

# PLANNING COMMITTEE

## AGENDA



**Wednesday 31 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 3 October 2018 *(to follow)*

#### 4. ITEMS REQUIRING DECISION

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

1. H/2018/0271 5 Tower Street *(page 1)*
2. H/2018/0272 68 Church Street *(page 11)*
3. The Waterfornt, Jackson's Landing, The Highlight *(page 23)*
4. Land at Windermere Road *(page 39)*

#### 5. ITEMS FOR INFORMATION

5.1 Appeal at Stotfold Crest Stables, Truck Road, A19, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*

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

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



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

**EXEMPT ITEMS**

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

**8. ITEMS REQUIRING DECISION**

- 8.1 Enforcement Action (Paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Action (Paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Enforcement Action (Paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.4 Enforcement Action (Paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.5 Enforcement Action (Paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

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

**10. 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 18 November 2018.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **3<sup>rd</sup> October 2018**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Allan Barclay, Sandra Belcher, Paddy Brown, Bob Buchan, Marjorie James, Brenda Loynes, George Morris and Mike Young

In accordance with Council Procedure Rule 4.2 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  
Daniel James, Planning Team Leader (DC)  
Ryan Cowley, Senior Planning Officer  
Jane Tindall, Senior Planning Officer  
Fiona Riley, Townscape Heritage Project Officer  
Andrew Maughan, Locum Solicitor  
Jo Stubbs, Democratic Services Officer

#### **47. Apologies for Absence**

Apologies were submitted by Councillor Tim Fleming.

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

Councillor Brenda Loynes declared a non-prejudicial interest in H/2018/0131 (land to the front of Dean Garth and North View, Dalton Piercy) and a personal/non-prejudicial interest in H/2018/0227 (land off Coniscliffe Road).

#### **49. Confirmation of the minutes of the meeting held on 1<sup>st</sup> August 2018**

Minutes confirmed

## 50. Confirmation of the minutes of the meeting held on 5<sup>th</sup> September 2018

Minutes confirmed

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

**Number:** H/2018/0183

**Applicant:** THIRTEEN HOUSING MR WESLEY MCGEENEY  
HUDSON QUAY WINDWARD WAY MIDDLESBROUGH

**Agent:** MR WESLEY MCGEENEY THIRTEEN HOUSING 2  
HUDSON QUAY WINDWARD WAY MIDDLESBROUGH

**Date received:** 30/07/2018

**Development:** Installation of air source heat pumps

**Location:** 1-84 OVAL GRANGE HARTLEPOOL

An objector cited concerns around appearance saying he hoped it would be a condition of any approval that the materials used would be compatible with the existing structure. His major concern was noise pollution. He acknowledged that the applicant had carried out some assessment but felt that it was inconceivable that 30 pumps would not have a considerable noise impact. He encouraged officers to carry out an impact assessment and defer consideration until the results were known. The Chair commented that a noise assessment had been submitted to the satisfaction of the department however members requested that the matter be deferred to enable further impact assessment of the cumulative impact. Members suggested it would be helpful if the applicant could attend..

Councillor Stephen Akers-Belcher indicated that he was a member of the Thirteen Group Delivery Board. However this was by virtue of his status as Chair of Neighbourhood Services Committee and he had never been formally invited to a meeting of the Board.

**Decision:** **Deferred**

The Committee considered representations in relation to this matter.

**Number:** H/2018/0271

**Applicant:** MR PAUL EDWARDS ASSET PROPERTY  
MANAGEMENT (NE) LTD 10 CHURCH STREET  
HARTLEPOOL

**Agent:** BUILDING DESIGN (UK) LTD MR GRAHAM POOLE TAYSON HOUSE METHLEY ROAD CASTLEFORD

**Date received:** 30/07/2018

**Development:** Retrospective application for the installation of metal door

**Location:** 5 TOWER STREET HARTLEPOOL

Members queried whether the applicant had been advised as to the appropriate materials and design given the area's designation as a conservation area. The Heritage and Countryside Manager indicated that the applicant had not approached the Council prior to installation to look at alternative designs or materials. Members raised concerns that the conservation area may have already been compromised and requested a site visit for 5 Tower Street and 68 Church Street in order to ascertain if this was the case. The Chair reminded members that they should consider these applications on their own merits and not give weight to what had gone before or what may happen in the future. He also highlighted that grant funding was available although the Townscape Heritage Project Officer clarified that Heritage Lottery Funding did not apply in this case. Nevertheless members felt that deferral for a site visit would be appropriate in order to give time for more dialogue between owners and Council officers and to ensure that businesses were being supported and the area was not compromised. Members approved the site visit by a majority. Members requested information as to whether public grant aid had been made available to the owner of 5 Tower Street.

**Decision:** **Deferred**

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**Number:** H/2018/0272

**Applicant:** MR PAUL EDWARDS ASSET PROPERTY MANAGEMENT (NE) LTD 10 CHURCH STREET HARTLEPOOL

**Agent:** BUILDING DESIGN (UK) LTD MR GRAHAM POOLE TAYSON HOUSE METHLEY ROAD CASTLEFORD

**Date received:** 30/07/2018

**Development:** Retrospective application for the installation of metal door

**Location:** 68 CHURCH STREET HARTLEPOOL

This item was deferred for a site visit for the same reasons given for 5 Tower Street.

**Decision:** **Deferred**

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**Number:** H/2018/0227

**Applicant:** WYNYARD HOMES MR B MILLER HARBOUR  
WALK THE MARINA HARTLEPOOL

**Agent:** ERGO PROJECTS LTD MRS S LOWRIE ASURE  
BUSINESS CENTRE HIGH STREET NEWBURN  
NEWCASTLE UPON TYNE

**Date received:** 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

Members approved this application by a majority.

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

### **CONDITIONS AND REASONS**

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.

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**Number:** H/2017/0131

**Applicant:** MISS S CHAPMAN DALTON PIERCY  
HARTLEPOOL

**Agent:** MISS S CHAPMAN CLERK on behalf of DPPC  
BOGGLEBECK DALTON PIERCY HARTLEPOOL

**Date received:** 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

The Clerk for Dalton Piercy Parish Council was in attendance at the meeting and apologised to members for this retrospective application. She highlighted a need for more parking in the village and said that these additional parking bays had made a vast improvement and were supported by the residents.

Previously cars had been blocked in, there had been little space for visitors such as carers and severe damage had been caused to the grassed areas. In 1 case a mother with small children had been forced to park at the other end of the village and walk to her house. The materials used had been sympathetic, the village green looked smarter and the new bays did not dominate the area. She urged members to support the application on behalf of the residents.

Members queried whether the parking bays were situated on village green land. The clerk advised that the Parish Council had carried out a land swap whereby that section had been deregistered as village green and an alternate area registered in its stead. The Locum Solicitor confirmed that this swap had taken place on one side however the parking bays on the other side of the road were all located on village green land and had taken over nearly all of it. Part of it had also been used for a permanent structure. Members queried if this was a matter for the Secretary of State however the Solicitor indicated that such an application could not be made and the only option was to make another land exchange. The actions of the Parish Council were technically unlawful and could be prosecuted but this was not a planning matter.

A member commented on the improvements the new parking bays had made to the village and residents and confirmed she would support the application.

The application was refused by a majority

**Decision: Planning Permission Refused**

#### **REASONS FOR REFUSAL**

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.

The Committee considered representations in relation to this matter.

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**Number:** H/2018/0338

**Applicant:** MR J ARTHUR 4 CHURCH SQUARE  
HARTLEPOOL

**Agent:** MR J ARTHUR WHITE HOUSE 4 CHURCH  
SQUARE HARTLEPOOL

**Date received:** 17/08/2018

**Development:** Installation of replacement windows (retrospective application)

**Location:** WHITE HOUSE 4 CHURCH SQUARE  
HARTLEPOOL

Members queried whether this application would qualify for grant aid. The Townscape Heritage Project Officer indicated that Townscape Heritage Grants did not apply in this case however smaller compensation grant schemes were in place.

Members refused the application by a majority.

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

#### **REASONS FOR REFUSAL**

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.

**Number:** H/2018/0284

**Applicant:** MR L HODGMAN THE FRONT HARTLEPOOL

**Agent:** MR L HODGMAN 32 THE FRONT  
HARTLEPOOL

**Date received:** 07/08/2018

**Development:** Installation of replacement windows (retrospective application)

**Location:** 32 THE FRONT HARTLEPOOL

Members refused this application by a majority.

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

## REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows ( uPVC) 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.

### **52. Appeal at Annexe at Sunrise Cottage, Benknowle Lane, Elwick, Hartlepool** *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been submitted against the decision to refuse planning permission for a change of use from annex to 2 bedroom residential dwelling with garage and replacement septic tank. The application had been refused by officer delegation as it was felt to constitute unsustainable development.

#### **Decision**

That officers be authorised to contest the appeal

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

Members were advised that an appeal in respect of the Council's decision to refuse planning permission for a change of use with partial demolition and alteration had been dismissed. A copy of the Inspector's decision letter was attached.

#### **Decision**

That the outcome of the appeal be noted

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

Members were updated on 16 complaints currently under investigation and 8 complaints which had been completed.

**Decision**

That the report be noted

**55. 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 56 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Minute 57 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Minute 58 – (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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Minute 59 – (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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Minute 60 – (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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Minute 61 – (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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

- 56. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

### Decision

Details provided in the closed minutes.

- 57. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

This report was deferred



**Decision**

Report deferred

- 58. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

**Decision**

Details provided in the closed minutes

- 59. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

This report was deferred

**Decision**

Report deferred

- 60. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

This report was deferred

### **Decision**

Report deferred

- 61. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and 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 (para 6)

Authority was sought from members to issue an enforcement notice. Further details are provided in the closed minutes.

### **Decision**

Further details provided in the closed minutes

The meeting concluded at 11.15 am

CHAIR

**No:** 1  
**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

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## 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.

## BACKGROUND

1.2 This application was deferred at the Committee Meeting on 03/10/18 to allow a site visit to be carried out.

1.3 The following planning application is associated with the site and relevant to the current proposals:

1.4 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.

1.5 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:

1.6 H/2018/0272 – Retrospective application for the installation of metal door, 68 Church Street, pending determination (also deferred on 03/10/18).

## PROPOSAL

1.7 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.

1.8 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 relates was installed and permission is now sought retrospectively to retain it.

1.9 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.

1.10 Following the previous Planning Committee meeting the applicant has made the alternative suggestion of adding mouldings to the door to mimic panelling and painting it to match the existing shop front.

## **SITE CONTEXT**

1.11 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**

1.12 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.

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

## **CONSULTATIONS**

1.14 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.

Additional comments on alternative proposals – The door is to the centre of three shop fronts (5 in a row), which have been designed together and share common detailing. The introduction of a solid door in the centre of these premises appears incongruous. Further to this, shop fronts in this area generally have a large display window with a door to the centre or the side that is usually solid timber to the lower half and glazed to the upper. Entirely solid doors are found to the side of shop fronts, usually recessed providing access to upper floors. To place a solid door to the front harms the significance of the conservation area, the facing of the door with moulding would not overcome this issue.

**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

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

### National Planning Policy Framework (NPPF)

1.16 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.

1.17 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

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

<b>Policy</b>	<b>Subject</b>
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

1.19 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**

1.20 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**

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



1.22 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.

1.23 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.

1.24 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.

1.25 The timber 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.

1.26 Since the previous planning committee meeting the applicant has suggested that as an alternative they would be willing to apply moulding to the door and paint it to match the shop front it is a part of in an attempt to mimic the appearance of a timber door. It is noted, however the door that has been replaced was partially glazed and the alternative proposals would still result in a solid door that does not reflect the others within the frontage of the building and is therefore detrimental to the building's overall appearance and the character of the conservation area.

1.27 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

1.28 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

1.29 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

1.30 There is no evidence of equality or diversity implications.

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

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

1.32 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE for the following reason:

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**

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

## **CONTACT OFFICER**

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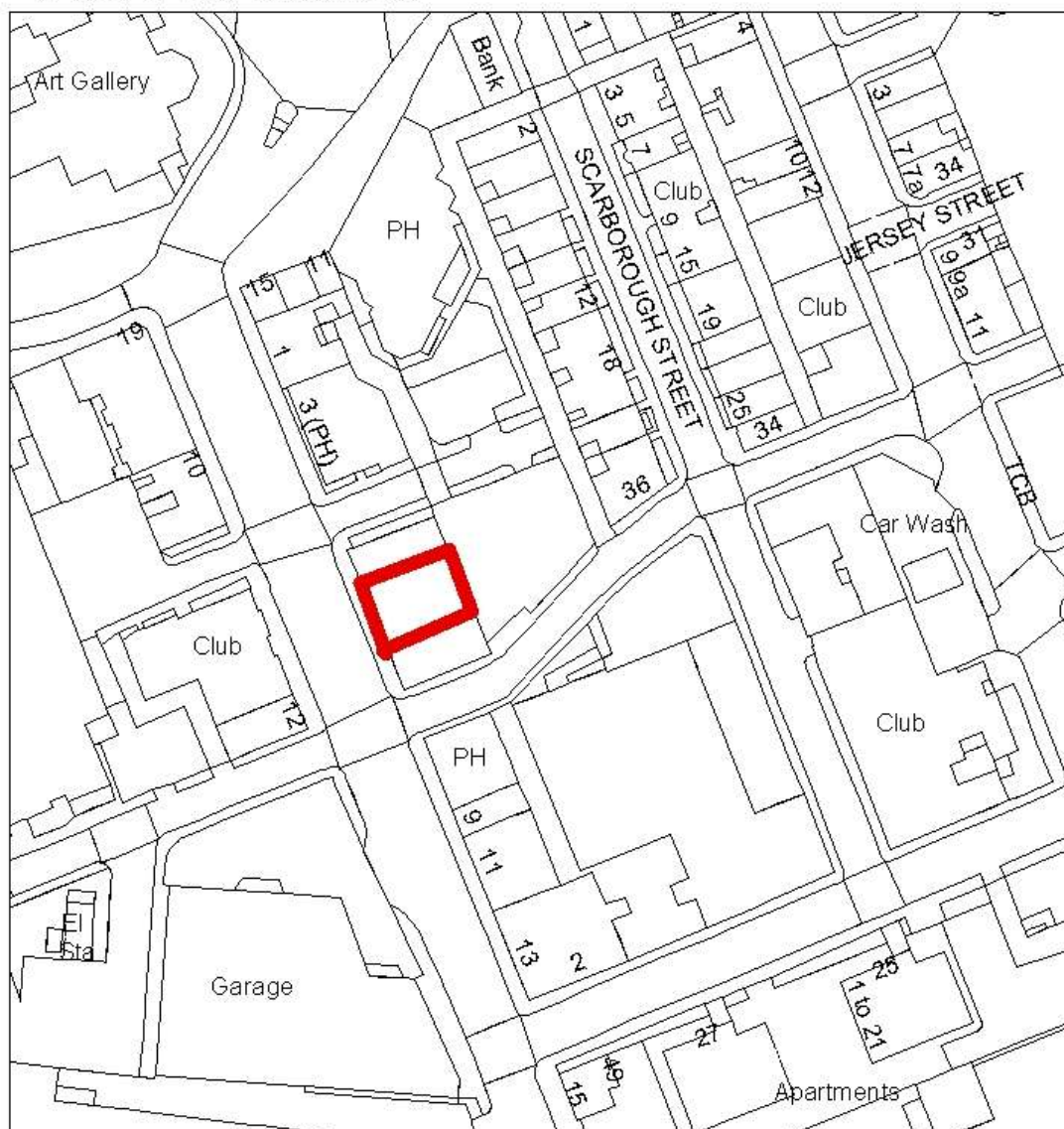
## **AUTHOR**

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## 5 TOWER STREET



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

**No:** 2  
**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

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## PURPOSE OF REPORT

2.1. 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

2.2. This application was deferred at the Committee Meeting on 03/10/18 to allow a site visit to be carried out.

2.3. 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:

2.4. H/2018/0271 – Retrospective application for the installation of metal door, 5 Tower Street, pending determination (also deferred on 03/10/18).

## PROPOSAL

2.5. 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.

2.6. 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.

2.7 Following the previous Planning Committee meeting the applicant has made the alternative suggestion of adding mouldings to the door to mimic panelling and painting it to match the existing shop front.

## SITE CONTEXT

2.8 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

2.9 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.

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

## CONSULTATIONS

2.11 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.

Additional comments on alternative proposals – Whilst in this case a solid door would be an appropriate replacement the introduction of mouldings to the door would not provide a sufficient change in its appearance to minimise the impact that it has on the significance of the conservation area as,

- the door frame would remain,
- the door itself, albeit painted, would still have a smooth surface and therefore differ in appearance to a timber door,



- the finer details found in a properly constructed timber door such as joints would not be present,
- it wouldn't weather and change over time as a timber door would, and
- I would question how robust such a solution would be.

The only solution in this instance, if the door was to be retained, would be to face the entire door in timber with suitable mouldings, however I think it is unlikely that this would be feasible given the depth of the frame.

**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**

2.12 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)

2.13 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.

2.14 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

2.15 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

2.16 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

2.17 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 CHARACTER OF THE CONSERVATION AREA

2.18 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).

2.19 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.

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

2.21 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.

2.22 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.

2.23 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.

2.24 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.

2.25 Since the previous planning committee meeting the applicant has suggested that as an alternative they would be willing to apply moulding to the door and paint it to match the shop front it is a part of in an attempt to mimic the appearance of a timber door. The is noted, however this is not considered sufficient to overcome the inappropriate design of the door, as outlined in the additional comments received from the Council's Heritage and Countryside Manager.

2.26 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 door has been fitted with state of the art locking system for security following incidents of vandalism.

2.27 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

2.28 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

2.29 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**

2.30 There is no evidence of equality or diversity implications.

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

2.31 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.

2.32 There are no Section 17 implications.

## **REASON FOR DECISION**

2.33 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 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**

2.34 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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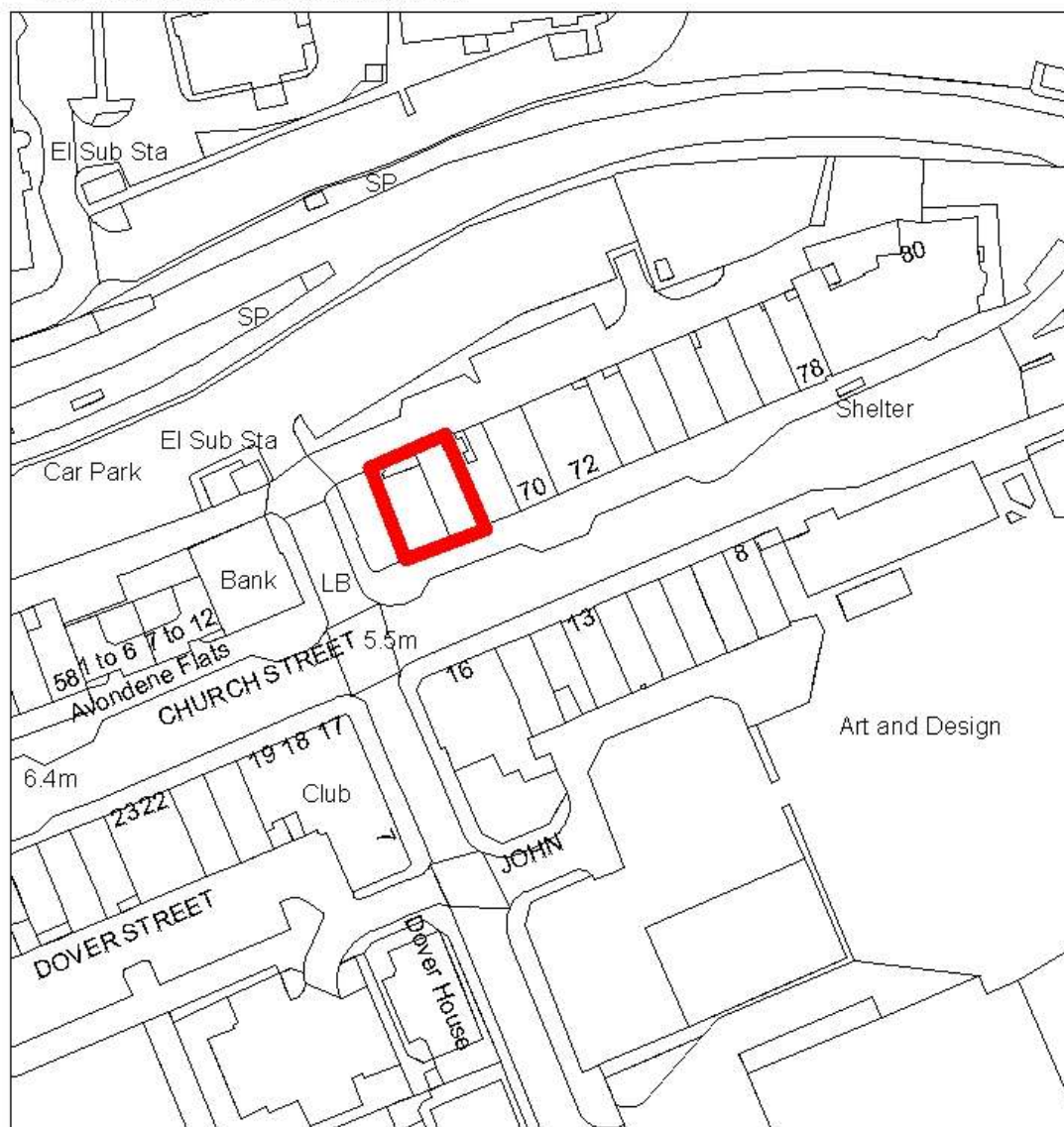
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## 68 CHURCH STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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





No: 3  
 Number: H/2018/0348  
 Applicant: HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
 VICTORIA ROAD HARTLEPOOL TS24 8 AY  
 Agent: HARTLEPOOL BOROUGH COUNCIL MR STEVE  
 WILKIE BUILDING CONSULTANCY CIVIC CENTRE  
 HARTLEPOOL TS25 8AY  
 Date valid: 22/08/2018  
 Development: Provision of an area of public realm incorporating hard  
 and soft landscaping, lighting and street furniture including  
 demolition and relocation of electrical substation  
 Location: THE WATERFRONT JACKSONS LANDING THE  
 HIGHLIGHT HARTLEPOOL

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

3.3 H/2015/0186 – Planning permission was granted on the 8<sup>th</sup> July 2015 for a temporary change of use from retail to event/festival site.

3.4 H/2016/0340 – Prior notification for proposed demolition of Jackson Landing building 30<sup>th</sup> August 2016.

## PROPOSAL

3.5 This application seeks planning permission for phase 1 of the Waterfront site, which can be described in details as follows;

- Provision of new hard and soft landscaped public realm which wraps around the southern and eastern water's edge of the site. This will provide a catalyst to change on the site encouraging public use of the area in advance of future development which is intended to provide enhanced leisure, recreation and tourism opportunities.
- The proposed public realm incorporates a 4m wide pedestrian promenade abutting the harbour wall, with areas of planting, seating and potential art installations located between the main promenade and a secondary promenade at (approx.) 3.2m wide.
- The scheme extends to the location of the listed Seaton Highlight structure, a former lighthouse relocated from its original location in the Longhill Industrial

Estate. This is now a memorial to those who lost their lives at sea, incorporating a number of plaques.

- New lighting will be installed as part of the scheme featuring 'Shuffle' columns with multi direction LED lighting and the option to integrate wifi, Gobo feature lighting, CCTV and public address systems.
- The works include the demolition of an existing electrical sub-station on the south side of the site and erect a new substation to the north of the site.

3.6 The application is accompanied by supporting information that refers to the regeneration scheme as a whole and an indicative phasing masterplan setting out potential later phases of the proposed works. For the avoidance of doubt these later phases of development are not included as part of this application.

3.7 The application has been referred to planning committee in view of the nature of the proposals and receipt of an objection for a Council scheme.

## **SITE CONTEXT**

3.8 The Waterfront site is situated on the location of the former Jackson's Landing Factory Outlet retail unit, adjacent to Jackson's Dock in Hartlepool Marina. The site forms a peninsula of developed land accessed via The Highlight road, which itself is accessed from Marina Way. The Seaton Highlight which is a Grade II Listed Building sits within the north eastern tip of the site. The former shopping centre, now demolished, sat within an extensive car parking and service area, with an access highway looping the perimeter of the site. The site is bounded to the north, east and south by the waters of the marina, with residential properties further north across the water. The western boundary adjoins a public house car park and the access highway leading to the National Museum of the Royal Navy and the Vision Retail Park. The approximate site area of public realm works is approx 4,450m<sup>2</sup>.

## **PUBLICITY**

3.9 The application has been advertised by way of neighbour letters (39), site notices (2) and a press notice. To date, 1 letter of objection has been received which can be summarised as follows:

- There is history within this area of sites not being fully supported by private enterprises
- No consideration for parking
- There is no cycle route

3.10 Copy Letters **A**

3.11 The period for publicity has expired.

## **CONSULTATIONS**

3.12 The following consultation replies have been received:

**HBC Economic Regeneration** - The improvements will broaden the visitor appeal of the Borough of Hartlepool and support the visitor economy, which will attract private sector investment and job creation.

**HBC Engineering Consultancy** – No objection subject to a surface water drainage condition as no details are provided and a contaminated land condition to cover the remediation of the site is also requested.

**HBC Heritage and Countryside Manager** –The application site includes the High Light, a grade II listed building and therefore considered to be 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.

The application is landscaping works which will impact on the setting of the listed building. Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the assets conservation (para 193, NPPF).

Policy HE4 of the local plan states, to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting.

The building was moved from its original setting to its current location some time ago therefore the existing setting of the asset does not contribute to the significance of the listed building. In light of this it is considered that the proposed works will not impact on the listed building. No objections.

**HBC Countryside Access Officer** – There is a need to make sure that all existing and future public access provides for the full and recreational needs of the public. At present; the public have full access around the perimeter of the site. This first phase creates improved as well as new access provision for walkers and possibly cyclists. It is hoped the future phases will complete this access provision and allow the public to continue to enjoy the use of this important development site, without negatively impacting on the overall design requirements. The provision of a second pathway parallel with the outer walkway is a very positive step forward in this.

**HBC Arboricultural Officer** – The proposed landscaping will be complimentary to the area and applicable to the maritime climate/ environment that this will have to encounter. The design has been thought out and will add interest to this part of the Marina. No objections.

**HBC Landscape Architect** - The harsh nature of the environment in terms of both hard and soft materials is noted within the design and access statement. Material choice will be critical to the success of the scheme, and as such full specification and construction details for both hard and soft landscape elements should be provided.

The proposed approach to planting and species palette is appropriate to the site and has the potential to create a unique public realm environment.

**HBC Public Protection** – No objections.

**HBC Traffic and Transport** – There are no highway or traffic concerns with the proposed public realm element of this scheme. Any future proposals for the overall site will have to consider parking and servicing requirements. Improvements to pedestrian links should also be considered.

**HBC Ecology** – Following assessment of the site no objections subject to appropriate condition to secure public information including interpretation signs.

**Environment Agency** – No comments to make at this time, however we would need to be consulted on future phases.

**Natural England** – No comments to make on this application.

**Historic England** – No comments to make on this application.

**Cleveland Emergency Planning Officer** – No objections.

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

**Cleveland Police** – There are no concerns regarding this application however it is always recommended that any street furniture is robust and resistant to damage also lighting to public areas should be well lit and ideally to comply with the requirements of BS5489 2013.

**Cleveland Fire Brigade** - Cleveland fire Brigade offers no representations regarding the development as proposed.

**Tees Archaeology** – It is considered that the proposed development should not have a significant impact on any known heritage assets, and no archaeological assessment is required.

## **PLANNING POLICY**

3.13 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)

3.14 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits.

3.15 The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan  
 PARA 007: Achieving sustainable development  
 PARA 008: 3 Dimensions of 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  
 PARA091: Promoting healthy and safe communities  
 PARA092: Promoting healthy and safe communities  
 PARA124: Achieving well-designed places  
 PARA127: Achieving well-designed places  
 PARA 130: Achieving well-designed places  
 PARA 150: Planning for Climate Change  
 PARA189: Proposals affecting heritage assets  
 PARA190: Proposals affecting housing assets  
 PARA193: Considering potential impacts

#### Hartlepool Local Policy

3.16 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  
 HE4: Listed Buildings and Structures  
 LS1: Locational Strategy  
 LT1: Leisure and Tourism  
 LT2: Tourism Development in the Marina  
 NE2: Green Infrastructure  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 RC12: The Marina Retail and Leisure Park  
 SUS1: The Presumption in Favour of Sustainable Development

**Planning Policy Comments (summarised);**

3.17 The Council's Planning Policy section supports this proposal. It is considered that the development would be beneficial in securing high quality green infrastructure and would improve the appearance of the area.

**PLANNING CONSIDERATIONS**

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

**PRINCIPLE OF DEVELOPMENT**

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

3.20 The current proposal forms Phase 1 (Public Realm) of The Waterfront Masterplan. It is considered that the proposed development will enhance the leisure and tourism offer of Hartlepool Marina, having a positive impact on the environment, through the reconfiguration and enhancement of the public realm which will in turn have social benefits for users of the facilities and economic benefits to businesses operating within the Marina.

3.21 The public realm works encompassing the site will encourage the future redevelopment of the site to enhance the quality of the environment and visitor experience. This is in line with policy LT2 of the Local Plan. Redevelopment of the former Jacksons Landing site presents the premium mixed use development opportunity within the Marina area as an exciting opportunity for tourism and leisure uses to be developed into a bespoke high quality, mixed use, waterside development.

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

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

## IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

3.24 The proposed Phase 1 public realm works primarily consist of new hard and soft landscaped areas, seating, lighting, improvements to walkways and provision for potential are installations. It is considered that the proposed works will improve the functionality and interest of the site as a whole whilst enhancing the existing provision/offer within the area.

3.25 It is considered that the design of the public space, proposed materials, landscaping and structures will enhance the appearance of the area, as well as improving pedestrian connectivity and attract visitors into the area. The provision of the public realm is intended to establish the setting or the wider site and future proposed developments. These proposals will positively contribute towards the ongoing regeneration of the Marina, helping to achieve the aims of the Waterfront Masterplan.

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

3.27 In addition, the Council's Arboricultural Officer has raised no objections to the proposals and has commented that the landscaping of the scheme appears well thought through final details can be secured by appropriate planning conditions.

3.28 An objection has been received relating to no cycle route being provided. The public realm works are phase 1 of the Waterfront Masterplan. Whilst it is acknowledged that there is no explicit provision of a cycle route, the layout of the site does include improvements to existing walkways and provision of an additional walkway, the development will improve connectivity to the wider area. Furthermore the Council's Countryside Access Officer supports the proposal noting that "this first phase creates improved as well as new access provision for walkers and possibly cyclists". Future phases of the Waterfront development will provide more improvements to connectivity to the wider area.

3.29 In view of the above, it is considered that the overall design, scale and siting of the works would assist in improving the overall visual amenity of the surrounding area and the proposal is therefore considered to be in accordance with the relevant policies of the Hartlepool Local Plan (2018).

## IMPACT ON SETTING OF HERITAGE ASSETS INCLUDING CHARACTER AND APPEARANCE OF LISTED BUILDING

3.30 The site includes a grade II listed building (High Light). The application is accompanied by a Heritage Statement.

3.31 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of

special architectural or historic interest which they possess and to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.32 The Council's Heritage and Countryside Manager has commented that the listed building was moved from its original setting to its current location some time ago therefore the existing setting of the asset does not contribute to the significance of the listed building. It is therefore considered that the proposed works will not impact on the listed building.

3.33 In view of the above and weighing up any 'harm' of the development, it is considered that the proposals, which are supported by the Council's Heritage and Conservation Manager, are considered acceptable and compliant with local plan policies and the provisions of the NPPF and is therefore acceptable in this respect.

#### AMENITY OF NEIGHBOURING LAND USERS

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

3.35 Furthermore, the Council's Public Protection team has raised no objections to the scheme and has not requested any conditions.

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

#### HIGHWAY AND PEDESTRIAN SAFETY

3.37 An objection has been received relating to parking. The Council's Traffic and Transport section has advised that there are no highway or traffic concerns with the proposed public realm element of this scheme. Any future proposals for the overall site will have to consider parking and servicing requirements, including further improvements to pedestrian links. The application is therefore considered to be acceptable with respect to highway and pedestrian safety.

#### ECOLOGY

3.38 The application site lies within the proposed extension to the Teesmouth and Cleveland Coast Special Protection Area(T&CC SPA). The application is accompanied by a Habitats Regulations Assessment.

3.39 The Council's Ecologist has reviewed the application and has advised that following the stage 1 Habitats Regulations Assessment (HRA) screening that there are no ecology requirements or concerns subject to appropriate public information through interpretation boards being provided in accordance with policy RC12 and



LT2 of the Hartlepool Local Plan, there will be no adverse impacts on features of the European Site. This can be secured by appropriate condition.

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

#### **FLOOD RISK AND DRAINAGE**

3.41 Part of the application site falls within flood zones 1, 2 and 3. A flood risk and drainage assessment and addendum document have been submitted which has been considered by the Council's Engineering section who have commented that further details of surface water drainage will be required to ensure that no flood risk will be passed on elsewhere and this can be secured by a planning condition.

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

3.43 Northumbrian Water has raised no objections to the scheme in terms of drainage, including foul sewerage.

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

#### **ARCHAEOLOGY**

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

#### **CONTAMINATED LAND**

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

#### **RESIDUAL MATTERS**

3.47 An objection relating to how the proposed scheme is supported by private enterprises, and works not been completed before funds run out are not material planning considerations and are therefore not considered in the determination of this application.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.48 There is no evidence of equality or diversity implications.

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

3.49 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.

3.50 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the following planning conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details;  
300-91 L012 (Location Plan)  
300-91 Loo3 Rev B (Site Phasing Phase 1a Public Realm)  
300-91 L006 (Proposed Layout)  
300-91 L011 (Sample Cross Section)  
received by the Local Planning Authority on the 22 August 2018.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
4. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
  1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:
    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:

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

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

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

## 5. Long Term Monitoring and Maintenance

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

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

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

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

5. Notwithstanding the submitted plans 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 completion of the development. 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. 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.
7. Prior to the development hereby approved being brought into use/open to the public details of interpretation boards/information boards shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented wholly in accordance with the agreed scheme.  
To accord with the the provisions of the NPPF and the Hartlepool Local Plan in terms of satisfying matters of biodiversity.
8. Notwithstanding the submitted details and prior to the erection of the proposed substation hereby approved, full details of the proposed substation shall be submitted to and agreed in writing by the Local Planning Authority. This shall include final details of the construction and appearance of the substation,

including all external finishing materials, finished levels and technical specifications. The substation shall thereafter be constructed in accordance with the approved details.

In the interests of visual amenity.

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

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

10. Prior to the provision of any external seating associated with the development hereby approved, final details including construction and fixing shall be submitted to and agreed in writing by the Local Planning Authority. The agreed seating shall thereafter be implemented wholly in accordance with the agreed scheme.

In the interests of visual amenity.

11. Prior to the provision of any sculptures/art work associated with the development hereby approved, final details including construction and fixing shall be submitted to and agreed in writing by the Local Planning Authority. The agreed seating shall thereafter be implemented wholly in accordance with the agreed scheme.

In the interests of visual amenity.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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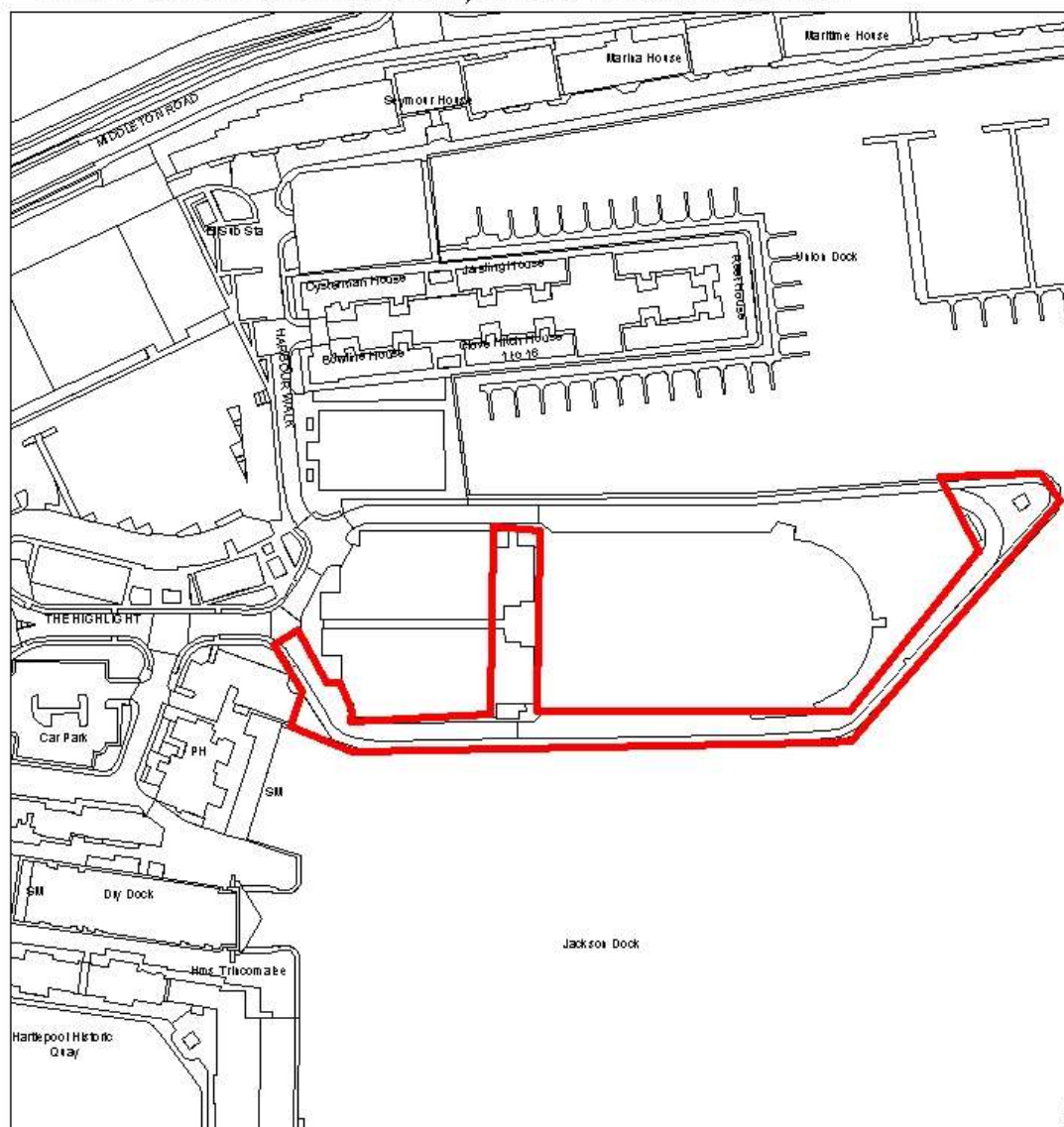
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## THE WATERFRONT, THE HIGHLIGHT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>GS</b>	DATE <b>17/09/18</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0208</b>	REV





**No:** 4.  
**Number:** H/2018/0208  
**Applicant:** MR N BOOTH PUDDLERS ROAD MIDDLESBROUGH  
 TS6 6TX  
**Agent:** SIMON HALL ARCHITECTURAL DESIGN LTD MR  
 SIMON HALL 11 THE LAURELS NORTHALLERTON  
 DL6 1SA  
**Date valid:** 27/07/2018  
**Development:** Development of waste recycling facility including erection  
 of steel portal framed building and cycle store and  
 associated works including parking, hardstanding,  
 weighbridges and refurbishment of existing office building  
 (part-retrospective)  
**Location:** LAND AT WINDERMERE ROAD HARTLEPOOL

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## 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 history is considered to be relevant to the current application site;

4.3 H/1974/0143 – Planning permission was granted on 11<sup>th</sup> July 1974 for construction of de-tinning plant for aluminium tin bearing scrap.

4.4 H/1980/0905 – Planning permission was granted on 5<sup>th</sup> January 1981 for a new portal frame building to replace existing.

4.5 H/1981/0519 – Planning permission was granted on 1<sup>st</sup> September 1981 for a new loading bay.

4.6 HADV/1986/0357 – Advertisement consent was granted on 15<sup>th</sup> August 1986 for the erection of a non-illuminated fascia sign.

4.7 HLBC/1994/0168 – Listed building consent was granted on 1<sup>st</sup> June 1994 to remove structure (Seaton High Lighthouse) (to be relocated within the Marina development).

4.8 H/TEL/0584/01 – Prior approval was refused for an application to determine whether the siting and design of a 15 metre high lattice tower and associated telecommunications equipment and equipment cabin requires the prior approval of the local planning authority.

4.9 H/2005/5252 – Planning permission was granted on 21<sup>st</sup> June 2005 for the erection of a gatehouse.

## PROPOSAL

4.10 Part-retrospective planning permission is sought for the development of a waste recycling facility including erection of a steel portal framed building and cycle store and associated works including parking, hardstanding, weighbridges, and refurbishment of existing office building. The sole purpose of the facility is to remove packaging board and contaminants from de-ink fibre.

4.11 The proposed steel portal framed building measures approximately 165.6 metres x 38.2 metres in area and features a dual pitched roof with an eaves height of approximately 10 metres and a ridge height of approximately 13 metres. The building will house all of the operations of the facility including offloading of material from HGVs, processing of paper and card through sorting machines and re-loading of HGVs to move processed material out of the facility to its end user offsite.

4.12 The application also includes the erection of a cycle store measuring approximately 5 metres x 5 metres in area, featuring a monopitch roof with an eaves height of approximately 2.4 metres and a ridge height of approximately 2.7 metres. Associated works include provision of hard standing to external areas including 20no. staff car parking bays, 19no. HGV parking bays and two weighbridges, as well as retention of existing landscaping and additional planting along the north and eastern boundaries of the site, and new boundary enclosures.

4.13 The applicant has also indicated it is their intention to refurbish the existing office building on site for use in association with the proposed recycling facility, including replacement windows and doors, minor brickwork repairs and maintenance to the existing flat roof.

4.14 The submitted Planning Statement states it is anticipated the site will operate 20 hours per day, 5 days per week and have up to 80 traffic movements per day, with vehicles operating between 7.00am and 8.00pm. The site will employ 24 full time staff and process up to 150,000 tonnes of paper waste per annum.

4.15 It came to the attention of the Council following the case officer's initial visit to the application site in August 2018 that work had started on site and a significant portion of the steel frame of the main building has been erected without consent or the Council's prior knowledge, as such the application is part-retrospective. Following a later visit to the site in October 2018, it came to the case officer's attention that works had progressed further and the openings for the proposed roller shutter access doors have not been positioned in accordance with the plans submitted. The applicant has however since confirmed that they will revert to the submitted plans and the access door openings will be relocated in accordance with the plans submitted as part of this application, and a suitable planning condition to ensure this is recommended accordingly.

4.16 The application has been referred to the planning committee as the proposal constitutes a departure from the development plan.

## SITE CONTEXT

4.17 The application site comprises a vacant industrial site which it is understood was formerly operated as an electrolytic de-tinning facility, for the recovery of tin from scrap metal, and included a number of large industrial buildings which have since been demolished. The application site only includes part of the former industrial site, though the full site remains in the applicant's ownership. The application site is bounded to the north and east by the adopted highway along Windermere Road, with further industrial/waste management sites beyond. To the west, the site is bounded by further industrial land and highway verge with adopted highway at Belle Vue Way (A689) beyond. To the south, the site is bounded by a landscape bund and former landfill with designated natural/semi-natural green space and Tees Bay Retail and Leisure Park beyond.

## PUBLICITY

4.18 The application has been advertised by way of neighbour letters (66), site notice and a press notice. To date, no comments or objections have been received from neighbouring land users.

4.19 Comments have been received from a local ward Councillor confirming they have no objections provided everything meets the required standard.

4.20 The period for publicity has now expired.

## CONSULTATIONS

4.21 The following consultation responses have been received;

**HBC Building Control** – No representation received.

**HBC Engineering Consultancy** – I am satisfied with the relevant FRA however will still need to request a drainage condition for the detailed design.

UPDATE 03/09/18: My request for a drainage condition remains valid. This is normally a pre commencement condition and as such I will require the details asap.

In terms of ground contamination, I no evidence of contamination issues at this site.

UPDATE 15/10/18: I am satisfied as long as the LPA have written confirmation from NW that they are accepting the proposed flows.

**HBC Public Protection** – I have no objections to this application. The complete process is all housed within a building and is located to the rear of the Longhill Industrial Estate. I have considered the impact of noise from the process and I am satisfied that the process will have no impact on the closest residential properties.

UPDATE 05/09/18: I would have no concerns about the works carried out to date and it would not change my comments with regards to this application.

**HBC Landscape Architect** – The proposed development site is generally well screened from primary routes and set within an existing industrial context, and so will have limited landscape and visual impact. Details of the colour of the building should be provided. A visually recessive colour should be specified to minimise visual impact.

There are areas of existing semi natural planting on the northern boundary and at the north east corner of the site. This should be retained as it provides some site screening and should be augmented with additional planting. Proposed planting should be based on native woodland species, gap up boundary planting to the North East corner of the site and provide new screen planting between the site entrance and office block on the Windermere Road boundary. Full details of proposed planting works and site boundary treatments should be provided.

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

**HBC Ecology** – The entire site's proximity to good foraging areas for gulls (adjacent waste operations), open ground and its semi-permanent pools of rainwater, make it attractive to 1,000+ bathing and roosting gulls of four species (including the 'red listed bird of conservation concern' Herring gull), particularly in the autumn and winter periods. One of the pools is shown in Figure 1 below (from the submitted Planning Statement).

This pool is outside of the red line boundary (but within the ownership area bordered blue) as shown in Figure 2. It will, therefore, not be affected by this development. Some of the open space areas will be lost, but I am satisfied that this does not need mitigating.

Should the area within the blue line be developed in the future, I would recommend that open areas and pools of water are retained or created as part of a landscaping scheme.

**HBC Arboricultural Officer** – Do not object.

**HBC Property Services** – No representation received.

**HBC Traffic and Transport** – The site is expected to generate 80 traffic movements per day. This will not have a significant affect on the local highway network.

There are however concerns that traffic will queue back onto Windermere Road, when waiting to enter the site. We have similar issues at nearby recycling plants.

The developers will need to give assurances that traffic accessing the site will not have to queue on the adopted highway.

The internal layout and proposed car parking are acceptable.

UPDATE 21/08/18: I am happy with the statement provided, if parking issues do arise we can address them with parking restrictions.

UPDATE 05/09/18: I have had no complaints about the works to date. I therefore do not wish to change my comments.

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

**HBC Economic Development** – Economic regen. support this application and the jobs it will provide. We do not see it adding to traffic congestion on the estate as it allows for on site parking of HGVs. There should be no increase in localised litter problem as all unloading and loading will take place internally. It should be brought to the attention of the applicant that the site falls inside a Business Improvement District. Caron Auckland should be contacted re. this and help with recruitment, 01429 857079.

**Cleveland Police** – Police have no objections regarding this application. In relation to crime prevention I have the following comments;

In relation to HGV parking, I am not aware if this will be overnight. If so, there is a risk of vehicles being targeted, particular for diesel, and measures would need to be in place, such as CCTV, good lighting and adequate boundaries to site. Cycle storage should be in view of occupied rooms. Office block should have doors and windows that are of an acceptable security level to deter unauthorised access. Doors and windows tested to PAS24:2016 would offer improved security. Boundary treatment is the first line of defence and needs to deter easy access. Boundaries should be devoid from climbing aids and to a minimum of 2.0m, preferably 2.4m in height.

**Northern Powergrid**– Thank you for your enquiry dated 16/08/2018 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Please note that while all efforts are made to ensure the accuracy of the data, no guarantee can be given. We would refer you to the Health & Safety Executive's publication HS(G)47 "Avoiding Danger From Underground Services" which emphasises that:

\*Plans must only be used as a guide in the location of underground cables. The use of a suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.

\*Cable depths are not generally indicated on our records and can vary considerably even when shown.

\*Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health & Safety Executive have another public, GS6 “Avoidance of Danger from Overhead Electric Lines” that you should be aware of if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health & Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information given. Any damage or injury caused will be the responsibility of the organisation concerned who will be charged for any repairs.

Please note ground cover must not be altered either above our cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleave agreement, lease of deed or alternatively protected under the Electricity Act 1989. Should any alteration/diversion of our Company’s apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Trees TS18 3TU. Tel 0800 0113433

All future works that we may have will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities/utilities in order to minimise disruption to the public.

**Highways England** – Highways England have concluded that this development will not impact on the safety or the smooth running of the Strategic Road Network [SRN] (A19 Trunk Road) at this location. We note that employment at this development is around 24 jobs only and that the A689 is not part of the SRN. Accordingly we are issuing a response of ‘No Objection’ to this application.

**RSPB** – No representation received.

**Cleveland Fire Brigade** – Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2 Section B5 for buildings other than 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 20.

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

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

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

**National Grid** – No representation received.

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

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

**Natural England** – NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

**Cleveland Emergency Planning Unit** – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

**Network Rail** – In relation to the above application I can confirm that Network Rail has no observations to make.

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

Waste

Advice to Applicant

The proposed waste recycling facility will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised.

Further information on Environmental Permits is available at:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

To access the pre-permit application page and pre-permit application form, please use the following link on the Gov.UK website:

<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

**Landfill****Advice to LPA/Applicant**

This proposal is within 150m of a known gassing landfill site. This is the SWS Ltd Longhill Landfill (EA Permit Ref: EPR-BW21451R). The site has the required landfill gas controls and is routinely monitored for landfill gas migration. Results indicate that gas migration is not occurring. Any developer must be aware, however, of the possibility of the presence of landfill gas migration from the landfill and take appropriate measures.

**Northern Gas Networks** – Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

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

We note the submitted Flood Risk Assessment details that “no direct discharge to the sewer system is proposed. All surface water drainage from the Building will discharge into existing surface water sewers / on-site soakaway system”. We require clarification as to where the existing surface water sewers discharge to, and whether the surface water will ultimately discharge to Northumbrian Waters combined sewer system. We would therefore request the following condition:

**CONDITION:** 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 in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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



### How to Satisfy The Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

UPDATE 18/10/18: We would still be looking for some form of condition to ensure that we are made aware of the final discharge rates.

## PLANNING POLICY

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

### Local Policy

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

SUS1: The presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and Adapting to Climate Change

INF2: Improving Connectivity in Hartlepool

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

EMP3: General Employment Land

### National Policy

4.24 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. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. 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

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 054, 055: Planning conditions and obligations

PARA 080: Building a strong, competitive economy

PARA 124, 127, 130: Achieving well-designed places

PARA 153: Planning for Climate Change

PARA 163, 165: Planning and Flood Risk

PARA 170: Conserving and enhancing the natural environment

PARA 178, 180, 183: Ground Conditions and Pollution

**4.25 HBC Planning Policy (summarised)** - This proposal would be a departure from the Local Plan as it is for a waste recycling facility. Proposals for the development or extension of sites for bad neighbour uses will normally only be permitted in the Sandgate area and/or Graythorp industrial estate. If this proposal were to be approved in this location we would require a condition which would ensure that only the sorting of paper was permitted on site and a condition to ensure it all takes place within the built structure. Given the site is located adjacent to the A689 and relatively close to residential development we would also seek some green infrastructure contributions towards tree planting at the junction of Windermere Road and Belle Vue Way (A689). Screening to the south of the development should also be considered. 10% of their energy supply should be from decentralised and renewable or low carbon sources. Electric vehicle charging points should also be provided.

## PLANNING CONSIDERATIONS

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

## PRINCIPLE OF DEVELOPMENT

4.27 Paragraph 7 of the National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. Notwithstanding this, paragraph 12 of the NPPF stipulates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

4.28 The application site is located within the Longhill industrial area as designated by policy EMP3 (General Employment Land) of the adopted Hartlepool Local Plan (2018) and as set out on the associated Policies Map. The proposed operation comprises the sorting of waste paper within a large industrial building. Policy EMP3 stipulates that proposals for business development (falling within class B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended) will be permitted within this area. Proposals for general industrial development (included within use class B2) and for other uses which are complementary to the dominant use of a development will be approved where the Borough Council is satisfied that they will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites.

4.29 However, policy EMP3 states that proposals for the development or extension of sites for bad neighbour uses (such as sorting, composting and/or storage of waste materials, scrapyards, car breakers yards or coal yards) will be permitted only in the Sandgate area and/or Graythorp industrial estate. The application site is therefore outside of these 'bad neighbour use' areas and as such is not in accordance with this policy. The Council's Planning Policy team has therefore commented that ideally the Council would direct these types of uses to Sandgate and Graythorp. Whilst space is limited in Sandgate there is a site of 4.1 hectares available at Graythorp for waste management facilities.

4.30 Policy EMP3 also requires that bad neighbour uses are only permitted provided that; there will be no significant nuisance to adjacent premises or highway uses, the site is not visually prominent from a main access road or from the railway, adequate screening of the site is provided, the site is of a sufficient size for the proposed operation, and there are adequate car parking and servicing arrangements.

4.31 Notwithstanding the above, paragraph 12 of the NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.32 The applicant has confirmed that they intend to carry out all of their operations, including the sorting of paper into different grades, within the large building on site. There will be no outdoor operations and there will be no pulping of the paper on site. As such, it is considered that the impact on neighbouring land users is likely to be reduced. Furthermore, it is noted that there are other waste management/recycling facilities in the immediate vicinity of the site. In view of this, the Council's Planning

Policy team has not objected to the application however has advised that if this proposal were to be approved in this location then it would require a planning condition to ensure that only the sorting of paper was permitted on site and a planning condition to ensure this all takes place within the built structure, and these are recommended accordingly.

4.33 The Council's Economic Regeneration team has also been consulted on the application and has confirmed that they support this application and the jobs it will provide, and have advised that it should be brought to the attention of the applicant that the site falls inside a Business Improvement District. An informative note to make the applicant aware of this is therefore recommended.

4.34 In view of the above, on balance it is considered that the proposal is acceptable in principle in this located subject to the consideration of all other relevant material planning considerations, and in particular with respect to the provisions of policy EMP3.

#### ENERGY EFFICIENCY AND RENEWABLE ENERGY

4.35 Policy CC1 (Minimising and Adapting to Climate Change) of the adopted Hartlepool Local Plan 2018 requires that major developments must secure where feasible and viable, a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources. Furthermore, policy CC1 also requires that major developments include opportunities for charging electric and hybrid vehicles. As the proposal is classified as major development, the Council's Planning Policy team has confirmed that it should meet the criteria of policy CC1 and as such planning conditions are recommended to secure onsite renewable energy provision and electric and hybrid vehicle charging points.

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

4.36 The application site is located within an established industrial area, and is surrounded to the north and east by similar industrial/waste management uses, including a number of large warehouse/industrial buildings.

4.37 The proposed steel portal frame building is significant in size and features profiled composite cladding to external walls and profiled roof sheeting in a goose-wing grey (BS 10A 05) colour, with Solent blue (RAL 2404040) coloured flashing trim. The roof of the building comprises a relatively shallow dual pitched design with sporadic GRP glazed panels.

4.38 Whilst the proposed building is of a considerable size, this is not considered to be significantly out of keeping with other industrial buildings in the immediate vicinity. Similarly, the design of the proposed building is considered to be characteristic of the area and of industrial estate development generally. The Council's Landscape Architect has advised that they consider the colour scheme to be acceptable in this location and it is considered this reduces the visual impact of the building. Furthermore, the proposed building is set back significantly from the adopted highway to the west on the main approach into the town centre (A689) by a distance

of approximately 200 metres, and from the adopted highway on Windermere Road to the north and east by approximately 30-50 metres.

4.39 Views into the site from the west are largely obscured by existing planting along the A689, whilst to the north and east views into the site are broken by the existing office building on site, existing landscaping to the north-east corner of the site and the existing smaller warehouse building along the eastern boundary, all of which are to be retained. The upper portions and roof of the building can be observed from Brenda Road to the south-west at a distance in excess of 350 metres, however this is at significant distance and from this view the building is partially obscured by the landscaped bund to the south of the site and does not appear higher than adjacent buildings or the landscaped landfill bund behind to the east (and therefore does not break the skyline). The site cannot be easily viewed from public areas at Tees Bay Retail and Leisure Park to the south, whilst the building is entirely screened from view from the residential properties (at a distance approx. 400m) to the east at Harvester Close by the abovementioned landscaped landfill bund.

4.40 Notwithstanding this, there are areas along the north and north-west boundaries of the wider site with limited landscape screening and as such it is considered additional tree planting in these areas would help to further reduce the visual prominence of the building when viewed from public areas, given its significant scale. Landscaping proposals and the impacts of the development on landscape features are discussed in further detail below.

4.41 With respect to the proposed cycle store and other associated works, including provision of hard standing to external areas, additional planting, new boundary enclosures and the refurbishment of the existing office building, given the nature and scale of these elements of the proposal and their relationship to site boundaries and neighbouring properties, it is considered that these elements of the proposal would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

4.42 In view of the above, on balance it is considered that the proposal is acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned landscaping, and in accordance with paragraph 127 of the NPPF and policy QP4 of the

## LANDSCAPE FEATURES

4.43 Given the site is located adjacent to the A689 and relatively close to residential properties to the west at Marmion Close and Bowness Close, the Council's Planning Policy team has requested additional green infrastructure provision in the form of tree planting at the junction of Windermere Road and Belle Vue Way (A689) where the planting at present is limited. The Council's Landscape Architect has also been consulted and has advised that, whilst the site is generally well screened from primary routes and set within an existing industrial context, there are areas of existing semi-natural planting on the northern boundary and the north east corner of the site that should be retained and augmented with additional planting, in the

interests of providing site screening. The Council's Arboricultural Officer has advised that they have no objections to the application.

4.44 In view of these comments, the applicant has amended the submitted Proposed Block Plan from the initial submission to include additional indicative planting along the northern boundary of the site and to the north-east and north-west corners of the site. Final details of landscaping can be secured by virtue of a planning condition requiring this to be submitted within a given timeframe following determination of the application, given the part-retrospective nature of the application, and this is recommended accordingly. Whilst landscape screening to the north-west corner of the site, as requested by the Council's Planning Policy team, will be outside of the red line of the application site, this land remains within the applicant's ownership and as such this can also be secured by way of planning condition, which is recommended accordingly.

4.45 The Council's Planning Policy team has also commented that it should be considered as part of the application whether screening is necessary to the south of the development as it is very open and could have a detrimental impact visually without screening. However, the case officer has viewed the site from the south, and in particular from Brenda Road and the adjacent Tees Bay Retail and Leisure Park, and it is noted that these are at significant distance from the site and from this view the building is partially obscured by the landscaped bund to the south of the site and does not appear higher than adjacent buildings or the landscaped landfill bund behind to the east (and therefore does not break the skyline). Furthermore, the site cannot be easily viewed from public areas at Tees Bay Retail and Leisure Park to the south and it is therefore not considered additional landscaping to the south is required.

4.46 In view of the above, subject to the abovementioned planning conditions to secure appropriate landscape screening, it is considered that the proposal is acceptable with respect to landscaping and the impact on landscape features.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.47 The application site is a former industrial site, located in an established industrial area, designated as employment land within the recently adopted Hartlepool Local Plan (2018). As such, there are no residential dwellings immediately adjacent to the site. To the immediate north and east of the site, on the opposite side of Windermere Road, lie a number of similar industrial/waste management uses, including a number of large warehouse/industrial units. It is therefore considered that there are no significant detrimental impacts on neighbouring land users in terms of loss of amenity through overshadowing, any overbearing effect or poor outlook, or loss of privacy through overlooking.

4.48 Notwithstanding this, given the nature and scale of the proposed operations, the impacts of the proposal on neighbouring land users in terms of noise pollution and general disturbance have been considered.

4.49 To the west, the site sits approximately 130 metres from existing residential dwellings on the opposite side of the A689 at Marmion Close, at its closest point.

However, the proposed building in which the main operations of the site are to be housed is located in excess of 250 metres from these dwellings. Similarly to the east of the site, beyond the existing industrial uses immediately adjacent the site, a separation distance of approximately 400 metres is maintained between the proposed building and the residential properties at Harvester Close, and these dwellings are also entirely screened from the development by the abovementioned landscaped landfill bund. Approximately 160 metres to the south of the site are a number of retail units at Tees Bay Retail and Leisure Park, which are also partially screened by a landscaped bund.

4.50 The applicant has submitted brochures/specifications with respect to the machinery required to operate the facility that will be housed within the building and has been in discussions with the Council's Environmental Health Manager with respect to the anticipated noise levels. The Council's Environmental Health Manager has confirmed that they have no objection to the application given that the complete process is housed within the building and is located to the rear of Longhill Industrial Estate. The Council's Environmental Health Manager has considered the impact of noise from the facility and is satisfied that the proposal will have no impact on the closest residential properties. Furthermore, the Council's Environmental Health Manager has not requested any planning conditions with respect to hours of operation, construction management or construction hours. It is therefore considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users through undue noise and disturbance.

4.51 With respect to the proposed cycle store and other associated works, including provision of hard standing to external areas, additional planting, new boundary enclosures and the refurbishment of the existing office building, given the nature and scale of these elements of the proposal and their relationship to site boundaries and neighbouring properties, it is considered that these elements of the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users.

4.52 In view of the above, it is considered that the proposal is acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in accordance with paragraph 127 of the NPPF and policy QP4 of the adopted Hartlepool Local Plan 2018.

## FLOOD RISK AND DRAINAGE

4.53 The application site is not located within Flood Zones 2 or 3, nor is it within a critical drainage area. However, as the site is greater than 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA) and the Council's Principal Engineer, Northumbrian Water and the Environment Agency have been consulted.

4.54 The Council's Principal Engineer has advised that they are satisfied with the submitted FRA, however given the part-retrospective nature of the works, required that further details with respect to drainage design were submitted upfront and prior to the determination of the application, rather than as a pre-commencement planning condition as would otherwise have been appropriate.

4.55 Northumbrian Water also requested further clarification on surface water drainage proposals, including where surface water will ultimately discharge to, and had requested a pre-commencement planning condition to secure this however as above, given the now part-retrospective nature of the application, this information has since been sought upfront.

4.56 The applicant has submitted a Proposed Surface Water Drainage plan and has confirmed that the surface water drainage system will connect into the Northumbrian Water sewer. The Council's Principal Engineer has advised that they are generally satisfied with the proposals subject to confirmation that Northumbrian Water accept the proposed flow rates discharging into the sewer. Further surface water drainage details are still required, including with respect to detailed design calculations and flow rates, and the applicant has confirmed these are currently being prepared. It is therefore considered these can be secured by virtue of a planning condition requiring the full details to have been provided within 1 month of the date of the decision notice and subsequently agreed by the Council and Northumbrian Water. Northumbrian Water have confirmed that the proposed condition is acceptable.

4.57 In view of the above, it is considered the proposal is acceptable with respect to matters of flood risk and drainage.

#### HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

4.58 The application site is accessed via an existing access on Windermere Road. The submitted supporting statement indicates that the site will generate up to 80 traffic movements per day. The Council's Highways, Traffic and Transport section has been consulted on the application and has advised that this will not have a significant effect on the local highway network.

4.59 The Council's Highways, Traffic and Transport section had raised concerns in relation to traffic queuing on Windermere Road when waiting to enter the site. However, following this the applicant has provided reassurances that parking will be provided inside the site for heavy goods vehicles (as shown on the Proposed Block Plan) and the site will have 24 hour security so there will be no need for any of the vehicles to park on the roads of the industrial estate. The Council's Highways, Traffic and Transport section has confirmed that the internal layout and proposed parking areas are acceptable and they are satisfied that if parking issues do arise these can be addressed with parking restrictions.

4.60 The Council's Planning Policy team has advised that the views of highway engineers should be sought as to whether a transport assessment or travel plan are necessary in line with Policy INF2 and QP3. The Council's Highways, Traffic and Transport section were consulted upon initial receipt of the application and have not requested any further information in this respect, nor have they requested any conditions with respect to construction management.

4.61 Highways England has also been consulted and has confirmed that this development will not impact on the safety or the smooth running of the Strategic Road Network (A19 Trunk Road) and as such there are no objections to this application from Highways England.



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

## ECOLOGY AND NATURE CONSERVATION

4.63 The application site is located adjacent to land identified and designated as natural and semi-natural green space by virtue of policy NE2 (Green Infrastructure) of the adopted Hartlepool Local Plan 2018. The Council's Ecologist and Natural England have been consulted on the application.

4.64 The Council's Ecologist has advised that the site is in proximity to good foraging areas for gulls (adjacent waste operations), and its open ground and semi-permanent pools of rainwater, make it attractive to bathing and roosting gulls of four species (including the 'red listed bird of conservation concern' Herring gull), particularly in the autumn and winter periods. However, these pools are outside of the red line boundary of the site (albeit still within the applicant's ownership) and as such will not be affected by this development. Whilst some of the open space areas will be lost, the Council's Ecologist is satisfied that this does not need mitigating against. Furthermore, Natural England has confirmed that it has no objections to the application.

4.65 In view of the above, the application is considered to be acceptable with respect to the impacts of the proposal on ecology and nature conservation.

## OTHER PLANNING MATTERS

### *4.66 Environmental Impact Assessment (EIA) Regulations*

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

### *4.67 Land Contamination*

The application site is a former industrial site used for the recovery of tin from scrap metal, and included a number of large industrial buildings which have since been demolished. The Council's Principal Engineer has therefore been consulted with respect to land contamination and has advised that they have no evidence of contamination issues at this site. The Environment Agency has also confirmed that it has no objections to the development. The application is therefore considered to be acceptable in this respect.

### *4.68 Heritage Assets and Archaeology*

The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application and no objections or concerns have been received with respect to the impacts of the proposal on heritage assets or archaeology, respectively. The application is therefore considered to be acceptable in this respect.

### *4.69 Public Rights of Way*

The Council's Countryside Access Officer has not raised any concerns or objections with respect to the impacts of the proposal on public rights of way and as such the application is considered to be acceptable in this respect.

#### *4.70 Waste Management*

No objections have been received from the Council's Waste Management team or the Environment Agency with respect to waste management issues, the application is therefore considered to be acceptable in this respect.

#### *4.71 Crime and Fear of Crime*

Cleveland Police have been consulted on the application and have confirmed that they have no objections, however have provided advice with respect to crime prevention and physical security measures. An informative note is therefore recommended to make the applicant aware of Cleveland Police advice. The application is therefore considered to be acceptable in terms of crime and fear of crime, subject to the abovementioned informative.

#### *4.72 Health and Safety*

The Health & Safety Executive (HSE) has been consulted and has confirmed that the development does not intersect a pipeline or hazard zone, and as such HSE Planning Advice does not have an interest in the development and at present HSE does not need to be consulted on any developments on this site. Cleveland Emergency Planning Unit has also been consulted and has confirmed that they have no objections to the proposals.

4.73 Notwithstanding this, whilst Northern Gas Networks has advised that it has no objections to these proposals, it has advised that there may be Northern Gas Network apparatus in the area that may be at risk during construction works and have provided advice. A suitable informative note is therefore recommended to advise the applicant to contact Northern Gas Networks and make them aware of their advice.

4.74 Similarly, Northern Powergrid has been consulted on the application and has not raised any objections however it is understood there is Northern Powergrid apparatus in proximity to the site and Northern Powergrid has provided advice with respect to working in proximity to this..A suitable informative note is therefore recommended to make the applicant aware of this advice. No comments or objections have been received from National Grid.

4.75 In addition, the application site is located approximately 320 metres to the west of Network Rail land/track. Network Rail has been consulted on the application and has confirmed that it has no observations to make.

4.76 The application is therefore considered to be acceptable with respect to the above matters, subject to the abovementioned informatives where relevant.

#### *4.77 Unauthorised Work*

It came to the attention of the Council following the case officer's visit to the application site in August 2018 that work had started on site and a significant portion of the steel frame of the main building has been erected without consent or the

Council's prior knowledge. Whilst no formal enforcement action has been taken to date, the applicant has been requested to stop all work on site until the planning application is determined, and has been advised any further work is carried out at their own risk. The Council reserves the right to take appropriate enforcement action, should it be considered expedient to do so and should the proposed planning conditions not be complied with.

## RESIDUAL MATTERS

### *4.78 Landfill Gas*

The Environment Agency has advised that this proposal is within 150m of a known gassing landfill site. This is the SWS Ltd Longhill Landfill (EA Permit Ref: EPR-BW2145IR). The site has the required landfill gas controls and is routinely monitored for landfill gas migration. Results indicate that gas migration is not occurring. Any developer must be aware, however, of the possibility of the presence of landfill gas migration from the landfill and take appropriate measures. This is predominantly a Building Regulations matter, however notwithstanding this, a suitable informative note to make the applicant aware of this is recommended.

### *4.79 Environmental Permit*

The Environment Agency has advised that the proposed waste recycling facility will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. This is a separate regulatory regime to the requirement for planning permission however notwithstanding this a suitable informative note is recommended to advise the applicant to contact the Environment Agency for further advice and to discuss the issues likely to be raised.

### *4.80 Cleveland Fire Brigade Advice*

Cleveland Fire Brigade has been consulted on the application and has confirmed that it does not wish to offer representations regarding the development as proposed. However, advice has been provided with respect to access and water supplies, and the requirement to meet the relevant Building Regulations. This is separate to planning however notwithstanding this a suitable informative note is recommended to make the applicant aware of Cleveland Fire Brigade's advice.

## PLANNING BALANCE AND CONCLUSION

4.81 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

4.82 There is no evidence of equality or diversity implications.

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

4.83 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.

4.84 There are no Section 17 implications.

## REASON FOR DECISION

4.85 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 approved plan(s) and details;

Site Location Plan (Scale - 1:2500)  
received 16th July 2018 by the Local Planning Authority;

e-mail from Simon Hall Architectural Design Ltd confirming cladding colour(s)  
(Wall and Roof Cladding - Goose-wing Grey BS 10A 05. Flashing Trim - Solent Blue RAL 2404040)  
received 14th September 2018 by the Local Planning Authority;

DWG No. 1. REVISION B (Existing Block Plan),  
DWG No. 4. REVISION B (Proposed Ground Floor Plan and Elevations)  
received 10th October 2018 by the Local Planning Authority;

DWG No. 5. REVISION A (Proposed Surface Water Drainage Plans),  
DWG No. 3. REVISION D (Proposed Block Plan)  
received 15th October 2018 by the Local Planning Authority.  
For the avoidance of doubt.

2. Notwithstanding the submitted information, within one month of the date of this decision notice, a detailed scheme for the disposal of surface water from the development, including details of surface water discharge rates into the sewer and a timetable for its implementation, shall be submitted to the Local Planning Authority for its written approval. Thereafter and within one month of the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.  
To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF
3. Notwithstanding the submitted information, within one month of the date of this decision notice, a roof plan indicating the siting of the GRP glazed panels within the roof slopes of the steel portal frame building hereby approved shall be submitted to the Local Planning Authority. Thereafter and within one month of the written agreement of the Local Planning Authority the development shall be carried out in accordance with the agreed details.

In the interests of visual amenity.

4. Within three months of the date of this decision notice, the existing openings in the western and southern elevations of the steel portal frame building as erected shall be closed/blocked up and provision made for openings in the north and east elevations of the building to be created in accordance with plan DWG No. 4. REVISION B (Proposed Ground Floor Plan and Elevations) received 10th October 2018 by the Local Planning Authority.  
For the avoidance of doubt.
5. Prior to commencement of the use of the development hereby approved, 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 shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the building for the permitted use. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.  
In the interests of visual amenity.
6. Prior to commencement of the use of the development hereby approved, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme 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.
7. Prior to commencement of the use of the development hereby approved, details of all walls, fences and other means of boundary enclosure shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
8. Prior to the commencement of the use of the development hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy

supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the occupation of the building for the permitted use.

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

9. Prior to the commencement of the use of the development hereby approved, a scheme for the provision of electric and/or hybrid vehicle charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the building for the permitted use.  
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
10. Prior to commencement of the use of the development hereby approved, vehicular and pedestrian access connecting the proposed development to the public highway shall be 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.
11. Prior to the commencement of any works to repair/refurbish the existing office building on site (shown as 'Office Block' on DWG No. 3. REVISION D received 15th October 2018 by the Local Planning Authority), details of all external finishing materials and replacement windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
12. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.  
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.
13. The external finishing materials used for the steel portal frame building and cycle store hereby approved (shown on plan DWG No. 3. REVISION D received 15th October 2018 by the Local Planning Authority as 'Waste Facility' and 'C/Store' respectively) shall be in accordance with the following submitted details; DWG No. 4. REVISION B (Proposed Ground Floor Plan and Elevations) received 10th October 2018 by the Local Planning Authority; and e-mail from Simon Hall Architectural Design Ltd confirming cladding colour(s) (Wall and Roof Cladding - Goose-wing Grey BS 10A 05. Flashing Trim - Solent Blue RAL 2404040) received 14th September 2018 by the Local Planning Authority, unless an alternative similar scheme of materials is otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

14. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks shall be carried out in accordance with plans DWG No. 3. REVISION D (Proposed Block Plan) received 15th October 2018 by the Local Planning Authority.  
In the interest of visual amenity and the amenity of neighbouring land users.
15. The development hereby approved shall operate solely in accordance with the working layout as set out on plan DWG No. 3. REVISION D (Proposed Block Plan) received 15th October 2018 by the Local Planning Authority, including car and HGV parking areas, weigh bridges, access and egress to/from the site and raw materials in/treated goods out openings.  
For the avoidance of doubt.
16. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.  
In the interests of highway safety.
17. At no time shall any paper/paper products or other waste material or recycled/processed materials be stored externally or outside of the steel portal frame building hereby approved (shown on plan DWG No. 3. REVISION D received 15th October 2018 by the Local Planning Authority as 'Waste Facility') for the lifetime of the development hereby approved.  
In the interests of visual amenity and the amenities of neighbouring land users.
18. The site shall only operate as a paper waste management facility for the sorting of paper waste and for no other purpose.  
For the avoidance of doubt and in order to control the development under the terms on which permission is granted.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

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<h1 style="text-align: center;">HARTLEPOOL</h1> <h2 style="text-align: center;">BOROUGH COUNCIL</h2>	DRAWN <div style="text-align: right; font-size: 24pt;"><b>GS</b></div>	DATE <div style="text-align: right; font-size: 24pt;"><b>17/09/18</b></div>
	SCALE <div style="text-align: right; font-size: 24pt;"><b>1:3000</b></div>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <div style="text-align: right; font-size: 24pt;"><b>H/2018/0208</b></div>	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

31st October 2018



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

**Subject:** APPEAL AT STOTFOLD CREST STABLES  
TRUNK ROAD A19, HARTLEPOOL, TS27 3HQ  
APPEAL REF: APP/H0724/W/18/3196053  
ERECTION OF AN EQUESTRIAN WORKER'S  
DWELLING, STABLE BLOCK AND HORSE  
EXERCISER (H/2017/0390).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for the erection of an equestrian worker's dwelling, stable block and horse exerciser at Stotfold Crest Stables.
- 1.2 The appeal was allowed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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### 4. AUTHOR

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## Appeal Decision

Hearing Held on 14 August 2018

Site visit made on 14 August 2018

**by Elaine Gray MA(Hons) MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2018

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**Appeal Ref: APP/H0724/W/18/3196053**

**Stotfold Crest Stables, Trunk Road A19, Hartlepool TS27 3HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Anne-Marie Cowan against the decision of Hartlepool Borough Council.
  - The application Ref H/2017/0390, dated 30 June 2017, was refused by notice dated 29 August 2017.
  - The development proposed is erection of an equestrian worker's dwelling, stable block and horse exerciser.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of an equestrian worker's dwelling, stable block and horse exerciser at Stotfold Crest Stables, Trunk Road A19, Hartlepool TS27 3HQ in accordance with the terms of the application Ref H/2017/0390 dated 30 June 2017, and subject to the conditions set out in the schedule to this decision.

### Preliminary matters

2. Planning appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's decision. The Council adopted the Hartlepool Local Plan Framework: Hartlepool Local Plan (LP) in May 2018, and as a result, policies from the Hartlepool Local Plan 2006 have been superseded. The principles of the relevant policies in both plans are essentially the same. However, both the main parties have had the opportunity to comment on the implications of the adoption of the LP in relation to this appeal. Accordingly, I am satisfied that neither party has been prejudiced.
3. In addition, a revised version of the National Planning Policy Framework (NPPF) was published in July 2018, which supersedes the 2012 version. The NPPF references in this decision therefore reflect the revised version.
4. The description of the development varies between the application form and the subsequent documents. I have used the version given on the decision notice, as it refers to the stable block and horse exerciser, which are included in the development proposal. The Council raises no objection to the proposed stable block or horse exerciser, and I have no basis on which to take a different view. I have therefore not considered these elements further in my decision.

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### **Main Issue**

5. The main issue is whether the proposed development would be appropriate to satisfy the case for an essential worker's dwelling in the countryside.

### **Background**

6. The appeal site comprises a plot of land close to an existing dwelling at Stotfold Crest Stables. The livery yard and riding centre were established in 1990. Currently, the livery yard accommodates 15 horses on a full-time basis, and the riding school accommodates a further 16 horses and ponies. The business was previously managed by Mrs Perry, the appellant's mother. However, due to an injury, Mrs Perry has retired, and so the business has been taken over by the appellant, Mrs Anne-Marie Cowan.
7. The existing dwelling, for which outline planning permission<sup>1</sup> was granted in 1992, continues to be occupied by Mr and Mrs Perry. Since the determination of the planning application to which this appeal relates, the Council have permitted the variation of the occupancy condition that was attached to the 1992 permission. As a result, the wording of the condition now allows for a person whose last employment was at the business, and their dependents and widow or widower, to live in the existing house.

### **Reasons**

8. There is no dispute between the main parties that the appeal site is located outside any development limits, and is therefore in the open countryside for planning purposes. To promote sustainable development in rural areas, paragraph 79 of the NPPF indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. LP Policy RUR1 requires that the rural area should be protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. To that end, development outside the development limits will be strictly controlled. Nonetheless, LP Policy RUR1 seeks to support the rural economy, and so development proposals must be shown to be necessary for the efficient or the continued viable operation of land based businesses, including equine uses.
10. LP Policy RUR2 relates specifically to new dwellings outside of development limits. It states that such dwellings will only be permitted if there is clear justification, and where a number of criteria have been satisfied. It must be demonstrated that there is a clearly established functional need and it is considered essential for a full time rural worker to live permanently at or near to their place of work. The rural based enterprise must have been established for at least three years, must have been profitable for at least one of them, and should currently be financially sound with a clear prospect of remaining so. It must be demonstrated that the need could not be met by another existing dwelling nearby, and the dwelling proposed must be of a size commensurate with the size/value of the business it is supporting.

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<sup>1</sup> HOUT/1992/0460

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11. The proposal would create a new dwelling for the appellant and her family, from which she would manage the business. It is a matter of common ground between the main parties that: an essential need for a full time worker to reside permanently at the business has been established; that the site has operated for three years, and has been profitable for at least one of those years, and; that the proposed dwelling would be of a size commensurate with the value and needs of the business.
12. On the evidence before me, I have no basis on which to take a different view on any of these matters. The Council consider that the enterprise is already served by a dwelling which provides a suitable alternative to the proposed new house. The main area of disagreement is therefore whether or not the existing dwelling can reasonably be considered to be available and suitable, and whether the appellant has fully considered all the possible options.
13. The Council's document entitled 'New Dwellings outside of Development Limits Supplementary Planning Document' (SPD) provides detailed guidance and assessment criteria for proposed residential development in the countryside. Section (c) of Table 1 of the SPD makes reference to the possibility of other suitable dwellings nearby that could meet the housing need. In this case, I am satisfied that there are no such dwellings in the vicinity of the appeal site. Furthermore, I have not been made aware of any other existing buildings on the site that could be converted for residential use. Therefore, the remaining options are for the appellant and her family occupy the existing house, or for the house to be subdivided to provide two separate households.
14. The Council contend that the appellant has not fully explored whether the need could be met through an annexe or extension to the existing dwelling, within the same curtilage. At the hearing, the appellant confirmed that, whilst they had considered the subdivision and extension of the house, they had discounted this possibility as being impractical on a number of grounds. For that reason, they had not progressed to the point of drawing up such a scheme, and so they have not presented any written evidence to that effect. The appellant, however, states that no such evidence was requested by the Council.
15. On the site visit, I had the opportunity to view the existing house and its interior. I also have before me the floor plans for the house. From this evidence, and my observations on site, it seems to me that dividing the existing dwelling to provide two units of an appropriate size would not be straightforward, and would involve significant demolition, remodelling and extension.
16. Moreover, the Council have raised no concerns relating to the effect of the development on the character or appearance of the surrounding countryside, or to any other matter arising from its proposed physical location. I see no reason to disagree with that position. That being the case, I see little practical difference between the creation of a new detached dwelling and a new semi-detached dwelling in terms of harm in this particular case. Even if a new residence were to be created by the subdivision of the existing building, the result would still be a new dwelling in the open countryside.
17. As noted above, the variation of the occupancy condition entitles Mrs Perry and her husband to remain in the existing house in her retirement. I agree with the Council that the varied condition in itself does not authorise a second

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dwelling at the site. I accept that the choice of Mr and Mrs Perry to remain in the house is ultimately a personal preference, but nevertheless, it is a preference that accords with the provisions of the occupancy condition.

18. In this case, the existing house, whilst suitable in terms of size and location, and also tied to the business, is lawfully and permanently occupied and is currently unavailable. It would not, in my view, be reasonable to expect Mr and Mrs Perry to leave their home and find accommodation elsewhere when they do not wish to. Furthermore, I do not consider that it would be reasonable for the two households to share one dwelling, despite their close familial relationship.
19. In support of their case, the appellant cites the judgement in the case of *Keen v SSE and Aylesbury Vale DC [12 May] 199565*, which found that it was necessary for accommodation not just to exist, but also to be reasonably available. It is the Council's position that the circumstances of the Keen case are not directly comparable to the appeal scheme, insofar as the existing dwelling in that case was not linked to the agricultural business, and was part of a separate planning unit that was located away from the business.
20. The Council have also taken into account the judgement arising from *JR Cussons & Son v SSCLG and North York Moors National Park Authority [2008] EWHC 443*. However, they argue that this case also differs, in that it related to a large holding of three farms, two of which were already served by dwellings. It was established that there was a functional need for a third dwelling to serve the third farm. However, whilst the exact circumstances of these cases vary from those of the appeal scheme, the principle of both judgements is that it is unreasonable to expect a retired individual to leave their home to make way for a new essential worker. I am not convinced that such an overarching and essentially humanitarian principle should be applied only in cases which exactly mirror the circumstances in Keen and Cussons.
21. I fully accept the Council's concern that a permissive approach could lead to a proliferation of new dwellings in the open countryside to accommodate successive generations of retired individuals, whilst only the youngest generation would be actively engaged with the business. However, any subsequent applications would fall to be considered on their individual merits against the relevant policies. The Council argue that the appellant has not sought to demonstrate that the needs of the enterprise dictate that two dwellings are required on site to serve the equestrian business. However, as Mrs Perry is retired, and would be participating in the business on an advisory level at most, the existing dwelling would not actively be serving the business.
22. Drawing all these factors together, I therefore conclude that the proposed development would be appropriate to satisfy the case for an essential worker's dwelling in the countryside. It would thus accord with LP Policies RUR1 and RUR2, with the development plan as a whole, and with paragraph 79 of the NPPF.

### Other Matters

23. I have had regard to the appeal decisions the Council have referred to in support of their case. The Cuckoo Bridge decision<sup>2</sup> was made in 2008, and so

<sup>2</sup> APP/A2525/A/08/2070481



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pre-dates the current national policy context by some years. The details of this scheme are not before me, so it is difficult to understand the exact circumstances of the case. However, I note that the Inspector gave significant weight to Planning Policy Statement 3, which was superseded by the publication of the 2012 NPPF. This factor therefore limits the weight I can give to this decision.

24. In the Applegarth Farm decision<sup>3</sup>, the Inspector found that the appeal scheme would erode the openness of the Green Belt, and also harm the character and appearance of the countryside within an Area of Outstanding Natural Beauty. The Inspector attached significant weight to this harm in his consideration, and this detail alone indicates that the Applegarth Farm decision does not represent a direct parallel to the appeal scheme before me. As a result, it has not led me to a different conclusion.

### Conditions

25. The Council have suggested a number of planning conditions which were discussed at the hearing, and which I have considered against the relevant advice in the Planning Practice Guidance (PPG). As a result, I have amended some of them for clarity and brevity, or substituted alternative text.
26. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials, site levels, boundary treatments, landscaping and trees are appropriate in the interests of character and appearance. It is appropriate to impose a condition relating to surface water in the interests of proper site drainage. A condition limiting the occupation of the new dwelling is necessary to ensure that it remains available to meet the needs of the business. Also, a condition relating to renewable energy is necessary to ensure a sustainable form of development.
27. I have not imposed the suggested condition relating to energy demands and CO2 emissions as, in relating to other regulatory requirements, it does not meet the test of necessity. I have not imposed the suggested condition restricting permitted development (PD) rights. The PPG advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. The Council's justification for the condition relates firstly to the visual amenity of the countryside. However, I am satisfied that the dwelling would be in an unobtrusive position, and there is little evidence that any extensions under PD rights would harm the character or appearance of the area.
28. I acknowledge the concern that the dwelling should remain commensurate to the business. However, a generalised concern about future extensions which may or may not be executed would not, in my view, amount to the exceptional circumstances envisaged by the PPG. Whilst additional hardstanding could affect surface water conditions, the appeal site is largely surrounded by undeveloped farmland, and there is little evidence to suggest that further hardstanding on the site would be unduly harmful in this regard. I therefore consider that insufficient evidence is before me to justify the removal of PD rights in this case.

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<sup>3</sup> APP/H2265/A/12/2188716

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29. It is essential that the requirements of Conditions 3, 4, 5, 7, 8 and 9 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

**Conclusion**

30. For the reasons above, I conclude that the appeal should be allowed.

*Elaine Gray*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

Mr Stephen Barker	Prism Planning
Mr David Hardy	Squire Patton Boggs UK

**FOR THE LOCAL PLANNING AUTHORITY:**

Mr Ryan Cowley	Senior Planning Officer
Mr Daniel Child	Development Management Team Leader
Mr Matthew King	Planning Policy Officer
Ms Laura Chamber	Senior Planning Officer

**INTERESTED PERSONS:**

Mr Mike Young	Ward Councillor
Mrs Hilary Thompson	Elwick Parish Council
Mr Roderick Thompson	Elwick Parish Council

**DOCUMENTS RECEIVED DURING THE HEARING:**

- 1) Copies of case law and appeal decisions from the appellant
- 2) Commentary on the case law and appeal decisions from the appellant
- 3) Statutory declaration by Anne-Marie Cowan
- 4) Statutory declaration by Ronald Charles Perry
- 5) Copy of the Council's revised suggested condition regarding permitted development rights

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**SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 616-08 (Existing Site Plan); 616-09 (Existing Site Plan & Topography); 616-10 (Location Plan & Site Access); 616-18 (A 19 Southbound Access & Egress); 616-20 (Proposed Ground Floor Plan); 616-21 (Proposed First Floor Plan); 616-22 (Proposed Elevations); 616-23 (Proposed Plans & Elevations); 616-24 (Proposed Plans & Elevations); 616-25 (Proposed Site Plan).
- 3) No development shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place until a detailed scheme for the disposal of surface water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place until a detailed scheme of landscaping and tree and shrub planting has been submitted to and approved in writing by the local planning authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open areas, and include a programme of the works to be undertaken. The development shall be carried out in accordance with the approved scheme.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building 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.
- 7) No development shall take place until details of the existing and proposed levels of the site, including the finished floor levels of the dwelling to be erected and any proposed mounding and or earth retention measures, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of all walls, fences, gates and other means of boundary enclosure have been submitted to and approved in writing by the local planning authority. The submitted details shall include a plan delineating the final extent of the curtilage associated with dwelling hereby permitted. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until a report has been submitted to and approved in writing by the local planning authority that demonstrates how the use of on-site renewable energy infrastructure will provide up to 10% of

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the development's predicted energy supply. The development shall thereafter be constructed in line with the approved scheme prior to the residential occupation of the dwellinghouse.

- 10) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the livery yard and riding school business, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

# PLANNING COMMITTEE

31 October 2018



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The operation of a car repair business at a residential property in Durham Street.
2. The operation of a car repair business at a residential property in Chatham Road.
3. The untidy condition of an area of land in Penrith Street.
4. The erection of a low timber fence at the front of a listed guesthouse at The Green, Seaton Carew.
5. The erection of an outbuilding in the rear garden of a residential property in Mowbray Road.
6. The erection of an extension to the front of a residential property in Lawson Road.
7. Non-compliance with a condition relating to the use of external materials on a residential extension at a property in Pinewood Close.
8. The change of use of a petrol filling station and repair garage to a scrap yard at a commercial premises in Wynyard Road.
9. The untidy condition of a residential development site on King Oswy Drive.
10. The partial demolition of a side boundary wall at a listed guesthouse at The Green, Seaton Carew.
11. The display of advertising signs at a commercial premises in Scarborough Street.

12. Non-compliance with a condition relating to the provision of an acoustic fence at a residential development site at land south of Seaton Lane.
13. The erection of a low timber fence to the front of a residential property in Endeavour Close.

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

1. The installation of external ducting and extraction units at a commercial premises in Davison Drive. It was found that the extraction unit had been in place for in excess of four years and is therefore immune from proceedings under planning legislation. The recent installation of external ducting involved only a small external vent and was therefore considered 'de-minimis' in planning terms. No further action required.
2. The erection of an extension at the rear of a residential property in Relton Way. Permitted development rights apply in this case.
3. The erection of a steel framed canopy and change of use to hand car wash at a car park site in Green Street. A retrospective planning application seeking to regularise the development has since been approved.
4. The installation of bollards and ANPR apparatus to the car park at a licensed premises at Middle Warren Local Centre. A retrospective planning application seeking to regularise the development has since been approved.
5. Non-compliance with a condition relating to surface water management and the erection of retaining walls at a residential development at land off Coniscliffe Road. A retrospective planning application seeking to regularise the development has since been approved.
6. The erection of a timber outbuilding in the rear garden of a residential property in Kesteven Road. A retrospective planning application seeking to regularise the development has since been approved.
7. The erection of a high fence at the side of a residential property in Pinewood Close. A retrospective planning application seeking to regularise the development has since been approved.
8. The erection of a balcony above the rear offshoot of a residential property in Park Road. It was found that the development had been in place for in excess of 4 years and is therefore immune from enforcement action under planning legislation.

## 2. RECOMMENDATION

2.1 Members note this report.

**3. CONTACT OFFICER**

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