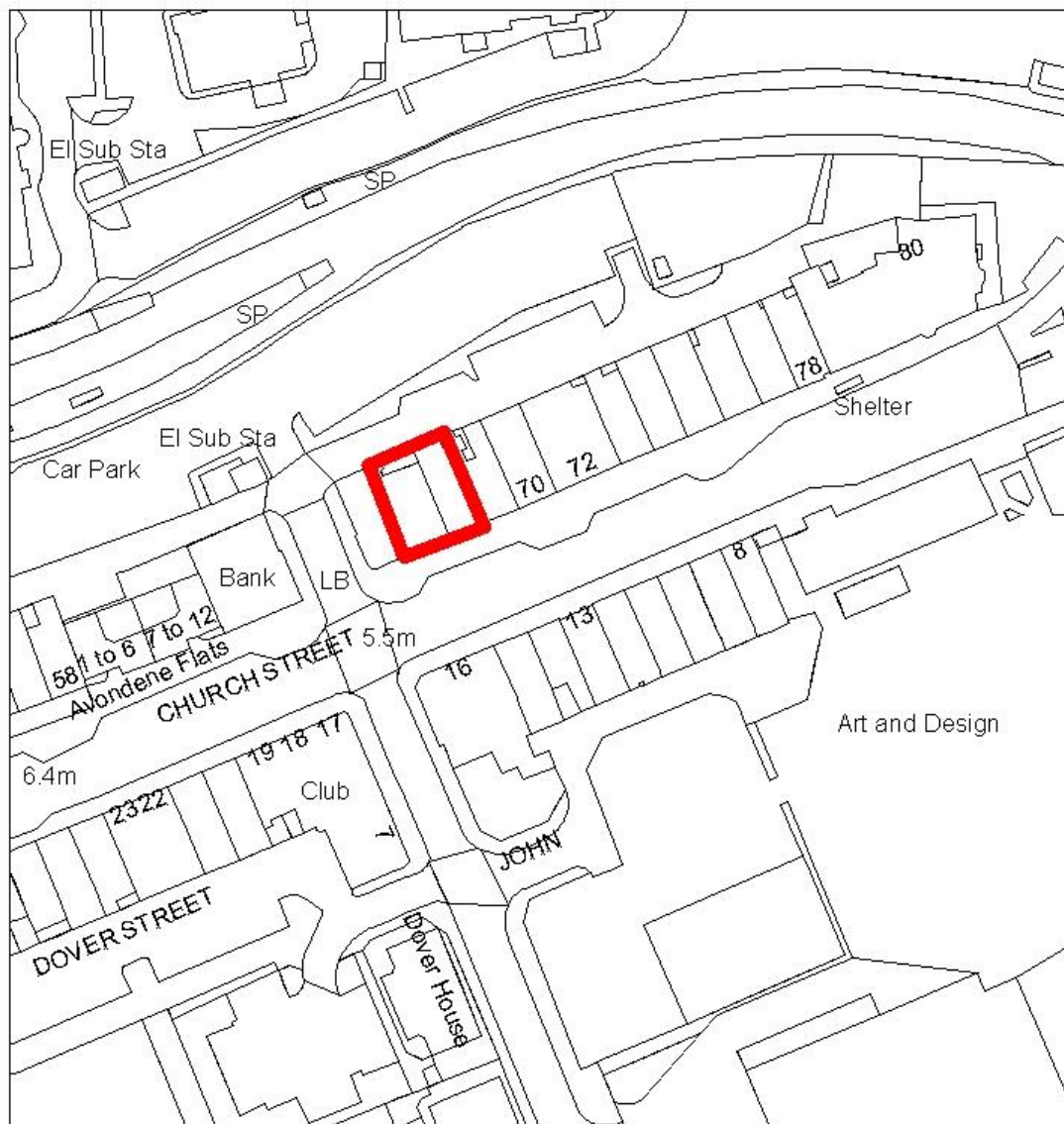
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68 CHURCH STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0272	REV

No: 6
Number: H/2018/0284
Applicant: MR L HODGMAN
Agent: N/A
Date valid: 07/08/2018
Development: Installation of replacement windows (retrospective application)
Location: 32 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 The following planning applications are associated with the site:

6.3 HFUL/1992/0453 – Erection of rear first floor kitchen and bathroom extension and external access stairs – Approved – 14.10.1992;

6.4 HFUL/1992/0559 – Installation of new shop front – Approved – 20.01.1993;

6.5 H/2016/0261- Display of illuminated sign (retrospective application) – Approved – 25.08.2016.

PROPOSAL

6.6 The application seeks retrospective permission for the installation of replacement first floor windows to the front of the property. It is understood that the former first floor bay window that was installed in the property was a traditionally detailed timber bay with UPVC mock sash windows in. The bay has been removed and replaced with a UPVC bay featuring casement windows of a white colour.

6.7 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

6.8 The application site is an east facing terraced property at The Front, Seaton Carew, Hartlepool. The property is a first floor apartment above a ground floor shop/takeaway (Young's Fish and Chips). It should also be noted that the application site is within the Seaton Carew Conservation Area.

PUBLICITY

6.9 The application has been advertised by way of ten neighbour letters, a site notice and a press notice. To date, no objections have been received from neighbouring land users.

6.10 The period for publicity expired 19/09/18.

CONSULTATIONS

6.11 The following consultation response has been received:

HBC Heritage & Countryside (Conservation) – The application site is located within Seaton Carew 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. 200, 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. 185 & 192, 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 of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area.

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

This is a retrospective application. The bay window that was installed in the property was a traditionally detailed timber bay with UPVC mock sash windows in. The bay has been removed and replaced with a UPVC bay featuring casement windows. It is considered that the bay is not appropriate to the conservation area for the following reasons:

- The proportions of the bay head are different to a traditional bay window, the head is narrower and stepped and there is what appears to be a gap between the head of the bay and the window. This is different to a traditional bay where the head has a narrow fascia beneath the leadwork and a much deeper element which is stepped using moulding and therefore there does not appear to be any gaps between the bay head and the windows.
- The pilasters to the side of the bay feature moulding and frame the bay with the central pilasters integral to the bay. In the case of the replacement bay the pilasters do not have the finer detailing found in timber and in addition they appear to be separate to the bay head, rather than a single entity.
- The windows do not reflect those of a traditional sash window. They are modern casement windows which are top hung. It appears that only the lower half of the bay window opens with the top windows fixed.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

6.13 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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.

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
196	Less than substantial harm

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas

Planning Policy Comments:

6.16 Planning policy objects to the development. The location of the development falls under Policy HE3 of the Local Plan, as it is in a conservation area, this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan states that the Council will seek to preserve, protect and enhance all heritage assets. This is reinforced in the Seaton Carew SPD, which

considers the conservation area to be at risk due in part to unsympathetic alterations to shop fronts, and that any development at The Front should be high quality, respecting and enhancing the character and appearance of the conservation area. It is considered that the bay window which has been fitted is not appropriate to the conservation area as it does not include traditional features; those which are explained further in the comments of the Heritage and Countryside Manager. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy. Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided any information in support of the public benefits of the development and therefore in the view of policy, the public benefits of the development do not outweigh the harm to the heritage asset and conservation area.

PLANNING CONSIDERATIONS

6.17 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

6.18 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 NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). 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. 185 & 192).

6.19 Further to this, at a local level, Policy HE3 of the Hartlepool Local Plan states that the 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.

6.20 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Seaton Carew Conservation Area derives its significance in part from the architectural detailing of buildings to the south of Station Lane stating that 'the shop fronts in the conservation area are relatively simple without the decorative features', with the 'shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.'

6.21 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.

6.22 The applicant property occupies a prominent plot position and the principal elevation is highly visible from the public highway of The Front. The previous bay window that was installed in the property was a traditionally detailed timber bay with UPVC mock sash windows in. The bay window has been removed and replaced with a UPVC bay featuring casement windows, which is significant to the character of the building.

6.23 The previous bay window reflected the proportions of the windows and other detailing to the building and surrounding area. By contrast, the proportions of the bay head are different to a traditional bay window, the head is narrower and stepped and there is what appears to be a gap between the head of the bay and the window. This is different to a traditional bay where the head has a narrow fascia beneath the leadwork and a much deeper element which is stepped using moulding and therefore there does not appear to be any gaps between the bay head and the windows.

6.24 The pilasters to the side of the bay window feature moulding and frame the window with the central pilasters integral to the bay. In the case of the replacement bay the pilasters do not have the finer detailing found in timber and in addition they appear to be separate to the bay head, rather than a single entity.

6.25 It is also considered that the windows do not reflect those of a traditional sash window. They are modern casement windows which are top hung. It appears that only the lower half of the bay window opens with the top windows fixed.

6.26 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council’s Heritage and Countryside Manager has identified these works as causing less than substantial harm. The supporting documentation provided as part of the application indicates that the windows were replaced out of necessity due to being damaged caused by weather. This is noted, however there is no detail provided to indicate the level of damage caused, whether repair was possible. It is acknowledged that the applicant has stated they ‘would have liked full timber windows but the cost was out of their finances.’

6.27 It is considered the loss of the original windows are regrettable as these are a notable features of the building, and no justification for the need for its removal or what public benefit there could be to justify these works has been provided by the applicant. This identified ‘harm’ would therefore warrant a refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

6.28 It is considered that the works carried out do not have a significant negative impact on the privacy or light of neighbouring occupiers when compared to the previous windows that were replaced.

CONCLUSION

6.29 Whilst the circumstances surrounding the reasons why the windows to the property have been replaced are noted, it is considered that the replacement windows cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.32 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient 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 policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

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

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

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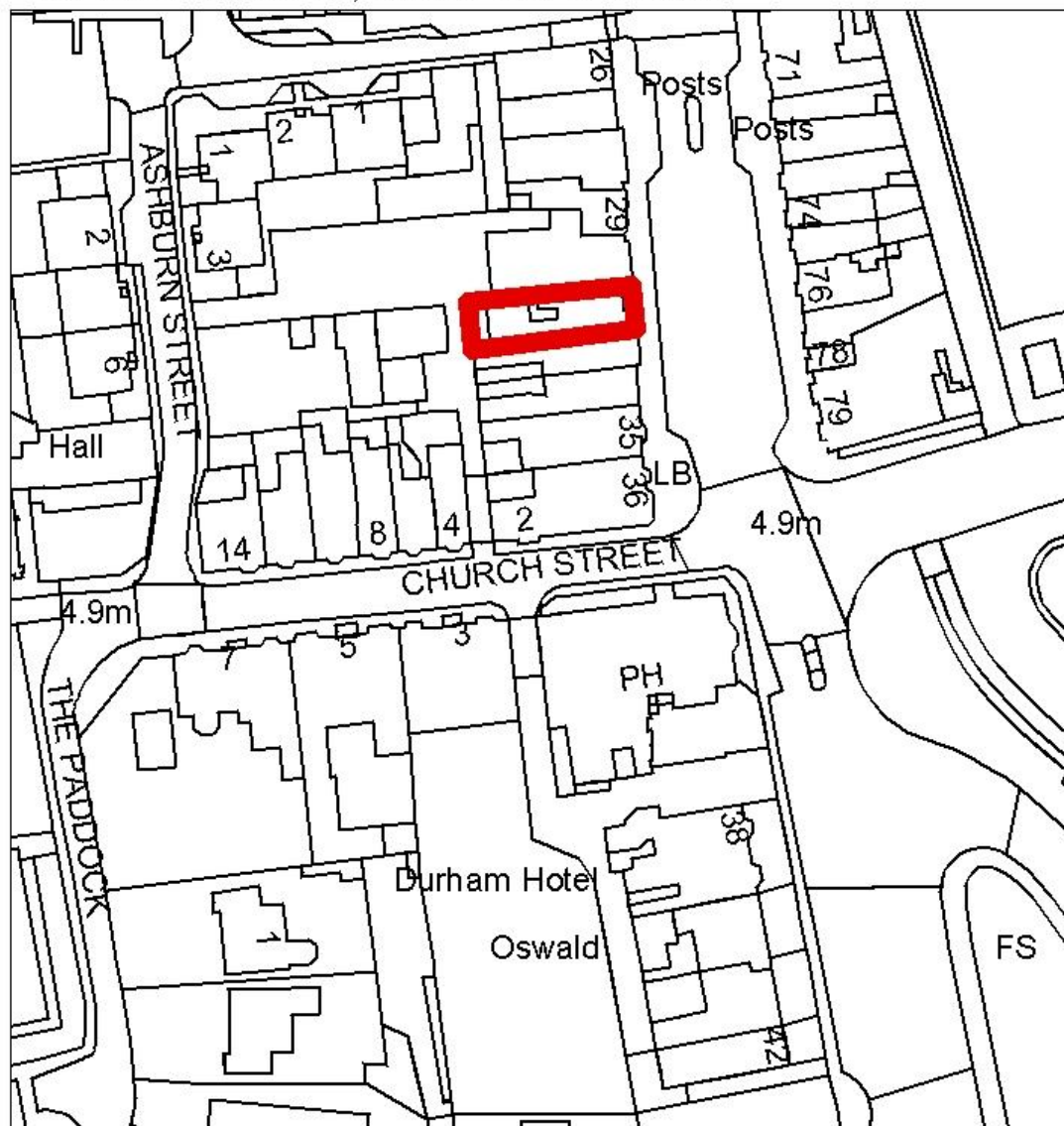
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32 THE FRONT, SEATON CAREW



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0284	REV

No: 7
Number: H/2018/0227
Applicant: WYNYARD HOMES HARBOUR WALK THE MARINA
HARTLEPOOL TS24 0UX
Agent: ERGO PROJECTS LTD MRS S LOWRIE ASURE
BUSINESS CENTRE HIGH STREET NEWBURN
NEWCASTLE UPON TYNE NE15 8LN
Date valid: 27/06/2018
Development: Section 73 planning application for variation of condition
02 (Approved Plans) of planning permission H/2015/0162
(Residential development comprising 39 dwellings and
provision of a car park (and drop-off point) to serve West
Park Primary School) to allow for the siting of retaining
walls to the rear of plots 35, 36 & 37 and amendments to
landscaping, levels and drainage (part-retrospective
application)
Location: LAND OFF CONISCLIFFE ROAD

PURPOSE OF REPORT

7.1 An 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;

H/2015/0162 – Planning permission was granted on 9th May 2016 for residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School.

H/2014/0428 – Planning Committee were minded to approve an outline planning application (with all matters reserved) for residential development comprising up to 2,000 homes of up to two and a half storeys in height, new distributor road, local centre, amenity open space and structure planting, on 31st January 2018, subject to the signing of a section 106 legal agreement.

PROPOSAL

7.3 Part-retrospective planning permission is sought for the variation of condition no. 2 of planning permission H/2015/0162 (for residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School) to allow for the siting of retaining walls to the rear of plots 35, 36 & 37 and amendments to landscaping, levels and drainage.

7.4 In detail, the application includes;

- Siting of retaining walls (max. approx. 1.2m high) to the rear of plots 35, 36 and 37 with closed boarded timber fencing (approx. 1.8m high) above. Retaining wall to be faced with pressure treated horizontal boards. Timber to have tanalised finish.
- Details of all other means of boundary enclosure across the site.
- Details of site levels across the site taking into account retaining wall positions and relationship with neighbouring properties along eastern boundary.
- Details of site landscaping and tree planting proposals including alterations to the 'landscape buffer' planted area, shown within the curtilage of the approved dwellings, adjacent to the eastern boundary of the site, comprising a reduction in the width of the planted area from approximately 10 metres to 5 metres (with tree and shrub planting closer to the eastern boundary of the site), and an enclosed landscape buffer between the retaining walls and the boundaries of 43 Coniscliffe Road and 37 Parklands Way of approximately 2.5 metres in width to be planted with a ground cover mix.
- Details of site drainage proposals taking into account retaining walls including installation of a permeable drain around the perimeter of the site to intercept water and discharge it into approved storage pond.

7.5 The application has been referred to the Planning Committee at the request of a Councillor and by virtue of the number of objections received.

SITE CONTEXT

7.6 The application site relates to land off Coniscliffe Road and Duchy Road, Hartlepool. The site relates to an elongated parcel of former agricultural land that straddles the western limits of development to properties along Coniscliffe Road, Parklands Way and Auckland Way (east). The site is currently being developed to provide 39 residential dwellings, a number of which are now complete or under construction.

7.7 The residential development is accessed from Coniscliffe Road whilst a new car park serving West Park Primary School to the north east is accessed from Duchy Road.

7.8 The site is bounded by agricultural land to the north and west, with dense woodland to the south. The boundaries of residential properties make up the eastern boundary, which consist of domestic enclosures and dense, mature planting.

7.9 The site features an undulating ground level, with the land primarily sloping from north to south.

PUBLICITY

7.10 The application has been advertised by way of neighbour letters (210), site notices (x2) and a press notice.

7.11 To date, 4 objections have been received with the following concerns (summarised);

- Proposed drainage is inadequate/detrimental impact on flood risk/drainage
- Proposals will result in subsidence of neighbouring properties
- Deviation from original plans incl. reduction in landscape buffer
- Landscape maintenance proposals/access are unworkable/irresponsible
- Detrimental impact on traffic, congestion and parking
- Detrimental impact on house prices/saleability
- Lack of want/need for development
- Developer is using third party Building Regulations inspector

7.12 One letter with no objections has also been received.

7.13 Copy Letters **B**

7.14 The period for publicity has now expired.

CONSULTATIONS

7.15 The following consultation responses have been received;

HBC Building Control – No representation received.

HBC Engineering Consultancy – I have reviewed the application and the supplied drainage drawing. The proposals supplied are still lacking detail in terms of pipe size, back fill material and depths. In theory I am happy that the proposal to install a permeable drain around the perimeter of the site to intercept water and discharge it into the new storage pond will reduce ground water to the site and neighbouring properties.

I note that the proposed retaining wall has weep holes in discharging into the 'buffer area'. I would request that the land drain is extended to the 'front face' of the retaining wall as well as the rear face.

At this stage I would request the above details upfront as opposed to condition as I am aware the original drainage condition has still not been discharged on the first application and I am seeking to have this resolved asap.

UPDATE 18/09/18: I have now had time to review the further details provided with this application. While I am satisfied that on paper we have a solution that is acceptable and will divert a proportion of ground water into the new attenuation pond where it can subsequently be released at a controlled discharge into the nearby watercourse. I do however have some outstanding queries that need to be resolved before I can formally give the system the ok.

1. In order for the proposed porous pipe system to work as an interception between the proposed site and the existing residential gardens, the porous pipe should be laid below the level of the existing gardens. This need to be confirmed by the applicant.

2. I have requested from the applicants consultant that the land drain be extended along the front face of the existing wall. This will be subject to access as I appreciate the gap between the retaining wall and the existing fence has reduced, so this extension may not be able to extend all the way.
3. I note from photographs provided that the retaining wall is now installed and I have observed the land drain on the rear face of the wall being installed. I am however concerned that there appears to be no connection through the retaining wall despite this being shown on the plans submitted. Plot 35 should have a manhole in the south eastern corner which should then connect into a manhole in plot 34. I would therefore seek confirmation that this connection is in place or plans are made to core through the new wall for this connection.

I appreciate that getting the application to this point has been a long time coming in terms of agreeing drainage details etc. I am mindful not to request another condition and am therefore seeking confirmation on the above 3 points either prior to or at committee. I would also respectfully request that should the application be approved that the additional proposed drainage is installed without delay and certainly before winter 2018.

Should the application be refused, the drainage condition remains open on the original application and as such I would require the same level of detail as in this application in order to discharge those conditions.

UPDATE 20/09/18: I am satisfied with the amended proposals and the email(s) [received 19th September]. My original request for the time condition remains valid as well. Happy with the conditions proposed and yes the oil interceptor was never discharged so this needs carrying over as well.

Environment Agency – We have assessed the submitted information and can confirm that we have no comments to make on the proposed variation of condition 2 of permission H/2015/0162.

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.

UPDATE 06/08/18: 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 “S104 Agreement drawing”. In this document it demonstrates that the foul flows shall discharge to the 225 foul sewer via manhole 2402, whilst the surface water shall discharge to the existing watercourse.

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 “S104 Agreement drawing” dated “24.05.2018”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2402 and ensure that surface water discharges to the existing watercourse / soakaways.

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.

Hartlepool Water - No representation received.

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

Highways England – Highways England do not wish to comment further with regards to the above variation of condition.

Please find our response of no objection.

HBC Public Protection – Do not object.

HBC Heritage and Countryside Manager – No representation received.

Tees Archaeology – Thank you for the consultation on this application. I have no comments on the application.

HBC Ecology – I have no ecology concerns or requirements.

Natural England – Natural England currently has no comment to make on the variation of condition 02 pursuant to planning permission H/2015/0162.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural

Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

HBC Arboricultural Officer – I previously discussed the landscape issues with Dan and the applicant by phone regarding some anomalies that had arisen. The plans submitted now address these issues and I am happy with the design, species and annotation.

Previous comment: “Referring to amended drawing R/1956/1C by fda landscape (Jan 17) The staggered tree positions are less likely to become a problem to adjoining properties in future and will fulfil the function of partial screening the new homes being built. The retaining wall issue is being dressed with ivy (*Hedera*) and periwinkle (*Vinca*) with dogwood (*Cornus*) planted in the space between the fence and the retaining wall. This treatment has been used extensively on other development sites in Hartlepool and I cannot foresee any problems with it. As people generally redesign their own gardens in time, any maintenance issues with the boundary treatment are likely to be addressed by them individually at a later date. As the trees are planted on the higher ground the screening effect will be more effective”.

HBC Countryside Access Officer – No comments

Ramblers Association - No representation received.

Cleveland Police – Police have no concerns with regard this application.

Cleveland Fire Brigade – Cleveland fire Brigade offers the following representations regarding the development as proposed.

Confirmation that access for fire appliances from the end of the adopted highway to the farthest point of the dwelling's footprint on plots 7, 8, 20, 28 & 29 is within 45m as per AD Bv1 Para 11.2.

All other Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1, Section B5 for Dwelling houses.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 8.

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

Northern Power Networks – No representation received.

Northern Gas Networks – No representation received.

Cleveland Emergency Planning Unit – No representation received.

Elwick Parish Council – No objection.

PLANNING POLICY

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

Local Policy

7.17 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 Policy

7.18 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. 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: Introduction
PARA 007-010: Achieving sustainable development
PARA 011-012: The presumption in favour of sustainable development
PARA038: Decision-Making
PARA047: Determining Applications
PARA124, 127, 130: Achieving well-designed places

HBC Planning Policy - Planning Policy have no objections to the proposed condition variation.

PLANNING CONSIDERATIONS

7.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact 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, landscaping and landscape features and flood risk and drainage. These and all other relevant material planning considerations and residual matters will be considered in detail below.

PRINCIPLE OF DEVELOPMENT

7.20 The principle of the development has been established to be acceptable through planning permission H/2015/0162. The Council's Planning Policy section has no objections with respect to the proposed amendments.

PLANNING OBLIGATIONS

7.21 It is not considered that the proposed amendments have any implications for the Section 106 Legal Agreement signed as part of planning permission H/2015/0162, which allows for such variations.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

7.22 The works to levels, retaining walls/boundary treatments and landscaping will be largely screened from view from neighbouring land users to the north, west and south by virtue of the location of the works within the interior of the site and along the eastern boundary and there are no residential properties immediately adjacent to the site to the north, west or south. It is therefore considered that there are no significant detrimental impacts on the amenity or privacy of neighbouring land users to the north, west or south.

7.23 To the east, the amendments to the approved layout result in the reduction in the landscape buffer between the eastern boundaries of the approved dwellings and the western boundaries of the existing dwellings on Coniscliffe Road, Parklands Way and Auckland Way. Retaining walls with timber fencing above have also been erected to the rear of plots 35, 36 and 37 with a combined height of up to approximately 3 metres. It is also noted that owing to the gradient of the land, the retaining walls sit at a higher level in parts (up to approx. 0.5 metres higher) than the adjacent garden areas of existing neighbouring properties to the east.

7.24 In view of the above, it is acknowledged that, owing to the existing relationship between the site and neighbouring properties and the amendments to the scheme that have resulted in a reduction in the landscape buffer, alterations to levels and provision of retaining walls, the top section of the rear boundary fencing of plots 35, 36 and 37 extends appreciably above the existing boundary enclosures of neighbouring properties to the east.

7.25 The property 43 Coniscliffe Road is located immediately to the east of plots 36, 37 and 38. This neighbouring property features an approximately 2.4 metre high closed boarded timber fence that extends along its western boundary adjacent to the application site. As the land slopes away to the south-east, the top part of the boundary fencing atop the retaining wall to the rear of plots 36 and 37 is readily visible above this neighbour's rear garden fence. However, it is noted that this neighbouring property features a detached outbuilding/summerhouse adjacent to its western boundary, immediately south of the existing dwellinghouse, which provides partial screening of the fence when viewed from the ground floor of this property. Furthermore, the fence is at its lowest point and is least visually prominent adjacent to the existing dwellinghouse, with the highest part of the fencing (as viewed from this neighbour's garden) towards the bottom (southern) end of this neighbour's garden and as such the impact on principle habitable room windows in the rear elevation of this neighbouring dwellinghouse and the immediate garden area is limited. It is therefore considered on balance that, whilst the retaining wall and fencing as erected are readily visible from this neighbour's garden, the works do not have such a significant detrimental impact on the amenity of this neighbour through overshadowing, any overbearing effect or poor outlook, to warrant refusal of the application.

7.26 The property 37 Parklands Way is located immediately to the east of plots 34, 35 and 36. This neighbouring property features an approximately 1.6-1.8 metre high part-open, part-closed timber boarded fence that extends along its western boundary adjacent to the application site. This neighbouring property also features significant planting (both deciduous and evergreen) along this western boundary. The retaining wall and fence as erected is therefore significantly screened from this neighbouring property. Furthermore, there is a significant separation distance in excess of 20 metres from the rear elevation of this neighbouring dwellinghouse and the retaining wall/fence. It is also noted that the retaining wall/fence does not sit directly to the rear of this neighbouring dwellinghouse but is located to the north west and as such does not impact significantly on the immediate rear garden area of the property. Whilst it is appreciated that the deciduous planting along this boundary will provide less screening and the wall/fence will be more visible in winter months, given the significant amount of evergreen planting adjacent to the rear of plots 35 and 36, and taking into account the location of the wall/fence in relation to this neighbouring dwellinghouse, the significant size of this neighbour's rear garden and associated separation distance between the principle habitable room windows of this property and the retaining wall/fence it is considered on balance that there is not such a significant detrimental impact on the amenity of this neighbouring property through overshadowing, any overbearing effect or poor outlook, to warrant refusal of the application.

7.27 Whilst the application also proposes a reduction in the extent of the 'landscape buffer' planted area along the eastern boundary, satisfactory separation distances are maintained between the proposed dwellings and neighbouring properties to the east (in line with policy QP4 of the adopted Hartlepool Local Plan 2018) and the proposals maintain adequate levels of landscape screening along this boundary, to the satisfaction of the Council's Arboricultural Officer. It is therefore considered that this element of the proposal would not have a significant detrimental impact on the

amenity or privacy of neighbouring land users in terms of overlooking, overshadowing, any overbearing effect or poor outlook.

7.28 With respect to the internal layout of the site, by virtue of the nature of the works, the abovementioned satisfactory separation distances, and the relationships between the proposed dwellings, it is not considered that there would be any significant detrimental impact on the amenity or privacy of existing and future occupiers of plots 35-37 or the other approved dwellings within the development, in terms of overlooking, overshadowing, any overbearing effect or poor outlook.

7.29 Furthermore, it is not considered that the additional details with respect to levels, boundary enclosures, drainage and landscaping across the remainder of the site would have any significant detrimental impact on the amenity or privacy of existing and future occupiers of the proposed dwellings or neighbouring properties.

7.30 The Council's Public Protection section has been consulted on the application and has confirmed that they have no objections with respect to the application.

7.31 In view of the above, it is considered on balance that the proposed amendments to the scheme and additional details would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users or future occupiers of the proposed dwellings, to warrant refusal of the application. The proposal is therefore considered to be acceptable in this respect and in accordance with policies QP4 of the adopted Hartlepool Local Plan 2018 and paragraph 127 of the NPPF.

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

7.32 With respect to the visual impacts of the retaining wall, fences and other associated works, as above, it is acknowledged that the top section of the rear boundary fencing of plots 35, 36 and 37 now extends appreciably above the existing boundary enclosures of neighbouring properties to the east. The fencing is therefore readily visible from these neighbouring dwellings (except where it is screened by existing landscaping).

7.33 Notwithstanding this, views of the retaining walls and fencing from public areas outside of the site are limited. Furthermore, the works are located primarily to the rear of the approved properties and as such are not readily visible from within the application site itself. As such, it is considered that these works do not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

7.34 In addition to the above, the proposal includes landscaping measures to the eastern side of the retaining wall in the form of a groundcover mix including species of ivy and flowering plants, to the satisfaction of the Council's Arboricultural Officer, that it is considered will over time provide further screening and softening of the visual impact of the retaining wall and fence above.

7.35 Furthermore, it is not considered that the additional details with respect to levels, boundary enclosures, drainage and landscaping across the remainder of the site would have any significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

7.36 In view of the above, it is therefore considered on balance that the works do not have such a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area to warrant refusal of the application. The application is therefore considered to be acceptable in this respect and in accordance with policy QP4 of the adopted Hartlepool Local Plan 2018 and paragraph 127 of the NPPF.

LANDSCAPING AND LANDSCAPE FEATURES

7.37 The approved site layout plan of the previous approval for the wider site (ref H/2015/0162) indicated a 'landscaped buffer' was to be located in the rear garden areas within the curtilage of the approved dwellings, along the eastern boundary of the site, comprising sporadic tree and shrub planting. However, notwithstanding this, a planning condition was appended to the permission requiring that the applicant submit a detailed scheme of landscaping and tree and shrub planting to be approved in writing by the Local Planning Authority. This condition was not formally discharged as part of the previous approval and the applicant is therefore seeking to address landscaping through the current application. The application is therefore accompanied by a landscaping scheme and the Council's Arboricultural Officer has been consulted.

7.38 An objection has been received with respect to the proposed amendments to the landscaping proposals including a reduction in the extent of the 'landscape buffer' previously shown along the eastern boundary of the site.

7.39 Whilst the proposals differ from the originally approved scheme in that the area to be planted along the eastern boundary of the site has been noticeably reduced, it is noted that sporadic tree planting and shrub planting is still proposed along the eastern boundary (up to approx. 5 metres in from the shared boundary with neighbouring properties to the east). Furthermore, as above, the proposals include landscaping measures to the eastern side of the retaining wall in the form of a groundcover mix (providing an approx. 2.5m maximum width enclosed buffer), including species of ivy and flowering plants, as well as tree and shrub planting to the rear of plots 35-37 (to the western side of the fence, above the retaining wall).

7.40 The Council's Arboricultural Officer has confirmed that they are satisfied with the landscape proposals in terms of design and species mix. The Council's Arboricultural Officer has advised that the staggered tree positions are less likely to become a problem to adjoining properties in future and will fulfil the function of partially screening the new homes being built, with screening more effective where the trees are planted on higher ground. The Council's Arboricultural Officer also notes that the retaining wall will be dressed with ivy (*Hedera*), in addition to periwinkle (*Vinca*) and dogwood (*Cornus*) planted in the space between the site boundary and the retaining wall. This treatment has been used extensively on other

development sites in Hartlepool and the Council's Arboricultural Officer has advised that they cannot foresee any problems with it.

7.41 In view of the above, it is considered that the application is acceptable with respect to the landscaping proposals and impact on landscape features.

FLOOD RISK AND DRAINAGE

7.42 Objections have been received from neighbouring land users with respect to the impacts of the proposal on flood risk and groundwater drainage and in particular in relation to the properties to the east of the erected retaining walls. Concerns have also been raised with respect to subsidence of existing properties as a result of flooding.

7.43 As part of the previous approval for the wider site (ref H/2015/0162), a planning condition was appended to the permission requiring that the applicant submit a scheme for a surface water management system including detailed drainage design to be approved in writing by the Local Planning Authority. This condition was not formally discharged as part of the previous approval and the applicant is therefore seeking to address drainage through the current application.

7.44 The Council's Principal Engineer, the Environment Agency, Northumbrian Water and Hartlepool Water have been consulted on the application in view of the submitted drainage proposals.

7.45 The proposals include the installation of a permeable drain around the perimeter of the site to divert ground water into a new attenuation pond where it can subsequently be released at a controlled discharge into the nearby watercourse. Weep holes have also been installed in the retaining walls to limit hydrostatic pressure. Through discussions between the applicant's engineers and the Council's Principal Engineer, the proposals have been amended through the course of this application to now include an additional French drainage trench installed to the low side of the retaining wall, in addition to the upper side of the retaining wall.

7.46 The Council's Principal Engineer has advised that he is satisfied with the amended proposals and additional information provided by the applicant's engineers, subject to planning conditions requiring the works are carried out in accordance with the submitted plans and details and that details with respect to management of the system and timescales for implementation of the works are submitted to and agreed in writing with the Local Planning Authority. These conditions are recommended accordingly.

7.47 Northumbrian Water have also commented on the application and have confirmed that they have no issues to raise with the application, provided the application is approved and carried out in strict accordance with the submitted drainage proposals, requesting a planning condition be appended to this effect, and this is recommended accordingly. No objections have been received from the Environment Agency or Hartlepool Water.

7.48 The application is therefore considered to be acceptable with respect to matters of flood risk and drainage subject to the abovementioned planning condition(s).

OTHER PLANNING MATTERS

Highway and Pedestrian Safety

7.49 An objection has been received citing concerns with respect to the impact of the wider development on traffic, congestion and parking. This was considered as part of the original planning application and this application relates solely to amendments to the approved scheme as referred to above. Notwithstanding this, the Council's Highways, Traffic and Transport section and Highways England have both been consulted on the application and have raised no objections. It is therefore considered that there are no implications with respect to highway and pedestrian safety.

Public Rights of Way

7.50 The Council's Countryside Access Officer has been consulted on the application and has confirmed that they have no comments. It is considered that there are no implications with respect to public rights of way.

Heritage Assets and Archaeology

7.51 The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application. No objections have been received with respect to the impact on heritage assets or archaeology. The application is therefore considered to be acceptable with respect to these matters.

Ecology and Nature Conservation

7.52 The Council's Ecologist and Natural England have both confirmed that they have no ecological concerns or comments to make with respect to the proposals. The application is therefore considered to be acceptable with respect to matters of ecology and nature conservation.

Safety and Security

7.53 Cleveland Police has been consulted and has confirmed that they have no concerns with respect to the application and the application is therefore considered to be acceptable with respect to safety and security.

RESIDUAL MATTERS

Fire Brigade Access

7.54 Cleveland Fire Brigade has been consulted on the application and has provided advice with respect to access for fire brigade appliances. This is separate to planning and will be considered through the Building Regulations process. Notwithstanding this an informative note is recommended to make the applicant aware of this advice.

Proximity to High Pressure Gas Pipeline

7.55 A high pressure gas main runs adjacent to the application site (approximately 14m -18m from the western site boundary). The previous application for the wider residential development has been considered through the Health and Safety Executive's (HSE) Land Use Planning Web App, which confirmed that there were no grounds to advise against the granting of planning permission. It is not considered

that the proposed amendments would have any implications with respect to this. Furthermore, no objections have been received from the pipeline operator.

Access for Landscape Maintenance

7.56 An objection has been received from a neighbouring land user stating the proposed access arrangements for the proposed landscape buffer are unworkable / irresponsible. The submitted details indicate that the landscape buffer to the eastern side of the retaining walls will be accessible from plot 34 for maintenance and plot 34 will be responsible for this land, which will be written into the deeds of the property. However, the submitted details state the proposed planting/landscaping shall be maintenance free and the Council's Arboricultural Officer has raised no concerns with respect to landscaping arrangements. Irrespective of this, this is ultimately a management/land ownership issue.

Deviation from Approved Plans

7.57 An objection has been received on the grounds that the submitted plans are different from the previously approved plans (including a reduction in the approved landscape buffer). However, an applicant can apply to vary approved plans and conditions by virtue of Section 73 of the Town and Country Planning Act 1990, and the current application is therefore explicitly seeking approval to vary the approved plans, including the approved site layout plan.

Non-Planning Considerations

7.58 A number of objections have also been received from neighbouring land users citing concerns that are not material planning considerations and as such have not been taken into account in reaching a recommendation on the application, these are as follows;

- Detrimental impact on house prices/saleability
- Lack of want/need for development
- Developer is using third party Building Regulations inspector

PLANNING BALANCE AND OVERALL CONCLUSION

7.59 The application is considered on balance 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 relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.60 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.61 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.

7.62 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following plans and supporting information/reports unless otherwise agreed in writing by the Local Planning Authority;

House Type 14 (SH 014)

Type 15 (SH015),

Type 16 (SH016),

Type 17 (SH 017),

Type 18 (SH018),

House Type 19 (SH019)

received by the Local Planning Authority on 27th April 2015;

plan G01 (Proposed Double Garage General Arrangements)

received by the Local Planning Authority on 11th June 2015;

2063/SK001/001 (Proposed Car Park for West Park Primary School)

received by the Local Planning Authority on 6th July 2015;

Patrick Parsons Flood Risk Assessment

received by the Local Planning Authority on 27th April 2015;

R/1956/1C (Landscape Masterplan),

R/1956/2B (Landscape Details Shrub Beds S1-S11),

R/1956/3A (Landscape Details Shrub Beds S12-S26)

received by the Local Planning Authority on 12th June 2018;

001 REV 0 (Proposed Site Layout Plan),

002 REV J (Proposed Boundary Treatment and Hard Landscape Plan),

005 REV C (Location Plan),

009 REV - (Proposed Site Sections),

010 REV A (Boundary Treatment Details Sheet 1 of 2),

012 REV B (Proposed Site Section D-D),

013 REV B (Proposed Site Section E-E),

014 REV B (Proposed Site Section F-F),

015 REV B (Proposed Site Section G-G)

received by the Local Planning Authority on 21st June 2018;

H76076-D-011 REV K (External Works Sheet 1 of 2),

H76076-D-012 REV H (External Works Sheet 2 of 2)

received by the Local Planning Authority on 28th June 2018;

011 REV D (Retaining Wall Position to the Rear of Plots 35-37)
received by the Local Planning Authority on 17th July 2018;

H76076-D-017 REV B (Private Drainage Construction Details)
received by the Local Planning Authority on 15th August 2018;

011 REV - (Boundary Treatment Details Sheet 2 of 2),
e-mail from Ergo Projects confirming timber fencing stain colour (light brown),
H76076-D-013 REV J (Private Drainage Sheet 1 of 2),
e-mail(s) from JNP Consulting Engineers (detailing drainage proposals)
received by the Local Planning Authority on 19th September 2018;

H76076-D-002 REV P (S.104 Agreement Drawing)
received by the Local Planning Authority on 20th September 2018.
For the avoidance of doubt.

2. This approval relates solely to this application for the variation of condition 02 (Approved Plans) of planning permission H/2015/0162 (Residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School) to allow for the siting of retaining walls to the rear of plots 35, 36 & 37 and amendments to landscaping, levels and drainage. Where not addressed through the other conditions of this approval, the remaining conditions attached to the original permission shall continue to apply to this consent and shall be complied with, unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt.
3. The landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details; R/1956/1C (Landscape Masterplan), R/1956/2B (Landscape Details Shrub Beds S1-S11), R/1956/3A (Landscape Details Shrub Beds S12-S26) received by the Local Planning Authority on 12th June 2018. No planting above 0.6 metres in height shall be planted within the first 15 metres of the landscaped area (measured from the footway edge) adjacent to plot 39 in order to protect sight lines. 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.
4. Notwithstanding the requirements of Condition 3, the planting to be provided within the landscaped buffer (between existing houses and new development) to the rear of plots 35, 36 and 37 (shown on drawing 001 REV 0 (Proposed Site Layout Plan) received by the Local Planning Authority on 21st June 2018) shall be planted in accordance with drawing R/1956/1C (Landscape Masterplan) received by the Local Planning Authority on 12th June 2018,

within the next planting season and no later than 31st March 2019. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

5. Notwithstanding the requirements of Condition 3, within one month of the date of this decision notice, a detailed scheme of landscaping and tree and shrub planting in respect of the proposed car park (shown on approved drawing 2063/SK001/001 (Proposed Car Park for West Park Primary School) received by the Local Planning Authority on 6th July 2015) shall be submitted to the Local Planning Authority, to be subsequently agreed 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 of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within the next planting season and no later than 31st March 2019. 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.
6. All walls, fences and other means of boundary enclosure hereby approved shall be implemented in accordance with the following plans and details; 002 REV J (Proposed Boundary Treatment and Hard Landscape Plan), 010 REV A (Boundary Treatment Details Sheet 1 of 2) received by the Local Planning Authority on 21st June 2018; H76076-D-011 REV K (External Works Sheet 1 of 2), H76076-D-012 REV H (External Works Sheet 2 of 2) received by the Local Planning Authority on 28th June 2018; 011 REV D (Retaining Wall Position to the Rear of Plots 35-37) received by the Local Planning Authority on 17th July 2018; and 011 REV - (Boundary Treatment Details Sheet 2 of 2) and e-mail from Ergo Projects confirming timber fencing stain colour (light brown) received by the Local Planning Authority on 19th September 2018.
In the interests of visual amenity.
7. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks, hereby approved shall be carried out in accordance with the following plans and details; 001 REV 0 (Proposed Site Layout Plan), 012 REV B (Proposed Site Section D-D), 013 REV B (Proposed Site Section E-E), 014 REV B (Proposed Site Section F-F), 015 REV B (Proposed Site Section G-G) received by the Local Planning Authority on 21st June 2018; H76076-D-011 REV K (External Works Sheet 1 of 2), H76076-D-012 REV H (External Works Sheet 2 of 2) received by the Local Planning Authority on 28th June 2018; and 011 REV D (Retaining Wall

Position to the Rear of Plots 35-37) received by the Local Planning Authority on 17th July 2018.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens 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.

8. The foul and surface water management system, including the detailed drainage/SUDS design hereby approved shall be carried out in accordance with the following plans and details; H76076-D-017 REV B (Private Drainage Construction Details) received by the Local Planning Authority on 15th August 2018; H76076-D-013 REV J (Private Drainage Sheet 1 of 2) and e-mail(s) from JNP Consulting Engineers (detailing drainage proposals) received by the Local Planning Authority on 19th September 2018; and H76076-D-002 REV P (S.104 Agreement Drawing) received by the Local Planning Authority on 20th September 2018. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2402 and ensure that surface water discharges to the existing watercourse/SUDS/soakaways.
To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management and to prevent the increased risk of flooding from any sources.
9. Notwithstanding the agreed details set out in Condition 8 and within 1 month from the date of this decision notice, 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 thereafter to secure the operation of the surface water management system shall be submitted to the Local Planning Authority, to be subsequently agreed in writing by the Local Planning Authority. 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 and timetable for its implementation.
To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management and to prevent the increased risk of flooding from any sources.
10. Notwithstanding the agreed details set out in Condition 8 and within 1 month from the date of this decision notice, a scheme for passing surface water drainage from parking areas and hard standings through an oil interceptor prior to being discharged into any watercourse, SUDs feature, surface water sewer or soakaway system, and a timetable for its implementation, shall be submitted to the Local Planning Authority, to be subsequently agreed in writing by the Local Planning Authority. Thereafter the oil interceptor shall be

installed in accordance with the approved details. Roof water shall not pass through the interceptor.

To ensure a satisfactory form of development.

11. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
12. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 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.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings shall be erected or converted 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.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
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) and notwithstanding the approved details, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

BACKGROUND PAPERS

7.64 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.

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LAND OFF CONISCLIFFE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/09/18
	SCALE 1:3000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0227	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)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2018

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

PLANNING COMMITTEE

3rd October 2018



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT ANNEXE AT SUNRISE COTTAGE,
BENKNOWLE LANE, ELWICK, HARTLEPOOL,
TS27 3HF
APPEAL REF: APP/H0724/W/18/3207975
Change of use from annex to two bedroom
residential dwelling with garage and replacement
septic tank (H/2017/0675).

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 a change of use from annex to two bedroom residential dwelling with garage and replacement septic tank at Annexe at Sunrise Cottage, Benknowle Lane, Elwick, Hartlepool.
- 1.2 The application was determined by officer delegation on 4th May 2018. The application was refused on the grounds that, in the opinion of the Local Planning Authority the proposed development, by virtue of its isolated location beyond development limits, would constitute unsustainable development, contrary to the requirements of paragraph 55 of the NPPF, policies Rur7 and Rur12 of the Hartlepool Local Plan (2006) and policies RUR1 and RUR2 of the emerging Hartlepool Local Plan and the adopted New Dwellings Outside of Development Limits SPD (2015). (Report **Attached – APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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4. AUTHOR

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DELEGATED REPORT

Application No H/2017/0675

Proposal Change of use from annex to two bedroom residential dwelling with garage and replacement septic tank

Location ANNEX AT SUNRISE COTTAGE BENKNOWLE LANE
ELWICK HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters:	08/02/2018
	Site notice:	16/02/2018
1) Publicity Expiry	Advert:	
	Weekly list:	11/02/2018
	Expiry date:	09/03/2018
	Extended date:	08/05/2018
2) Publicity/Consultations PUBLICITY The application was advertised by way of 6no neighbour letters and a site notice. One response of no objections from a neighbouring occupier has been received. Elwick Parish Council have no objections to the application. CONSULTS The following consultation responses were received: HBC Engineering Consultancy – Requests a surface water condition. HBC Ecology – No comments received. HBC Heritage & Countryside Manager – No comments received. HBC Countryside Access Officer – 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 Landscape – There are mature trees West and South of Sunset Cottage but these are not affected by the proposed alterations. The only other minor impact would be adjacent to the boundary hedge where the new septic tank is replacing the old but it is unlikely to have any detrimental effect as it is like for like. No objections. HBC Public Protection – No object subject to the following condition: 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.

HBC Traffic & Transport – No comments received.

HBC Building Control – The drainage details proposed look feasible for the two dwellings. The size/type of tank + materials, field drainage and siting would be checked for compliance with building regulations when submitted.

Highways England – Recommend that conditions should be attached to any planning permission that may be granted

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

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.

3) Neighbour letters needed	N
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4) Parish letter needed	N
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5) Policy

Planning Policy

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.

Paragraph 47 of the NPPF 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. The housing requirement in the 2006 Local Plan is not up-to-date. The Council is therefore using the housing requirement in the emerging Local Plan (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing sites is assessed. As the emerging Local Plan has been through an examination in public, the authority can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period.

Relevant Planning Policies

PARA 002 : Primacy of Development Plan
 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 047: Housing supply
 PARA 055 : Homes in the rural area and isolated homes in countryside
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design

Hartlepool Local Plan 2006

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 Hsg10: Residential Extensions
 Hsg11: Residential Annexes
 Rur7: Development in the Countryside
 Rur12: New Housing in the Open Countryside
 Rur14: The Tees Forest

Emerging Hartlepool Local Plan

HSG11: Extensions to Existing Dwellings
 HSG12: Residential annexes
 QP4: Layout and Design of Development
 QP5: Safety and Security
 RUR1: Development in the Rural Area
 RUR2: New Dwellings Outside of Development Limits
 SUS1: :The Presumption in Favour of Sustainable Development

Other Relevant Documents

The New Dwellings Outside of Development Limits (NDODL) SPD (2015). The NDODL SPD was endorsed in 2015. This Supplementary Planning Document (SPD)

provides the guidance on whether the principle of a new dwelling in the countryside is appropriate and as to when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.

Planning Policy Comments: Planning Policy objects to this proposal.

6) Planning Consideration

RELEVANT PLANNING HISTORY

The following planning application is considered relevant to this application:

H/FUL/2002/0159 – Alterations to provide family/guest annexe in redundant stables, approved 29/11/02.

SITE AND SURROUNDINGS

The application site is an existing annex (Sunset Cottage) to one of a small number of dwellings on the western side of the A19 (Sunrise Cottage), approximately 77m from the junction with Coal Lane to the north west and access to the village of Elwick to the north east. The single storey annex building is a former stables associated with the main house that was converted to ancillary accommodation under the permission outlined above.

The annex is located in the north west corner of the site along with two detached outbuildings. There are two existing access points to the site from a service lane on the northbound carriageway of the A19, it is proposed that one would continue to serve the main house and the other would serve the newly formed dwelling.

Both the application site and the associated main house are heavily screened by mature tree planting on the eastern and southern boundaries, although a gate exists in the leylandii hedge between the two buildings maintaining the link between the house and annex.

The site is surrounded by open countryside to the north and west. There are a small number of isolated dwellings in the vicinity, the majority of which being farmhouses.

PROPOSAL

This application seeks planning permission to subdivide an existing annex in order to form an independent dwelling; the application also includes details of a proposed replacement septic tank on the site.

The annex is a converted stable building currently occupied by a friend of the owner of the site who acts as a carer, due to the applicant's failing health and also assists in maintaining the grounds of the main house and its annex on the owner's behalf.

The proposals also include a replacement 4000 litre septic tank, to serve both the existing and proposed dwelling.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the principle of development, the potential impact on the character and appearance of the area, the amenity of neighbouring land users, highway safety, and drainage and flooding.

PRINCIPLE OF DEVELOPMENT

This development will be treated as a new isolated dwelling in the countryside outside development limits, local planning policies seek to protect the countryside from a proliferation of isolated dwellings both to protect the rural character of such areas and to ensure residential development occurs in sustainable locations. This is to be balanced with the need to support the rural economy where associated living accommodation may be required to ensure the viability of rural enterprise. Beyond this, new dwellings in the rural area will be strictly controlled.

The applicant therefore needs to provide satisfactory justification for the need for a dwelling as stated in NPPF paragraph 55 and in accordance with the emerging 2018 Local Plan rural development policies RUR1, RUR2, the 2006 Local Plan policies RUR7 and RUR 12 and the adopted New Dwellings Outside of Development Limits SPD (2015).

Although there are a small number of dwellings in the vicinity of the site, it is not located in or near an established settlement and does not therefore benefit from access to any services. This location cannot therefore be said to comply with the requirements of paragraph 55 of the NPPF or policy RUR1 of the emerging Local Plan to be close to or within a village, or to improve sustainable connectivity. Conversely the site is considered to be an unsustainable location for residential development.

Emerging policy RUR2 and the NDODL SPD identify a number of circumstances where justification may be made for new dwellings outside of development limits, including:

- 1) **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
- 2) **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
- 3) **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or
- 4) **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods etc, or
- 5) **Relevant Policies and Material Considerations:** the proposal meets the requirements of all other relevant planning policies in the Local Plan and the NPPF.

The applicant has suggested that the occupant of the annex provides support to him in maintaining the grounds of the property; however this does not constitute a rural based enterprise engaging full-time rural works that would have a functional need to

live in an independent dwelling in the countryside.

For example, there is nothing to suggest that the property could not be maintained by someone living in a property in a nearby village that travels to the site. Although a substantial site by comparison with the average dwelling, the site is not so large as to warrant the full-time employment of an individual and there is nothing in the maintenance of the site that would make it essential for an employee to be on site twenty-four hours a day.

The physical works to form the annex have already been carried out, this proposal therefore does not constitute making best use of a vacant or derelict building that is no longer fit for its original purpose, nor would it see the future of a heritage asset secured. Having already been converted, the building does not constitute outstanding, groundbreaking or innovative design that would significantly impact upon its immediate setting.

It is understood that the annex is currently occupied by a friend caring for the owner of the overall site, who is in failing health. This use of an annex would meet with the expected nature of an annex, it is clearly associated with and ancillary to the function of the dwelling. There is nothing to suggest that the care needs of the owner of the main house cannot continue to be met if the existing arrangement were to continue, conversely the loss of the annex, potentially to a third party may result in the need to create a new annex to allow for the onsite care of the applicant. As such, there is no justification in this regard for severing the annex from the main house to form an additional dwelling.

The applicant has raised the future needs of the occupant of the annex who is a long term friend. Should anything happen to him, the applicant states that he wishes the annex to be secured as a home for his carer, in thanks for his dedication and to prevent family members selling the unit as a whole without making provision for the carer. While an entirely laudable gesture, this is not a material planning justification to allow a new dwelling in open countryside.

The application site is beyond the limits to development, the Council can demonstrate a housing land supply on allocated sites in excess of five years as part of the emerging local plan and therefore there is no need to accept new housing in other locations, particularly when such sites are not considered sustainable.

On the basis of the assessment above, the principle of development is not acceptable.

IMPACT ON THE CHARACTER & APPEARANCE OF SURROUNDING AREA

The application does not propose any alterations to the external appearance of the annex itself, the only physical works being a replacement non-mains drainage system that would be underground. The proposals would not therefore impact the visual appearance of the area.

The character of the area as a rural setting is tempered by the location immediately adjacent to an arterial road, although the proposal has the potential to increase the

level of activity in the area by doubling the number of households on the site, this is unlikely to be appreciable given the activity that occurs alongside the site and therefore the character of the site is unlikely to be significantly diminished.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

No additional windows are proposed within the annex as part of the application and the main house is screened from view of the annex by mature trees along what is proposed to be the shared boundary. In any event, the annex is positioned north of the main house with primary windows fronting east, directly towards the A19 and not the main house. As such, the privacy of occupiers of the main house would not be affected if the annex were to be subdivided.

There are no other neighbouring properties that would be affected by the proposed subdivision in terms of privacy. Additionally, the nature of the proposed development would mean there would be no impact in terms of outlook or overshadowing for neighbouring occupiers.

HIGHWAY SAFETY

The overall area of land in the curtilage of the existing property is considerable and would afford ample space for parking for the two dwellings proposed if the annex were to be subdivided and therefore there are no concerns in that respect.

The site takes access directly from the A19, which is a trunk road, however two access points already exist and therefore no additional accesses are proposed as part of the application. Highways England have considered the application and although they do not wish to see an intensification of properties taking access from the A19, in this instance the potential increase in vehicles using an existing access is not considered to be detrimental to highway safety.

Subject to conditions to control access to the A19 by construction vehicles, Highways England has no objections to the application. No objections or comments have been received from HBC Traffic and Transport.

DRAINAGE AND FLOODING

The application site is within Flood Zone 1 and therefore a low risk of flooding. As part of the development a replacement septic tank within the site is proposed. The Council's Building Control service have confirmed the proposals would be adequate to serve the two dwellings on the site, subject to an appropriate assessment under a building regulations application in due course.

The Council's Engineering Consultancy have raised no objections to the proposed non-mains drainage system proposed but did request a condition requiring surface water drainage details if the application were approved. As no building works are proposed as part of the development and the non-mains foul drainage system is the replacement of an existing system it is not considered any changes would be made to surface water to warrant such a condition. HBC Engineers have confirmed they accept that position following clarification.

PLANNING BALANCE AND OVERALL CONCLUSION

The subdivision of the existing dwelling and annex would result in the formation of a new dwelling in an unsustainable location that does not benefit from any nearby services and would result in dependence of future occupiers on travelling by car for all of their day to day needs. This is contrary to the requirements of both local and national policy. No justification has been provided to make an exception to this approach, such as the need for an agricultural worker to be resident on the site, for example. As such, the principle of development is not acceptable and officer recommendation can only be to refuse.

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 Y / N**10) Recommendation**

REFUSE for the following reason;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed new dwelling, by virtue of its isolated location beyond development limits, would constitute unsustainable development and the applicant has provided no justification regarding the special circumstances that would warrant approval, contrary to the requirements of paragraph 55 of the NPPF, policies Rur7 and Rur12 of the Hartlepool Local Plan (2006), policies RUR1 and RUR2 of the emerging Hartlepool Local Plan and the adopted New Dwellings Outside of Development Limits SPD (2015).

INFORMATIVE**1. Statement of Proactive Engagemet**

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: Laura Chambers

Signed:

Dated:

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Assistant Director (Regeneration and Neighbourhoods)
Planning & Development Manager
Planning Team Leader DC
Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate in this case

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

3rd October 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 12-14 Church Street, Hartlepool TS24 7DJ
APPEAL REF: APP/H0724/W/18/3197129
Change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation (H/2017/0335)

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 planning permission for the change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation at 12-14 Church Street, Hartlepool.
- 1.2 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.

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Appeal Decision

Site visit made on 25 June 2018

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Appeal Ref: APP/H0724/W/18/3197129

12-14 Church Street, Hartlepool TS24 7DJ

- 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 Harry Kandola against the decision of Hartlepool Borough Council.
 - The application Ref H/2017/0335, dated 7 June 2017, was refused by notice dated 22 January 2018.
 - The development proposed is change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation (Amended plans to retain partial commercial use at ground floor).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the appeal being submitted, the Council has adopted the Hartlepool Local Plan 2018 (LP) which supersedes the Hartlepool Local Plan 2006. Both parties have had the opportunity to comment on the new development plan. I have therefore considered the appeal against the relevant adopted policies and make no further reference to the previous development plan.
3. The description of the development provided on the planning application form has been replaced by an amended version on the Council's decision notice. I consider that subsequent description to be usefully more representative of amendments to the proposal submitted prior to the determination of the application and I have therefore used it within this Decision.

Application for costs

4. An application for costs was made by Mr Harry Kandola against Hartlepool Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this appeal is whether the proposal would make suitable provision for parking with due regard to highway safety and the operation of businesses in the area.

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

Appeal Decision APP/H0724/W/18/3197129

Reasons

6. The appeal site comprises of three properties located within a terrace in Hartlepool town centre. As a town centre location, there are a substantial number of parking spaces available in the vicinity of the appeal site. However, the great majority of these are subject to some form of restriction such as permit control, limited waiting times or parking charges. Based on what I have seen and read, the only unregulated parking provision in the vicinity of the appeal site is John Street located immediately to the rear.
7. John Street is a no-through road which serves the rear of the terrace. As well as providing a number of parking spaces, the rear lane of John Street also serves as a service and delivery area for adjacent properties including businesses on the ground floor of Church Street.
8. Although there are parking restrictions on parts of John Street, I saw that a number of on-street car parking spaces are provided. However, these spaces were fully occupied at the time of my site visit and I also saw that this resulted in the parking of cars within the turning area at the head of the lane which limited the manoeuvring space available for vehicles.
9. As a no through road, the availability of parking spaces would only be apparent once vehicles enter John Street, meaning that vehicles would have to turn round to exit and park elsewhere. Not only would this be inconvenient, but it would also be likely to lead to conflict between other vehicles and pedestrians within the shared circulation space of the rear lane, to the detriment of highway safety. Furthermore, inconsiderate on-street parking which may result from increased demand would reduce visibility and manoeuvring space in this area thereby increasing the likelihood of collisions between highway users.
10. Within the context of unregulated parking provision on the rear lane of John Street, I consider that increased parking and traffic movements as a result of the proposal would take place on this constrained rear lane. This would exacerbate the existing parking stress I observed along this lane and would hamper deliveries and servicing associated with existing businesses.
11. Parking permits may be available to residents of the proposal, which in turn may enable them to park in permit controlled parking areas in the vicinity of the appeal site. However, no mechanism has been provided to me to ensure that residents would obtain parking permits or that they would use parking provision in the wider area. In the absence of such measures, I consider that residents of the proposal would be likely to use John Street for parking for reasons of convenience.
12. I acknowledge that car ownership amongst residents of this form of development is typically low. I am also mindful that this town centre location has good access to services and public transport so that residents would not be reliant on the private car. I have also had regard to the comments of the Council's Traffic and Transport Officer who states that the impact on parking would not be severe. However, some degree of car ownership would be likely amongst residents of the proposal leading to an increase in parking demand on John Street, with resultant harm to highway safety and the operation of nearby businesses.

Appeal Decision APP/H0724/W/18/3197129

13. The Council's reasons for refusal refer to a lack of in-curtilage car parking provided for the proposal. Due to the nature of the site and the town centre location I do not consider that requiring the provision of in-curtilage car parking would be feasible or appropriate. However, this does not lead me to a different conclusion on the harm arising from the proposal.
14. I conclude that the proposal would not make suitable provision for parking and would lead to harm to highway safety and the operation of nearby businesses. The proposal would therefore conflict with Policy QP3 of the LP which seeks to ensure that development is safe and accessible as well as managing conflict between highway users. The proposal would also conflict with Policy RC2 of the LP which requires that uses will only be permitted providing that they do not affect the function of properties and the surrounding area within the Town Centre, amongst other things.

Other Matters

15. I am mindful that the proposal would have the benefit of introducing a productive use into the upper floors of these buildings within the Church Street Conservation Area (CA). This would contribute to the ongoing maintenance of these traditional buildings and introduce a mix of uses to the benefit of the character and appearance of the CA as a designated heritage asset. I also note the aim of Policy RC2 of the LP in respect of diversifying the Town Centre. However, the benefits that would arise from the proposal in these respects would not outweigh the substantial harm identified above. This would include harm to active uses on the ground floor of the building which also contribute to the character and appearance of the CA as well as the Town Centre, and which may be compromised as a result of the proposal.
16. The appellant has submitted a Unilateral Undertaking to secure contributions towards built sports facilities and green infrastructure. However, these contributions are related to the impacts of the development and are therefore neutral in the overall planning balance.

Conclusion

17. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

PLANNING COMMITTEE

3 October 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. A detached garage not built in accordance with the approved at a residential property in Elwick Road.
2. The erection of a high timber fence in the rear garden of a residential property in Weldeck Gardens.
3. Works involving the erection of scaffolding at a listed residential property at The Green, Seaton Carew.
4. The erection of a timber fence above a front boundary wall at a residential property in Arncliffe Gardens.
5. The installation of a uPVC door at a commercial premises in Scarborough Street.
6. The installation of uPVC windows at a residential property in St. Paul's Road.
7. The erection of a steel portal frame building on land at Windermere Road.
8. The change of use from a restaurant to a drinking establishment at a commercial premises in Victoria Road.
9. The installation of external ducting and extraction units at a commercial premises in Davison Drive.
10. The display of advertising signs at a number of sites on Hartlepool Road, Wynyard.

11. The erection of extensions and outbuildings at the rear of a residential property in Coniscliffe Road.
12. The provision of outside seating to the front of 9 (nine) commercial premises at Navigation Point.
13. The erection of a single storey extension at the rear of a residential property in Salcombe Drive.
14. The erection of an extension at the rear of a residential property in Relton Way.
15. The change of use of a dwelling house to flats at a residential property in Westbourne Road.
16. The erection of a balcony above the rear offshoot of a residential property in Park Road.

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

1. The change of use from a gym to a restaurant at a commercial premises in York Road. No evidence could be established that the approved gym use had been implemented, therefore no change of use had occurred. No further action necessary.
2. Conversion and alterations to a former barn to create a single two storey dwelling at a residential property in Newton Bewley. A retrospective planning application seeking to regularise the development has since been approved.
3. The erection of a timber fence above a boundary wall at a residential property in Queensland Road. A retrospective planning application seeking to regularise the development has since been approved.
4. Non-compliance with a condition in relation to the location of a spoil heap at a school re-development site in Elwick Road. It was found that the spoil heap is located in the approved location.
5. Non-compliance with a condition relating to working hours at a school redevelopment site in Elwick Road. It was found that the site is operating in accordance with the approved working hours.
6. Non-compliance with a condition relating to opening hours at a hot food takeaway on Northgate. The premises is now operating in accordance with the approved opening hours.
7. Change of use from a dwellinghouse to car repair garage at a residential property in St Joan's Grove. No evidence of a material change of use could be established.

8. Unauthorised works to a listed residential property at The Green, Seaton Carew. It was found that the matter did not constitute a breach of planning or listed building control. No further action necessary.

2. RECOMMENDATION

- 2.1 Members note this report.

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