

PLANNING COMMITTEE

AGENDA



Wednesday 28 November 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 31 October 2018

4. ITEMS REQUIRING DECISION

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

1. H/2018/0183 1-84 Oval Grange (page 1)
2. H/2018/0400 Redheugh Gardens, Radcliffe Terrace (page 11)
3. H/2018/0358 Village Green, Dalton Piercy (page 19)
4. H/2018/0192 White Cottage, Front Street, Hart (page 29)
5. H/2018/0330 Land to the East of Worset Lane (page 45)
6. H/2018/0344 5 Regent Street (page 57)
7. H/2018/0345 5 Regent Street (page 67)
8. H/2018/0368 21 Regent Street (page 77)
9. H/2018/0369 21 Regent Street (page 89)

5. ITEMS FOR INFORMATION

- 5.1 Units 30-34 Navigation Point, Middleton Road - *Assistant Director (Economic Growth and Regeneration)*



- 5.2 Negotiating Planning Obligations – *Assistant Director (Economic Growth and Regeneration)*
- 5.3 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)*

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 19 December 2018.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

31st October 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Sandra Belcher, Paddy Brown,
Bob Buchan, Brenda Loynes and Mike Young

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Marjorie James

Officers: Jim Ferguson, Planning and Development Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Heritage and Countryside Manager
Kieran Bostock, Principal Engineer (Environmental Engineering)
Laura Chambers, Senior Planning Officer
Ryan Cowley, Senior Planning Officer
Andrew Maughan, Locum Solicitor
Jo Stubbs, Democratic Services Officer

62. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay, Tim Fleming and Marjorie James.

63. Declarations of interest by members

Councillor Brenda Loynes declared a personal non-prejudicial interest in planning application H/2018/0208 (Land at Windermere Road) as the agent was a member of her political party.

Councillor Mike Young declared a personal non-prejudicial interest in planning application H/2018/0208 (Land at Windermere Road) as the agent was a member of his political party.

64. Confirmation of the minutes of the meeting held on 3rd October 2018

Minutes approved.

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

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

This application had been deferred at the previous meeting to allow members to undertake a site visit.

The Applicant advised members that the replacement door had been installed following multiple instances of anti-social behaviour targeted against the property. The wood door which had previously been in place had been smashed constantly and a number of thefts had taken place, one of which had not been prosecuted by the police despite camera footage being available. His primary concern was the safety of his residents and following installation of the metal door there had been no further problems. He also highlighted that he had received no grant funding to make improvements and disputed having been given information regarding alternative options by the Council. While he respected the history of the building the safety of residents was his main concern and there had been no complaints regarding the metal door from other businesses or tenants.

In response to a member query the Applicant confirmed that the glass window next to the metal door had previously been smashed. He felt that a metal door provided more of a deterrent to people wishing to cause damage, steal or squat in the property.

Members refused the 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 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.

The Committee considered representations in relation to this matter.

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 application had been deferred at the previous meeting to allow members to undertake a site visit.

The Applicant requested that members support this application to ensure the safety of the residents. He noted that the previous wooden door had been damaged on multiple occasions.

Members refused the 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 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.

The Committee considered representations in relation to this matter.

Number:	H/2018/0348
Applicant:	HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
Agent:	HARTLEPOOL BOROUGH COUNCIL MR STEVE WILKIE BUILDING CONSULTANCY CIVIC CENTRE HARTLEPOOL
Date received:	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

A member queried whether provision would be made for cyclists and walkers to gain entry to the site. The Chair indicated that improvements to pedestrian walkways were part of the scheme while the Planning and Development Manager advised that cycle routes could be looked at as part of the next phase of the development. Members were pleased to note the inclusion of a memorial to those who had lost their lives at sea and felt that making this a place of respect should be a priority.

Members approved the application unanimously.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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

2. The development hereby permitted shall be carried out in accordance with the plans and details;
300-91 L012 (Location Plan)
300-91 L003 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.

Number: H/2018/0208

Applicant: MR N BOOTH PUDDLERS ROAD
MIDDLESBROUGH

Agent: SIMON HALL ARCHITECTURAL DESIGN LTD MR
SIMON HALL 11 THE LAURELS
NORTHALLERTON

Date received: 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

The Agent urged members to support this application which would bring highly skilled jobs to Hartlepool. He apologised for the building work having already commenced but advised that this due to a misunderstanding over information which had been given to the architect coupled with a need to have specialised equipment based on site to fulfil contracts. Members were happy to approve the application and expressed a wish that jobs would not be affected by the retrospective nature of the application.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

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.

The Committee considered representations in relation to this matter.

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

Members were advised that a planning appeal against the Council's decision to refuse permission for the erection of an equestrian worker's dwelling, stable block and horse exerciser had been allowed. A copy of the Inspector's decision letter was appended to the report.

Decision

That the outcome of the appeal be noted

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

Members were given details of 13 complaints currently under investigation and 8 completed investigations.

Decision

That the report be noted

68. 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 69 – (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 70 – (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 71 – (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 72 – (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 73 – (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)

- 69. 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.

- 70. 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.

- 71. 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.

- 72. 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.

- 73. 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.

74. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

The Chair advised Members that an all-day training event had been scheduled for Wednesday 7th November. He urged all members to attend if they could however provision for one to one training would be made available for those members who were unable to attend. He also confirmed that members were welcome to attend part of the day should they be unavailable for the full day.

The meeting concluded at 11am.

CHAIR

No: 1
Number: H/2018/0183
Applicant: THIRTEEN HOUSING
Agent: MR WESLEY MCGEENEY
Date valid: 30/07/2018
Development: Installation of air source heat pumps
Location: 1-84 OVAL GRANGE HARTLEPOOL

PURPOSE OF REPORT

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.

1.2 Following deferral of this application at a previous Planning Committee meeting (03/10/2018), the applicant has submitted the required further information in the form of a cumulative noise assessment report and made amendments to the proposed locations of the air source heat pumps (locations only, number of pumps to remain on each block as previously submitted). Consultation with HBC Public Protection has been undertaken and duly considered within this report.

BACKGROUND

1.3 The following planning applications are associated with the site:

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

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

PROPOSAL

1.6 The application seeks planning permission for the installation of air source heat pumps at 1-84 Oval Grange. The proposed air source heat pumps would be approximately 0.75 metres in height, approximately 1.1 metres in length and approximately 0.36 metre in width. The units are proposed to be sited externally, at the ground floor to the front and rear of each block of flats.

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

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

SITE CONTEXT

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

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

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

PUBLICITY

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

1.13 The concerns raised are summarised below:

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

1.14 The period for publicity has expired.

1.15 Copy letters **A**.

CONSULTATIONS

1.16 The following consultation replies have been received:

Engineering Consultancy – No objection.

Heritage and Countryside Manager – The application site is on the boundary of Park Conservation Area, a designated heritage asset, and within the setting of 8, 10, 14 Elm Grove and 42 Tunstall Avenue recognised as locally listed buildings and therefore heritage assets.

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

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

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

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

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

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

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

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

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

Public Protection – Not Object;

Update 14/11/2018 Public Protection have been re-consulted upon cumulative noise assessment report however, to date no additional comments have been received.

Landscape – Not Object;

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

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

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

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

Para	Subject
2	Primacy of the Development Plan
7	Three dimensions to sustainable development
8	Achieving sustainable development
9	Pursuing sustainable development
10	Achieving sustainable development
11	Planning law and development plan
12	Status of the development plan
14	Presumption in favour of sustainable development
17	Role of the planning system
47	Determining Applications
124	Well-designed places
127	Achieving well-designed places
130	Refusal of poor design

185	Positive strategy for the historic environment
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts

Hartlepool Local Plan 2018

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

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

HBC Planning Policy Comments:

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

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

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

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

1.24 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).

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

1.26 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.

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

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

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

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

IMPACTS ON EXISTING BUILDINGS AND SURROUNDING AREA

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

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

AMENITY OF EXISTING RESIDENTS AND NEIGHBOURING OCCUPIERS

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

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

1.35 The agent has submitted the 'Daikin Altherma, Heating Technical Data' document, which details the associated noise levels in relation to each unit and following the request by Members at the Committee Meeting of 03/10/2018 a cumulative noise assessment report has been submitted in support of the application. The cumulative noise assessment report states that 'based on the assessment of the site and in accordance with MCS 020 Noise Planning Calculator the sound pressure would be 41Db (A) and the result would be a pass.' The report further states that 'due to the siting of the air source heat pumps the noise would never accumulate as it dissipates away from the unit.' The Council's Public Protection Team have been consulted upon the application, the technical data document and had no objections their response on the additional cumulative noise assessment report is awaited.

1.36 It is considered that the noise associated with the proposed development will not have a significant adverse impact upon any neighbouring residential properties due to the nature of the development, the separation distance and the intervening boundary treatment of various elements (i.e. the tree line, hedgerows, timber fencing and/or brick walling).

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

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

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

OTHER PLANNING MATTERS

1.40 It is noted that the application was subject to consultation with HBC Engineering Consultancy, Ecology, Landscape and Traffic and Transportation. In regard to the

above mentioned consultations, no objections have been received. It is considered the proposed development would not have a significant adverse impact upon drainage, ecology, the natural environment or the public highway and therefore the proposal is acceptable in regards to the above matters.

OTHER MATTERS

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

EQUALITY AND DIVERSITY CONSIDERATIONS

1.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.44 There are no Section 17 implications.

REASON FOR DECISION

1.45 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 satisfactory comments from the Council's Public Protection team and subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan, received by the Local Planning Authority 21st May 2018 (1:1250); Air Source Heat Pump Locations (1 of 3), Ref. Flats 1-42, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat Pump Locations (2 of 3), Ref. Flats 43-54, received by the Local Planning Authority 14th November 2018 (1:500); Air Source Heat Pump Locations (3 of 3), Ref. Flats 55-84, received by the Local Planning Authority 14th November 2018 (1:500); Proposed Elevations, Ref. Typical Elevations with Air Source Units, Drawing No. OGAS001, Rev. A, received by the Local Planning Authority 6th November 2018 (1:75); Daikin Altherma, Heating Technical Data, ref. EEDEN15-725,

Spec No.s EDLQ-CV3, EK2CB-CV3, EKMBUHC3V3 & EKMBUHC9W1, received by the Local Planning Authority 21st May 2018; and the Oval Grange Noise Assessment, received by the Local Planning Authority 6th November 2018.

For the avoidance of doubt.

3. Prior to the commencement of development, the final design of the 'brickwork' covering for the Air Source Heat Pumps shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as agreed and the coverings shall remain in place through the lifetime of the development.
In the interests of visual amenity.

BACKGROUND PAPERS

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

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

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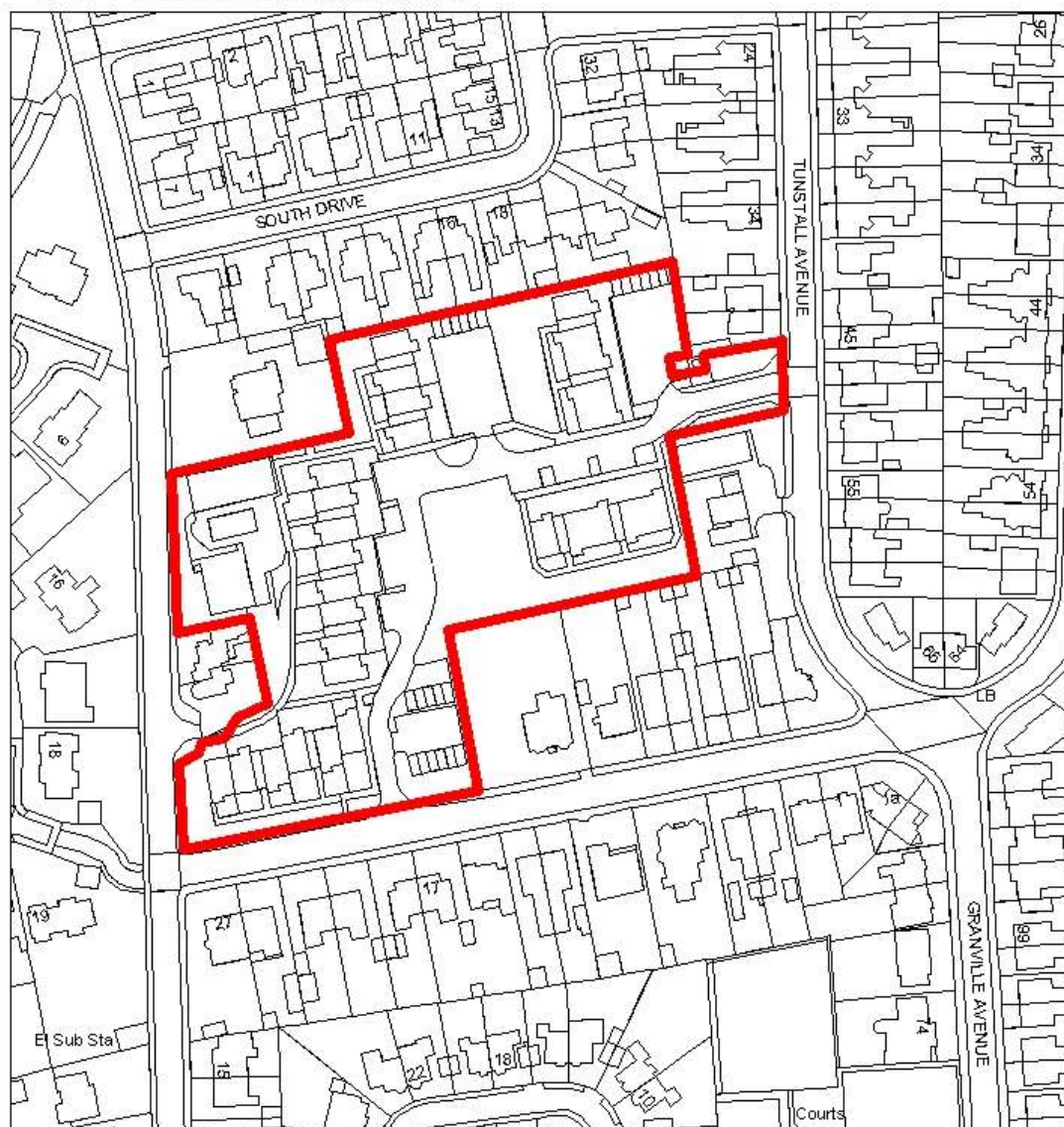
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1-84 OVAL GRANGE



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

No: 2
Number: H/2018/0400
Applicant: Mr A Hanson Civic Centre Victoria Road HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL STEVE WILKIE CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24 8AY
Date valid: 02/10/2018
Development: Installation of 3 no new 2m wide pathways to the setting of the Grade II Listed Winged Victory war memorial
Location: REDHEUGH GARDENS RADCLIFFE TERRACE HARTLEPOOL

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 Situated in Redheugh Gardens is the Grade II listed war memorial known as 'Triumphant Youth'. This is the focal point for remembrance services at the Headland. It is a key location linked to the bombardment of Hartlepool to which a monument exists nearby.

2.3 The Armed Forces champion from the Local Authority has raised a requirement to improve access to the war memorial to ensure that persons with mobility issues are able to more readily participate in services. At present boards and matting are laid to facilitate access however the supporting statement indicates that this can be problematic depending on ground conditions. The supporting documentation details an incident in 2017 where it is understood that an able bodied person fell during an event.

PROPOSAL

2.4 Listed Building Consent is sought for the installation of 3 new 2 metre wide pathways to connect the existing monument to the existing paved area. The proposed paths will consist of granite aggregate textured pre-cast concrete paving units with a 'rose' finish.

2.5 The application is required to be considered by planning committee as four objections have been received from neighbouring residents (including one anonymous) and a further objection has been received from the Parish Council.

SITE CONTEXT

2.6 The listed asset is centrally located within Redheugh Gardens, a triangular shaped garden bounded by a wall with railings. Access is taken from opening on Headland Promenade, Radcliffe Terrace and Cliffe Terrace which are residential streets within Headland Conservation Area.

2.7 The memorial itself consists of a square pedestal to the base, with a three part Portland stone column on the top of which is mounted a bronze winged figure with raised arms carrying a cross in its left hand.

2.8 The site is located within the Headland conservation area. There are residential properties, fronting on to the gardens, to the north and west of the application site, to the east and south is the coast.

PUBLICITY

2.9 The application has been advertised by way of neighbour letters (23), site notice and press notice. To date, there have been 4 letters of objection (one anonymous) and two letters of support.

2.10 The concerns raised in the objections relate to:

- The development is unnecessary
- The money could be spent on better things
- It will encourage of use the park by cyclists
- Lack of consultation with residents
- Poor management of change
- Out of keeping with the way the gardens are set out
- There have never been problems with access- no justification

2.11 One letter of support has been received from the Hartlepool Armed Forces Champion support states :

The proposal will provide safe access to the memorial at organised ceremonies and all year round.

2.12 Copy Letters **B**

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Heritage and Countryside Manager (summarised): The proposals will impact on this significance as it introduces a new element into the planned gardens. These pathways will alter the more immediate setting of the memorial introducing three pathways. The use of different materials acknowledges that this is a new intervention within the setting however the design, which is similar to the existing

path arrangement within the site, serves to link this new proposal with the old. It is considered that the proposed works would not harm the significance of the listed building. No objections.

Historic England: Do not wish to provide any comments

Headland Parish Council: At the Hartlepool Headland Parish Council meeting on 30th October this planning application was discussed. The Parish Council supports the need to provide access for disabled people. However we would like other options formally considered which would provide this access without changing the look of the memorial and gardens which are listed. The local residents at the meeting were concerned children disrespecting the memorial during the year by riding bikes on the path.

Tees Archaeology: Thank you for the consultation on this application. I have read the Heritage Statement provided by the applicant, and checked the HER, and can confirm that the proposed development should not have a significant impact on any known heritage assets, and no archaeological assessment is required.

PLANNING POLICY

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

Local Policy

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

HE4: Listed Buildings and Structures

National Policy

2.17 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. 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:

Paragraph 190 – Proposals affecting heritage assets

Paragraph 192 – Determination of applications affecting heritage assets.

Paragraph 194 – Considering potential impacts

PLANNING CONSIDERATIONS

2.18 The Winged Victory is a grade II listed buildings, Redheugh Gardens where the asset is situated is recognised as a locally listed building and the area itself is within the Headland Conservation Area. The proposal is for the installation of three footpaths on a grassed area surrounding the Winged Victory in order to enhance access to the memorial. The only reason the proposals require permission is because the development is located within the vicinity of the listed building and as such consideration is required to assess the effect on the setting.

2.19 As such in considering the application the relevant material planning considerations are the impact upon the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The relevant local and national planning policy are detailed above.

2.20 The significance of the listed building lies in the aesthetic value of the memorial itself, the historical value of the asset in that it serves as a reminder of past events and it has a communal value as this is a space in which people come together. The significance is not only in the memorial itself but the planned space around it which provides the context and therefore the setting.

2.21 The Council's Heritage and Countryside Manager (conservation) has commented that the proposals will impact on this significance as it introduces a new element into the planned gardens. These pathways will alter the more immediate setting of the memorial introducing three pathways. The use of a different material acknowledges that this is a new intervention within the setting however the design, which is similar to the existing path arrangement within the site, serves to link this new proposal with the old. As such the Council's Heritage and Countryside Manager considers that the proposed works would not harm the significance of the listed building and therefore raises no objections to the proposed development, furthermore, no objections have been received from Tees Archaeology.

2.22 Comments received from objectors and supporters are detailed above. However as the application relates to the impact upon the setting of the listed building the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear in that the only issues for consideration is the impact upon the setting of the listed building. Any concerns outside this matter are not material considerations when assessing this application. Objectors have stated that the paths would be out of keeping with the way the gardens are set out. However it is considered that the design of the three paths would be in keeping with the triangular shape of the existing gardens and respect the position of the listed building which is centralised within the gardens.

2.23 In light of the above, it is considered that the proposed development would not harm the significance of the listed building and as such would not result in a detrimental impact upon the setting of the listed building. Therefore the application is considered acceptable subject to conditions as detailed below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.24 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.25 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.

2.26 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with Site Location Plan number 347/01 L004 Rev A received by the Local Planning Authority on 2nd October 2018 and Proposed and Existing Layout Drawing number 347/01 L003 received by the Local Planning Authority on 25 September 2018.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

BACKGROUND PAPERS

2.28 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

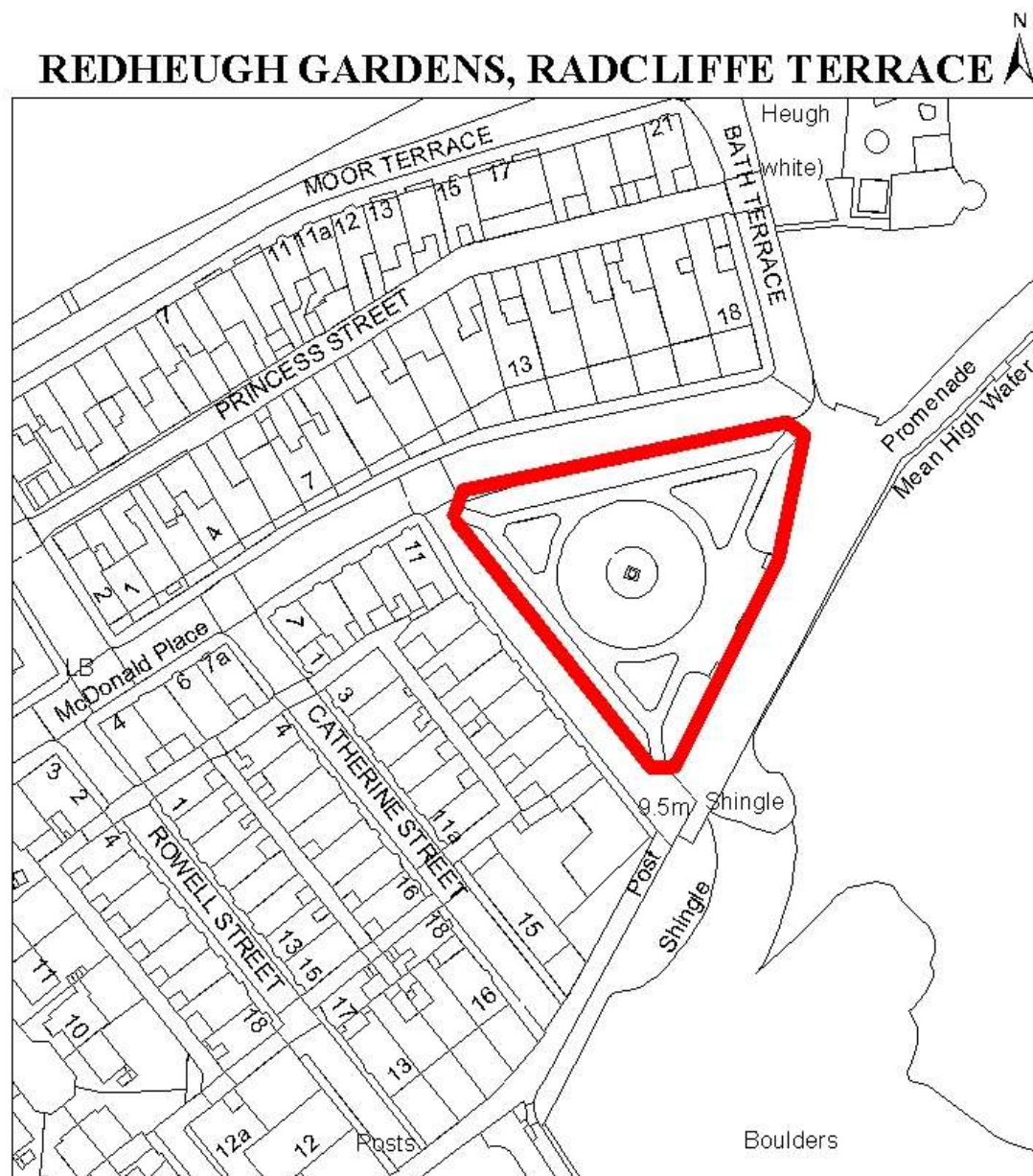
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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0400	REV

No: 3
Number: H/2018/0358
Applicant: DALTON PIERCY PARISH COUNCIL DALTON PIERCY
HARTLEPOOL TS27 3JA
Agent: DALTON PIERCY PARISH COUNCIL MRS J WHITE 6
COLLEGE CLOSE DALTON PIERCY HARTLEPOOL
TS27 3JA
Date valid: 17/09/2018
Development: Installation of permeable paving to Dalton Piercy Green at
five locations (Retrospective)
Location: VILLAGE GREEN DALTON PIERCY HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL AND SITE CONTEXT

3.2 The application seeks retrospective consent for the retention of permeable paving/materials on five areas within Dalton Piercy Village Green.

3.3 The application site consists of five areas of land on protected open space and designated Village Green. There are three areas to the front of North View (in front of properties 1, 2, 7, 8, 9 and 10), one area to the front of the Community Garden Allotment and one area to the front of the main allotment gate. Dalton Piercy is a village accommodating approximately 90 dwellings. The village has grown incrementally over time. There are a number of traditional houses facing the village green and through road. To the west of the village lie modern additions to the village. The village has a number of listed buildings.

3.4 The works include “the excavation of the top layer of soil/grass to a suitable depth, laying of a hard core base, installation of SUDS compliant recycled HDPE pavers, infill with screened top soil and sow a blend of grasses.” The pavers (Hexapath) are made from “recycled polyethylene and weather resistant, non toxic, and environmentally friendly”. The works are considered to be engineering works in terms of planning legislation and therefore require planning permission.

3.5 Previously a retrospective planning application within the vicinity of the areas relating to this application was considered by Members (H/2017/0131) at the 3/10/2018 Committee meeting for change of use of village green to provide parking bays in front of North View and extension to existing parking bay opposite Dean Garth. This application was refused by Members. It was considered that the development resulted 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.

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

HBC LEGAL COMMENT

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

3.8 I can confirm that part of the land contained inside the 'red line' boundary of the current application (H/2018/ 00358) contains the area of land registered as Dalton Piercy Village Green (VG75). The application for registration was made on the 30th May 1968 as of the date of this report the Council, as Registration Authority, has not received any notification from the Secretary of State that any application has been made to amend or challenge the contents of the Register; I can therefore confirm that VG75 as defined on the Register Plan is a village Green.

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

PUBLICITY

3.10 The application has been advertised by way of site notice, press notice and neighbour letters (14). To date, there have been 11 letters of support and 6 letters of objection.

3.11 The objections received can be summarised as follows:

- Proximity to historic listed building
- Nuisance/noise/intrusion for residents of Rose Cottage
- Parking area would block residents of Rose Cottage
- Parking on village green is unlawful
- Parking area would interfere with the recorded rights of access

3.12 The letters of support can be summarised as follows:

- The provision of an all weather protective mesh under the grass will allow all weather access
- Access will be improved for residents
- Permeable paving is a clever way of repairing damage
- Positive effect on the village from safety and aesthetic point
- Visual improvement to village green
- No footpaths so have to gain access to properties over village green

3.13 Copy Letters **C**

3.14 The period for publicity has expired.

CONSULTATIONS

3.15 The following consultation replies have been received:

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

I have no concerns with the southern parking bay.

HBC Public Protection – No objection.

HBC Engineering Consultancy – No objection.

HBC Ecologist – No objection.

HBC Arborist – There are no issues regarding landscaping being required or effects on existing trees. The materials used will protect the Green by prevent rutting and also satisfy SUDS requirements. No objection.

HBC Heritage & Countryside - The site is located in Dalton Piercy in close proximity to a number of grade II listed buildings (designated heritage assets), namely Rose Cottage, College Farm and The Priory. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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).

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 setting of the listed buildings is formed by the village green. The information provided suggests that this will not change and the works will merely ensure that the grassed area can be retained in a form that will provide a suitably robust surface to ensure use does not cause the grass to deteriorate.

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

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

Tees Archaeology - Dalton Piercy is a medieval village (HER 682), which retains its linear two-row plan with central green. There is potential for archaeological deposits dating to the medieval period and later on the village green. Historic Ordnance Survey maps also show some buildings on the green.

Unfortunately as this is a retrospective application, mitigation of the loss of any archaeological deposits is not possible.

Dalton Piercy Parish Council (summarised) – Dalton Piercy Parish wish to confirm their support for the application. We would also like to re-iterate that the laying of the Hexapath is not for the purpose of creating additional parking. SPCC has a duty to maintain its open spaces in a decent state under the 1906 Open Spaces Act. Prior to the project being progressed DPPC consulted with the Secretary of State and were informed that Section 38 does not apply to the green in Dalton Piercy and for this improvement decision is vested with DPPC.

Now the grass has re-grown it is impossible to see where the Hexapath has been laid and DPPC has no change of use of the area.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

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

3.18 The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan
PARA 007: Achieving sustainable development
PARA 008: Achieving sustainable development
PARA 009: Achieving sustainable development
PARA 010: Achieving sustainable development
PARA 011: The presumption in favour of sustainable development
PARA 012: The presumption in favour of sustainable development
PARA 038: Decision-Making
PARA 047: Determining Applications
PARA 091: Promoting healthy and safe communities
PARA 098: Open Space and Recreation
PARA 124: Achieving well-designed places
PARA 127: Achieving well-designed places
PARA 130: Achieving well-designed places

Hartlepool Local Plan

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

CC1: Minimising and adapting to climate change
LS1: Locational Strategy
NE2: Green Infrastructure
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP6: Technical Matters
RUR1: Development in the Rural Area
RUR2: New Dwellings Outside of Development Limits
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

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

Gen1: Development Limits
C1: Safe Guarding and Improvement of Community Facilities

HBC Planning Policy Comments

3.21 Planning Policy acknowledge that prior to the completion of the works, that certain areas of the village green had been damaged due to what appears to be excessive vehicular use. However, there are concerns that the development will enable and facilitate further vehicular use and parking on the sites, which should not be encouraged due to the land's value as amenity open space, and its protection

through the Local Plan policy NE2. This policy seeks to safeguard green infrastructure components from inappropriate development, however on balance it is considered that because there have been no visual changes to the green or built development on the village green that in this instance the development is not considered contrary to policy.

3.22 Planning policy would have no objections provided that there is no further development on the village green.

PLANNING CONSIDERATIONS

3.23 The main material planning considerations when considering this application are the principle of development, the impact on the amenity of neighbouring land users, the impact on the character and appearance of the area (including designated heritage assets), and the impact on highway safety and parking. These and any other matters are considered as follows.

PRINCIPLE OF DEVELOPMENT AND CHARACTER AND APPEARANCE OF AREA

3.24 The application site is within Dalton Piercy Village Green, which as amenity open space is protected under Local Plan Policy NE2. This policy seeks to safeguard green infrastructure components from inappropriate development. Whilst it is acknowledged that the provision of the 'Hexapath' surface could encourage vehicle use and parking, the provision of the Hexapath in this instance is not understood to be for that purpose. The areas that have had Hexapath laid do not result in a change in the use, character and appearance of the land. The Hexapath allows for the grass to grow through and cover the paving material; the Council's Arborist has been consulted and raises no objection or concerns stating the materials used will protect the green and satisfies SUDS requirements. Access to some of the residential properties is taken from the green space as there are no footpaths provided to the front of the residential properties on North View. It is considered on balance that there have been no adverse visual changes to the green or built development on the village green and therefore this development is not considered contrary to policy in this instance.

3.25 Overall, it is considered that the scheme would not be detrimental to the character and appearance of the area by virtue of the alterations that have already been carried out. In view of the above, the principle of development is acceptable.

IMPACT ON HERITAGE ASSETS

3.26 The identified sites are located in close proximity to Rose Cottage, College Farm and The Priory identified as grade II listed buildings and are therefore recognised as designated heritage assets. HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

3.27 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).

3.28 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 setting of the listed buildings is formed by the village green. It is considered that the works will ensure that the grassed areas can be retained in a form that will provide a suitably robust surface to ensure use does not cause the grass to deteriorate.

3.29 Objections have been received with regard to the impact the proposal will have on historic listed buildings. The Council's Heritage and Countryside Manager has been consulted and raises no objection to the proposal.

3.30 It is considered that the proposal will not significantly impact on the designated heritage asset, as reflected in the comments received from the Heritage and Countryside Manager. The proposal is therefore acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

3.31 Notwithstanding the above objections in respect to the impact the proposal will have on local residents in terms of nuisance, noise and intrusion and obstructing access, the supporting information states that the provision of the permeable paving is to repair the village green and create pedestrian access to the residential properties on north view and allotments. The areas are not considered to be changed in respect of providing parking areas. It is considered the provision of the permeable paving is unlikely to have a significant impact in terms of poor outlook, dominance issues or loss of privacy to neighbouring land users. The Council's Public Protection team have been consulted and raised no objection or concerns. The application is considered to be acceptable in this respect.

HIGHWAY SAFETY & PARKING

3.32 Objections have been raised from local residents with regard to the provision of parking areas being created. The areas that form part of this application have been treated with the permeable paving to repair the grassed areas that have been damaged due to use.

3.33 The Council's Traffic and Transport team have been consulted and raise no concerns. It is therefore considered that the proposal is acceptable in terms of highway safety.

OTHER PLANNING MATTERS

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

3.35 Whilst each application is assessed on its own individual merits, the above referenced refused application (H/2017/0131) related to concrete hard standing for car parking and it is worth highlighting that this scheme is for permeable paving for which the appearance is of a grassed area considered to be in keeping with the village green and is therefore considerably different.

RESIDUAL MATTERS

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

CONCLUSION

3.37 The proposed development would see the repair and improvement of five areas of public open space which include areas of designated Village Green. This would result in the visual improvement of recreational amenity space visual amenities of the village as a whole, which is in accordance with Local Plan policy NE2 (2i).

3.38 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF and the Hartlepool Rural Neighbourhood Plan. The development is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

3.41 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 (no conditions applicable in this instance)

BACKGROUND PAPERS

3.42 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

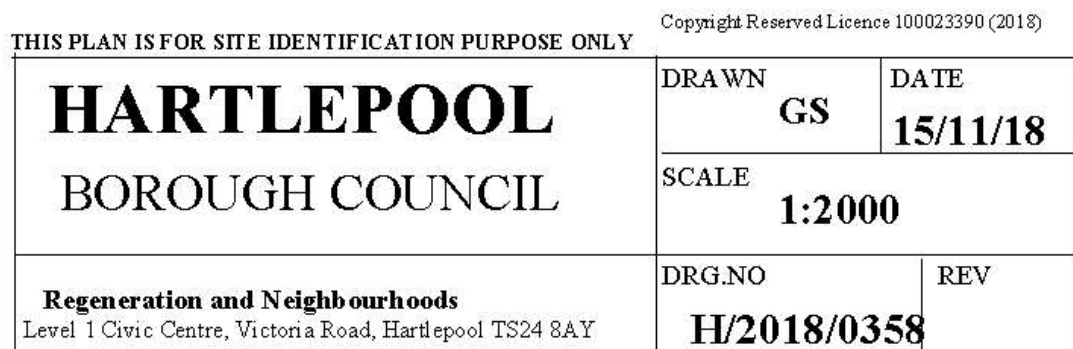
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No: 4
Number: H/2018/0192
Applicant: MS L RADFORD
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
 COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK
 ROAD HARTLEPOOL TS26 0QE
Date valid: 07/08/2018
Development: Outline planning application for the erection of 1 no.
 detached dwelling with all matters reserved (demolition of
 existing garage).
Location: WHITE COTTAGE FRONT STREET HART
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning applications associated with the site are considered relevant to the current application:

H/2006/0689 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached bungalow with detached garage with storage above, withdrawn.

H/2007/0559 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached dormer dwelling with integral garage (amended application), approved 04/03/08.

PROPOSAL

4.3 Outline approval with all matters reserved is sought for the subdivision of the existing plot in order to erect a detached dwelling; this would involve the demolition of the existing detached garage.

4.4 It is proposed to form vehicular access to the site from Hart Pastures to the south of the site.

4.5 Indicative details of a dwelling have been provided, although these are not finalised designs and are not intended to be secured as part of this application.

4.6 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

SITE CONTEXT

4.7 The application site consists of an existing stone cottage with pantile roof and associated outbuildings to the east of the site. The existing property takes its principal aspect from Front Street, which is on an incline with levels increasing from east to west. There is also a variation in levels across the site itself with a shallower gradient rising from south to north. This is reflected in the indicative details of the property proposed, which is stepped with a lower ground floor to the rear.

4.8 There are existing detached bungalows to the west of the site, on the south side of the street and two-storey terraced dwellings to the north. To the south of the site is a cul-de-sac of two storey dwellings, known as Hart Pastures.

PUBLICITY

4.9 The application has been advertised by way of neighbour letters (11no), site notice and a press notice. To date, five objections have been received from neighbouring land users, Hart Parish Council do not object to the principle of development but have raised concerns in other respects.

4.10 The objections received can be summarised as follows:

- Potential damage to adjoining land,
- Loss of view,
- Loss of light,
- Overlooking due to differences in land levels,
- Concerns regarding adequacy of existing foul drainage,
- Existing street lamp will need to be relocated without loss of lux value,
- Proposed access will exacerbate existing parking issues in Hart Pastures,
- Existing parking issues prevent access for bin collections and emergency vehicles,
- Disruption during construction,
- Existing landscaping will impede visibility at proposed access,
- Proposals would limit the ability for cars to turn within the existing White Cottage site and exit in a forward gear,
- Proposed design is not in keeping with the surrounding area as scale is too large,
- Existing drainage is inadequate.

4.11 The period for publicity has expired.

4.12 Copy Letters **D**

CONSULTATIONS

4.13 The following consultation replies have been received:

HBC Traffic and Transport – I have no highway or traffic concerns with this application. The proposed development will require a drive crossing designed in

accordance with the HBC specification and installed by a NRASWA registered contractor. The street light will potentially require relocation this should be done at the expense of the developer.

HBC Public Protection – Not object subject to conditions. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

There should be adequate dust suppression facilities on site.

I would require the provision of a wheel washing facility to the entrance/exit of the site.

There should be no open burning at any time on the site.

The brick and rubble shall be stored within a properly drained impervious storage bay with a storage height restriction.

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 Engineering Consultancy – Can I please request a surface water condition on this application please.

HBC Heritage & Countryside Manager – The application site is not in a conservation area, nor is the building listed or locally listed. In light of this I would have no objections to the proposals.

HBC Ecologist – I have no survey requirements.

NPPF (2018) paragraph 170 d) includes the bullet point: *Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

Net gain should be appropriate to the scale of the development and should be conditioned. The site is in an area that supports bats and swifts, both of which would benefit from the availability of cavities.

I recommend the following is conditioned:

A single integral bat brick to be built into the east facing side of the new build. This can be built into the wall and rendered, into the roof as a bespoke tile or into stonework; and

A single integral swift nesting brick to be built into the west facing side of the new

build.

HBC Landscape – There are no existing tree issues in connection with this planning application however to preserve the tree integrity of the central part of the village I am requesting that as part of the design, two trees that will not grow too large, are incorporated within the design of the frontage. This could be included as a landscape condition if necessary.

HBC Waste Management – Whilst we have had access issues at Hart Pastures, this has been at the part of the road shown on the map, below. Should the parking restrictions that are in place be adhered to, access would not be an issue.

Having looked at the plans, I do agree that work vans may cause us problems when the bins are being serviced, but as long as the area is kept clear of refuse/recycling collection day (currently weekly on a Friday, but may change in future), we will not have a problem.

I do not believe that the new driveway that would be created would affect us accessing the street.

HBC Property Services – The site itself is privately owned but the Council own some small areas of land to the west of the site. These areas should not be encroached upon during or after the development takes place. A plan showing details of this can be provided if required.

Tees Archaeology – I have no objection to the demolition of the existing garage.

The boundary to the north side of the property has some interesting features. At the eastern end an Iron Age beehive quern (used for milling grain) is built into the wall (HER 680). There is also another fragment within the wall which may be a cross-base. The wall is in keeping with the boundary walls of the neighbouring properties and adds to the character of the village. I would therefore recommend a condition requiring the retention of the existing boundary wall. This is in line with the guidance provided in the NPPF (para. 190).

I recommend the following planning condition to secure the retention and protection of the boundary wall:

The existing stone boundary wall to the north of the site shall be retained. The wall shall be protected from accidental damage during development in accordance with a scheme of protection first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the archaeological interest of this feature is retained and in the interests of the visual amenity of the area.

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

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

Hart Parish Council - No objection in principle to a dwelling here, but:

- We have concerns about access and the impact on the residents of White Cottage who currently have space on site to turn their vehicles. There is an arrangement by which these residents have a right to cross the public pavement but only in a forward facing direction. Without the space to turn their vehicles on site, the residents will have to reverse into the street over a public pavement – in breach of the current agreement and a H&S issue.
- We acknowledge that this is only an outline application, but the proposed design is not in keeping with the surrounding buildings; the scale is too high and should be of similar size to White Cottage, with roof height at the same level.
- We understand from existing residents of Hart Pastures that drainage is already inadequate, this would need to be upgraded if the development were to be granted planning permission.
- There are already quite severe parking and traffic issues in Hart Pastures – this development will only exacerbate this.

PLANNING POLICY

National Planning Policy Framework (NPPF)

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

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
77	Rural Housing
124	Well-designed places
130	Refusal of poor design
150	Planning for climate change

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to climate change
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
QP7	Energy Efficiency
HSG1	New Housing Provision
RUR1	Development in the Rural Area

HBC Planning Policy Comments

4.17 Planning Policy has no objections to the proposed development. It is considered that the proposal is in accordance with the relevant Local Plan policies, particularly RUR1 which specifies that development in rural areas must be in keeping with other buildings nearby, located in or near to the village and enhance the quality, character and distinctiveness of the village and immediate area. We would require the development to be as energy efficient as possible, as per policies CC1 and QP7. Consideration must be made to the emerging Rural Neighbourhood Plan, particularly GEN1 and GEN2. GEN2 requires developments to demonstrate where the design of new development scores against the Rural Plan Working Group's Checklist, found in appendix 4 of the document. Although the plan hasn't been fully adopted, we request consideration be paid to this checklist. A copy of the draft Rural Plan can be found online. It is trusted that the case officer is satisfied with the design of the dwelling.

PLANNING CONSIDERATIONS

4.18 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, the impact on highway safety and parking, archaeology, drainage, landscaping and ecology

PRINCIPLE OF DEVELOPMENT

4.19 The application site is within the development limits to Hart Village, as identified in the Hartlepool Local Plan 2018. As such, a new dwelling in this location is acceptable in principle in terms of policy RUR1, subject to other relevant material planning considerations being found to be acceptable.

4.20 Other policy requirements relate to the need for new developments to be energy efficient and their design to be assessed in line with the requirements of the Rural Neighbourhood Plan. As this application is in outline with all matters reserved, final details of design are not to be secured as part of this application. The agent has been made aware that these points would need to be satisfactorily addressed as part of a reserved matters application, should outline approval be granted, however there is nothing to suggest a suitable scheme could not be achieved in these regards and therefore refusal would not be warranted on this basis.

CHARACTER AND APPEARANCE OF AREA

4.21 The application site is part of the side garden of an existing dwelling; the plot is relatively wide with ancillary outbuildings located to the east of the dwelling. Based on the size of the site it is reasonable to conclude that a modest dwelling, similar to the existing property at the site, could be accommodated within the site without appearing unduly cramped and still allowing for amenity space for the occupants of both the existing and proposed dwelling.

4.22 The submitted plans show an indicative dwelling design, although some features of that proposal, such as the use of materials, are considered to be in keeping with the character of the area, the height of that property is larger than those around it and the applicant has been made aware that this is cause for concern both for officers and in terms of the neighbour comments received. Notwithstanding that, the specific details of scale and appearance are reserved matters and would therefore be considered at reserved matters stage if outline approval were granted.

4.23 Notwithstanding the concerns in relation to building height, the indicative details nevertheless demonstrate that a dwelling could be accommodated on the site. In principle therefore, the proposals would be acceptable, subject to a revised design being agreed at reserved matters stage.

AMENITY OF NEIGHBOURING LAND USERS

4.24 The northern and southern boundaries of the site are in excess of the usual minimum separation distances that would be required between principal habitable rooms, as such it can be concluded that a dwelling could be accommodated within

the application site that would not significantly negatively affect the amenity of neighbouring occupiers to the north and south in terms of privacy, loss of light or an overbearing appearance.

4.25 The neighbouring occupier to the east of the site has raised concerns about the potential for a loss of privacy due to the difference in levels between the application site and their garden, requesting a suitable boundary treatment to overcome this. It is noted that there is variation in levels in the area; however this application does not seek to secure specific details such as the design of boundary treatments at this stage. Notwithstanding this, the applicant has been made aware of the need to consider this at reserved matters stage, should outline approval be granted.

4.26 The donor property to the west of the application site includes a glazed door to the side elevation, fronting the proposed site. This is a secondary access and is not therefore considered to serve a primary habitable room. It is likely that this door would suffer a loss of light as a result of a new dwelling being erected alongside it, however given the nature of the opening it is not considered this impact would be so significant to warrant refusal of the application. Furthermore no objections have been received from HBC Public Protection subject to a number of conditions which are secured accordingly. Overall it is anticipated that a single dwelling could come forward on the site that would achieve satisfactory amenity and privacy levels for both existing and future occupiers of neighbouring properties and the proposed dwelling. Notwithstanding this, the applicant will have to demonstrate at reserved matters stage that such anticipated satisfactory relationships can be achieved.

HIGHWAY SAFETY & PARKING

4.27 A number of objectors have raised concerns about existing parking pressures within Hart Pastures to the south of the application site and the impact the proposed new access would have in terms of preventing parking in that location as well as the potential for the new dwelling to result in additional cars being parked within the street. The submitted plans indicated there is space available to park two cars in association with the proposed dwelling. Although not indicated on the submitted plans, it is considered there is sufficient space within the remaining curtilage of the donor property to allow for parking. The Council's Traffic and Transport team have raised no objections to the proposals on the basis of parking arrangements.

4.28 HBC Traffic and Transport have also confirmed that the proposed access is considered suitable to serve the site without detriment to highway safety. It is noted by HBC Traffic and Transport, as raised by one of the objections received, that an existing light column may need to be relocated to enable the development. Permission for this will fall under another regulatory regime and given there are no objections in relation to the principle of the light column being moved this is not considered to undermine the planning merits of the proposal and would not therefore warrant refusal of the application.

4.29 Concerns have been raised in relation to parking within Hart Pastures causing obstruction for large vehicles, namely bin wagons, following problems gaining access in the past. The Council's Waste Management team has confirmed that parking at the entrance to Hart Pastures, to the west of the proposed new access, has caused

difficulties for bin wagons gaining access to make collections in the past. This issue has resulted in residents being warned about parking in that area and eventually the introduction of parking restrictions (double yellow lines) at the entrance to the street.

4.30 The Council's Waste Management team have further confirmed that the location of the proposed access is not considered to worsen existing access arrangements for bin wagons and they do not object on this basis. It is noted that there may be disruption and parking pressures from large vehicles during construction, however it would be for the developers to ensure good site management and to ensure the highway is not blocked on collection day. Any matters of unlawful parking (e.g. blocking access to another person's property) would need to be reported to the police should they occur, equally if there are instances where parking restrictions are not observed this should be reported to HBC Traffic and Transport for enforcement. These matters are not material planning considerations that could inform the outcome of the application.

ARCHAEOLOGY

4.31 Following consultation with Tees Archaeology no objections have been raised to the principle of development, however a condition has been recommended to retain the existing boundary wall to the frontage of the site due to its historic significance. Such a condition is duly recommended.

OTHER PLANNING MATTERS

4.32 Concerns have been raised by neighbouring occupiers in relation to the existing foul drainage on the site being inadequate, however following consultation with Northumbrian Water no objections have been raised in that respect. There is not therefore any justification to require any improvements to foul drainage or refuse the application on this basis. Details of surface water disposal have been requested by HBC Engineering Consultancy which can be secured by a planning condition.

4.33 Details of landscaping do not form part of this application; however the Council's Arboricultural Officer has identified that a landscaping condition should be applied to any approval to ensure appropriate tree planting once the detailed design of the scheme comes forward. Such a condition is duly recommended.

4.34 There have been no objections raised by the Council's Countryside Access Officer with respect to public rights of way, as such the proposals are considered acceptable in that respect.

4.35 In accordance with the provisions of the NPFF, the Council's Ecologist has requested bio-diversity enhancements in the form of a bat brick and swift nesting brick which can be secured by a planning condition.

RESIDUAL MATTERS

4.36 The objections received make reference to the loss of a view and the potential for damage to be caused to neighbouring property during the course of the

development; these are not material planning considerations and cannot therefore influence the outcome of the application.

CONCLUSION

4.37 The application is submitted in outline only with all matters reserved; as such it seeks to secure the principle of development without the details of the dwelling itself determined at this stage. The site location is within development limits and the submitted plans indicate the site is large enough to accommodate a dwelling with associated parking and amenity space; accordingly the principle of a dwelling on the site is considered acceptable. The proposed access shown on the submitted plans has been considered in terms of highway safety and found to be acceptable. All relevant material considerations are deemed to be acceptable at this stage and therefore officer recommendation is to approve subject to relevant conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.39 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.

4.40 There are no Section 17 implications.

REASON FOR DECISION

4.41 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. An application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, means of access, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.

3. The development hereby permitted shall be carried out in accordance with the following plan: drawing number 1818:P:04 (Location Plan), received by the Local Planning Authority 25/07/18.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 1 no. dwellinghouse (C3 use class).
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with the Block Plan shown on drawing number 1818:P01 (Proposed Plans, Elevations & Block Plan), date received by the Local Planning Authority 07/08/18.
To ensure a satisfactory form of development.
6. The existing stone boundary wall to the north of the site shall be retained. The wall shall be protected from accidental damage during development in accordance with a scheme of protection to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
In order to ensure that the archaeological interest of this feature is retained and in the interest of the visual amenity of the area.
7. Prior to the commencement of development, a scheme for tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during demolition and construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.
8. A detailed scheme of soft landscaping, hedge, 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, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

11. Details of all walls, fences, gates and other means of boundary enclosure to be constructed as part of the development shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of the occupiers of the site.

12. Prior to the commencement of development of the dwelling hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO₂ emissions (measured by the Dwellings Emission Rate) would be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulation 5, Part L, prevailing at the time of development Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development in accordance with the local plan policies CC1 and QP7.

13. Prior to the commencement of development a scheme to incorporate a single bat brick and a single swift nesting brick within the dwelling shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details and retained for the lifetime of the development.

In the interests of biodiversity enhancement.

14. Prior to the commencement of development a scheme for dust suppression, wheel washing facilities and storage for brick and rubble in a drained impervious storage bay with storage height restriction shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme for the duration of construction.
In the interests of the amenities of the area.
15. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
16. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
17. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To avoid excessive noise and disturbance to the occupants of nearby properties.

BACKGROUND PAPERS

4.42 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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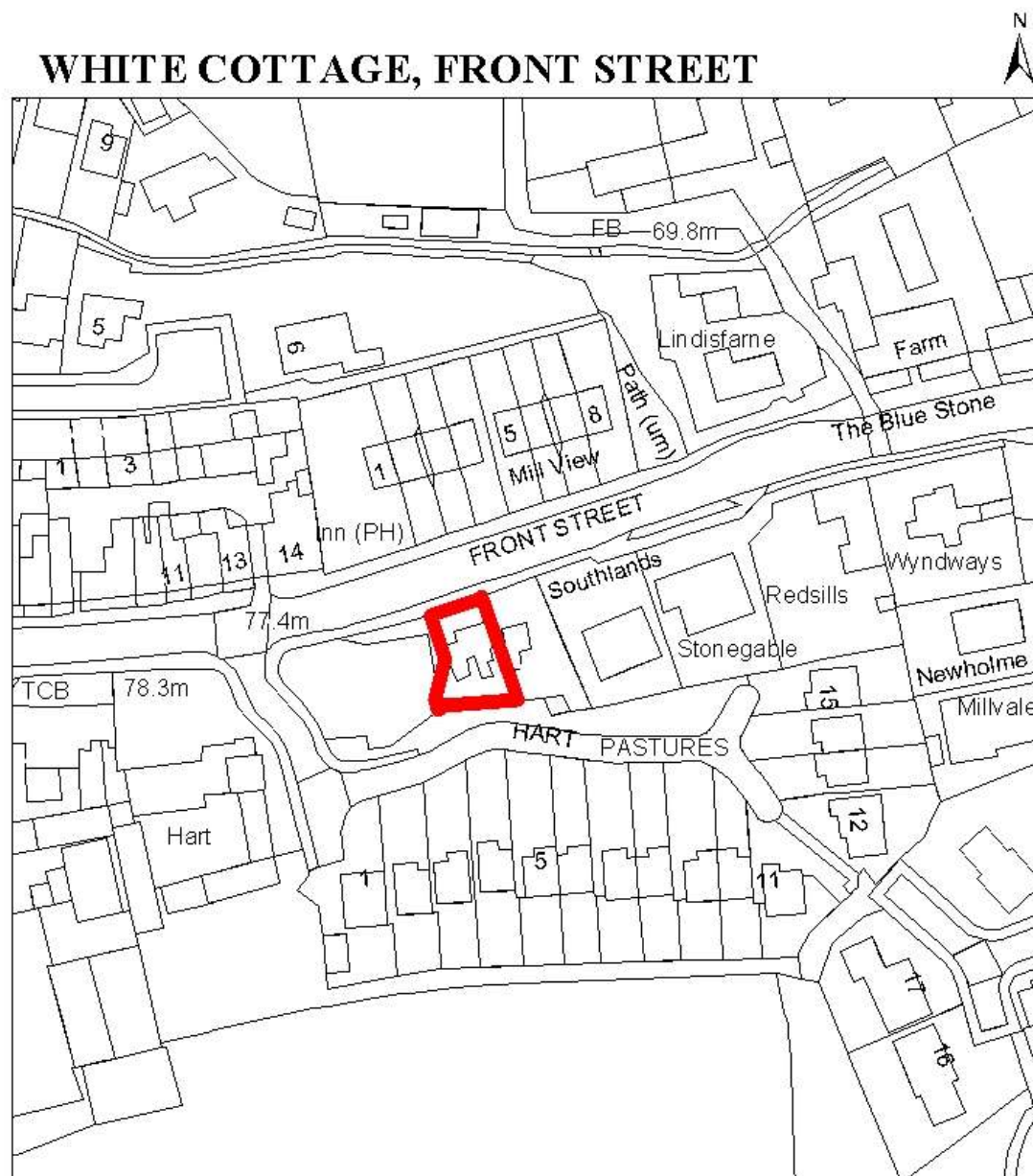
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0192	REV

No: 5
Number: H/2018/0330
Applicant: HARTGEN LTD 17 SLINGSBY PLACE LONDON WC2E 9AB
Agent: FORSA ENERGY MS JILLIAN ADAMS CLYDEVIEW, SUITE F3 RIVERSIDE BUSINESS PARK 22 POTTERY STREET GREENOCK PA15 2UZ
Date valid: 28/08/2018
Development: Section 73 application for the variation of condition No. 2 of planning application H/2017/0287 (for a gas powered electricity generator and related infrastructure) to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access detail
Location: LAND TO THE EAST OF WORSET LANE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The current application site relates to part of a larger site which has previously received permission (at appeal) for the installation of a solar farm (planning reference H/2014/0513) (Appeal reference APP/H0724/W/15/3131584).

5.3 H/2017/0287 – Gas powered electricity generator and related infrastructure – Approved 21 December 2017.

5.4 Whilst prior to the previous application detailed above being approved a letter from the applicant stated that following approval of the application the solar farm would be unlikely to be implemented however this is not something that could be controlled through determination of the current application and it should be noted that the solar farm has permission and can be implemented until 24 March 2019 (three years from the appeal decision date).

PROPOSAL

5.5 The proposal is a variation to the previous approval for a gas powered electricity generator with related infrastructure.

5.6 During the final design stages it has become apparent that the previous approved layout is intersected by an underground 66KV electricity cable and the proposed building housing the gas engines was located on top of this cable. For health and safety reasons and to allow for future access to the cable the building has been reduced in size.

5.7 The main building to house the generator will be reduced to 66.5 metres x 19.1 metres. The maximum building height would measure approximately 7.8 metres with a maximum exhaust stack height of 10 metres (the heights remain unchanged from the previous approval). The proposed changes also include the reduction in car parking spaces from 6 to 4, reorientation of the transformer and relocation of the bulk oil tanks. The overall site remains as previously approved.

SITE CONTEXT

5.8 The application site is an area of approximately 0.49 hectares of an agricultural field located to the south-west of Hart village to the east of Worset Lane. Directly to the north of the site is an area of existing trees and hedges beyond which is the A179 which is a main approach from the A19 into Hartlepool town.

5.9 Directly to the south of the site is an enclosed electrical substation compound, beyond which is High Volts Farm. To the west is agricultural land and to the east is agricultural land which has previously received permission for the installation of a solar farm (planning reference H/2014/0513) (Appeal reference APP/H0724/W/15/3131584).

5.10 The surrounding area is predominantly rural in nature. The topography of the land is such that the site slopes up from the A179 with the application site being higher, and the substation to the south situated at a higher level again.

5.11 The site is to be accessed from a single access taken from Worset Lane.

PUBLICITY

5.12 The application has been advertised by way of site notice, press notice and neighbour letters (26). To date, there have been no representations received.

5.13 The period for publicity has expired.

CONSULTATIONS

5.14 The following consultation replies have been received:

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

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

HBC Engineers: I have no objection to this variation but my original request for conditions remain valid.

HBC Public Protection: No objection to this variation.

HBC Economic Regeneration: Support

HBC Landscape: The current proposal amends the layout of the development. A landscape masterplan was provided as part of the previous application (H/2017/0287) that addressed the screening of the site. The site perimeter acoustic fence is in the same location as the previous design layout, and therefore the landscape masterplan previously submitted is unaffected.

There are no landscape objections to the development.

HBC Ecology: There are no ecology survey or ecology requirements for this application.

HBC Arboricultural Officer: No objection to the variation.

Environment Agency: No comments to make on this application.

Natural England: No comments to make on this application.

Highways England: No objections.

Hart Parish Council: Objects to this application the Parish still has grave concerns about the principle of this development, as well documented under H/2017/0287. Our previous objections remain the same.

PLANNING POLICY

5.15 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)

5.16 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. 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.

5.17 The following paragraphs are relevant to this application:

PARA 002: Primacy of Development Plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision-Making
 PARA 047: Determining Applications
 PARA 124: Achieving well-designed places
 PARA 127: Achieving well-designed places
 PARA 130: Achieving well-designed places

Hartlepool Local Policy

5.18 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
 INF1: Sustainable Transport Network
 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
 RUR1: Development in the Rural Area
 NE7: Landscaping along main corridors

5.19 The following policies in the adopted Tees Valley Minerals and Waste Core Strategy and Policies and Sites DPD are relevant to the determination of this application:

MWC1: Minerals Strategy
 MWC4: Safeguarding of Minerals Resources from Sterilisation

Hartlepool Rural Neighbourhood Plan

5.20 The following policies are considered to be relevant;

GEN1: Development Limits
 GEN2: Design Principles
 EC1: Development of the Rural Economy

NE2: Renewable and Low Carbon Energy

5.21 HBC Planning Policy - No objections to the proposal.

PLANNING CONSIDERATIONS

5.22 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 character of the area, the amenity of neighbouring land users, air quality, highway and pedestrian safety.

PRINCIPLE OF DEVELOPMENT

5.23 Since the original application was approved the NPPF has been revised (July 2018) and the Local Plan has been adopted (May 2018). However the principle of development in this location has been established with the (extant) approval of the previous application in December 2017 (H/2017/0287) for a gas powered electricity generator and related infrastructure. The application under consideration is a Section 73 application for minor changes to the approved scheme. No objections have been received from HBC Planning Policy.

IMPACT ON THE CHARACTER OF THE AREA

5.24 The proposed development consists of a building and associated infrastructure adjacent to the A179 which is a main approach road from the A19 trunk road into the town. The field is currently enclosed, adjacent to the highway, by mature trees and hedges.

5.25 The previous application was supported by a Landscape and Visual Assessment. Whilst the proposal would be located within the vicinity of other utility infrastructure, such as the adjacent electricity substation and presence of pylons and overhead lines adjacent to the application site, the scale of the proposal is substantial, particularly given the site's relative close proximity to the adjacent highway. The stacks are proposed at 10m high which will clearly result in a visual impact and the roofline is proposed as 7m high. Therefore the proposal would be visible from the public highway. A landscaping masterplan was submitted with the previous application. The Council's Landscape Architect was consulted regarding the proposed amendments to the development and raised no concerns. The overall footprint remains unchanged. The changes to the layout are minor in nature.

5.26 It is considered that the nature, siting and scale of the proposed development, would not have a detrimental impact on the visual amenity of the area, the character of the open countryside and the approach into the town. The proposal is considered acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

5.27 There are residential properties located within Hart Village, however there is a large separation distance of approximately 750m between the application site and the development limits of Hart Village. As such taking into account the separation

distance and screening provided by existing landscaping which will be further supplemented by proposed landscaping, it is not considered that the proposed development would result in a detrimental impact upon residential properties within Hart Village in terms of loss of privacy, overshadowing or appearing overbearing.

5.28 There is also a residential property to the south west of the application site known as High Volts Farm. However this property is situated upon higher land than the application site and it is considered that a significant amount of screening will be provided by the existing electricity substation compound which will be adjacent to the southern boundary of the application site. As such it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring residential property in terms of overlooking, appearing overbearing or loss of light.

5.29 The land directly to the east and west of the application site is agricultural in nature as such there are no sensitive users, such as residential properties, directly to the east and west.

5.30 Therefore taking into account the distance to residential properties it is not considered that the proposed development would result in a detrimental impact upon the amenity of neighbouring land users in terms of overlooking, loss of light or appearing overbearing. Furthermore no objections have been received from HBC Public Protection.

HIGHWAY AND PEDESTRIAN SAFETY

5.31 The principle of an access to the application site has been established with the previous approval for this development. The access to the site remains unchanged. However there is a reduction in car parking spaces being provided from 6 to 4. The Council's Traffic and Transport section were consulted and have raised no objection to the changes. Highways England was consulted and raised no objection.

5.32 The proposal is considered acceptable in terms of highway and pedestrian safety.

OTHER MATTERS

5.33 Hart Parish Council has raised an objection in relation to the principle of development, in terms of the development being contrary to policy bringing a industrial type use into the open countryside. As discussed above the principle of development has previously been established through the approval of planning application H/2017/0287. This application is for minor changes to the internal layout of the site and is considered acceptable.

5.34 No objections have been received from technical consultees in respect of Countryside Access, drainage (subject to an appropriate surface water condition), and ecology.

CONCLUSION

5.35 In view of the above planning considerations and with respect to the relevant national and local planning policy and guidance, it is considered that the proposed changes to the internal layout are acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than 20th December 2020.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) HRT-GA-101 Rev TE (General Arrangement of GE Jenbacher 624 Engine Installation), HRT-GA-204 Rev TD (General Arrangement of GE Jenbacher 624 Engine Installation) and Site Location Plan received by the Local Planning Authority on the 28th August 2018 and HRT-GA-202 Rev TB (Isometric Views of GE Jenbacher 624 Engine Installation) and HRT-GA-203 Rev TB (Elevations of GE Jenbacher 624 Engine Installation) received by the Local Planning Authority on the 14th 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. Notwithstanding the submitted information and prior to the commencement of the development, full scale plans and details of the proposed radiators and additional ancillary buildings and structures shall be submitted to and approved in writing by the Local Planning Authority before the development

hereby approved is commenced. Thereafter the development shall take place in accordance with the approved details.

In the interests of visual amenity.

5. Notwithstanding the submitted information, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation, for the lifetime of the development hereby approved.
In the interests of visual amenity.
7. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing access, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to commencement of the use of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
8. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and the impact on the visual amenity of the area.
9. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being

provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGV movements associated with the construction phases, and to effectively control dust emissions from the site remediation, demolition and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
To avoid excessive noise and disturbance to the occupants of nearby properties.
11. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring land users and highway safety.
12. Prior to commencement of the development hereby approved, details of a 4 metre high acoustic fence to be erected around the boundary of the site as indicated on plan HRT-GA-101 Rev TE (date received 28th August 2018), shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development.
In the interests of visual amenity and the amenity of the occupiers of adjacent land.
13. Notwithstanding the requirements of condition 12, details of means of all other boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
14. When the land ceases to be used as a gas powered electricity generator or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, acoustic fencing, hardstanding

and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time table for decommissioning and restoration.

The application has been assessed in accordance with the details submitted by the applicant therefore at the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

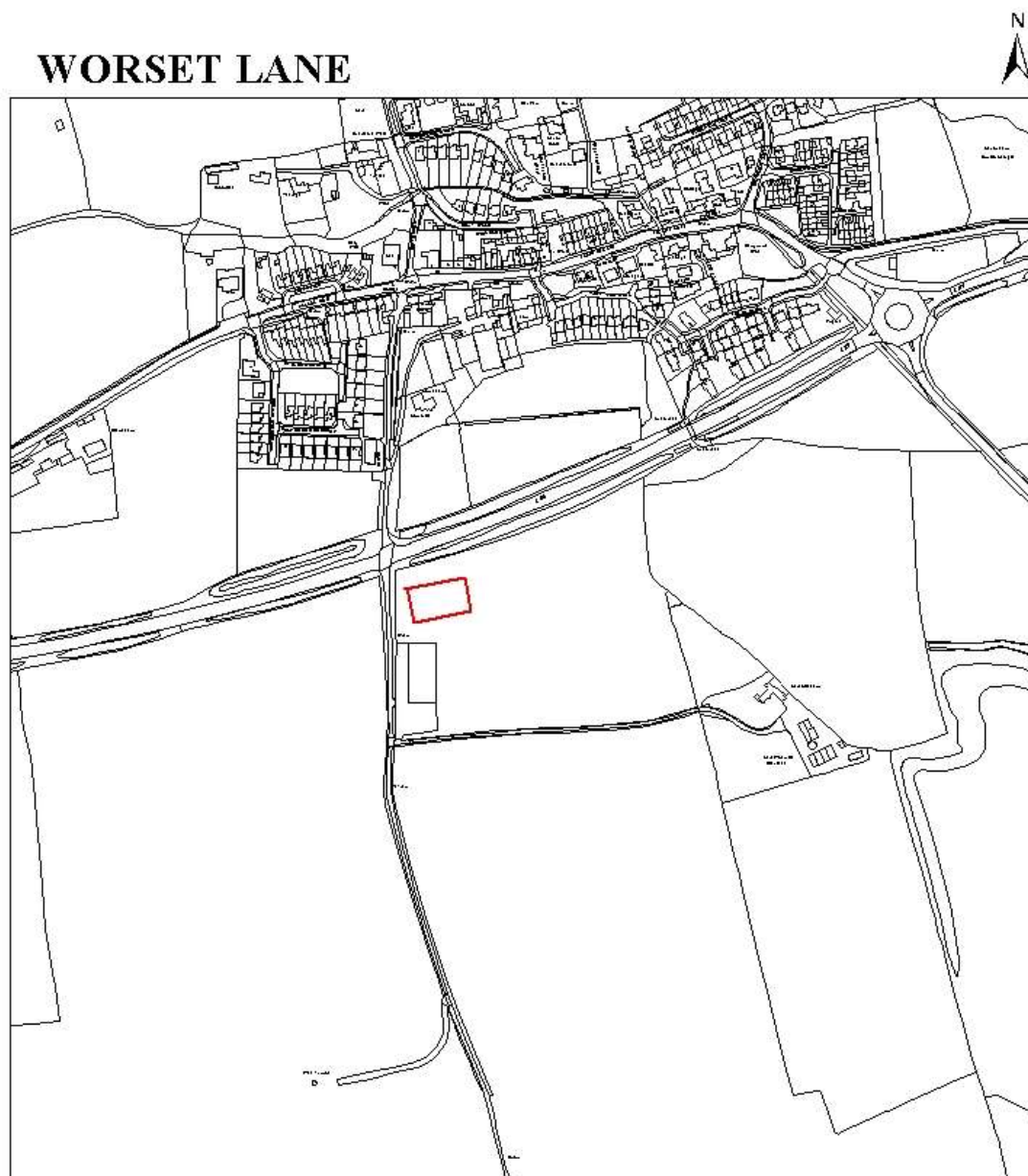
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0330	REV

No: 6
Number: H/2018/0344
Applicant: MRS B COX
Agent: N/A
Date valid: 11/09/2018
Development: Retrospective application for the installation of replacement front door
Location: 5 REGENT STREET, HARTLEPOOL

PURPOSE OF REPORT

6.1 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

6.2 The following planning applications are associated with the site:

6.3 HLBC/1998/0550 – Listed Building Consent to demolish rear outbuildings – Approved 03/09/1999.

6.4 H/2018/0345 – Listed Building Consent for installation of front door, pending consideration.

PROPOSAL

6.5 The application seeks retrospective permission for the installation of a replacement door to the front of the property. The former timber door to the property has been replaced with a composite door of a black colour with white uPVC frame.

6.6 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.

SITE CONTEXT

6.7 The application site is a mid-terrace, two storey property on Regent Street. The site is a Grade II listed building and is within the Headland Conservation Area. The surrounding area is typified by two and three storey residential properties.

PUBLICITY

6.8 The application has been advertised by way of four neighbour letters, site notice and a press notice. To date, one letter of support has been received from a neighbouring property commenting that the feel of the design is 'handsome':

6.9 Copy Letters E.

6.10 The period for publicity has expired.

CONSULTATIONS

6.11 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is a grade II listed building located in the Headland Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.'

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a vertical glazing bar. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature, sometimes running up the front

elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

The conservation area is considered to be at risk due to the loss of traditional detailing such as windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

This is a retrospective application for the removal of a timber panelled door and frame and its replacement with a composite door and frame.

Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the doors are not considered to be appropriate for use on listed buildings or within the conservation area.

It is considered that the proposal will cause less than substantial harm to the designated heritage assets, namely the listed building and the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Hartlepool Civic Society – The Society has studied the application for this Listed Building in the Conservation Area.

We would urge that the application should be changed and the replacement door should be replaced and constructed of timber, replacing the original features which would be in keeping with the original building. The appearance of this Listed Building will be diminished by the addition of a composite door.

Additionally, No 5 Regent Street forms part of a group - being No.'s 1-6 - therefore it is all the more important that the standard is kept up so as not to detract from neighbouring properties which are part of the listing. The street and square is one of the architectural gems of Hartlepool and materials are important.

It seems many applicants pick doors, etc from showrooms or catalogues without any reference to the situation in which they are to be situated - which are just not in keeping with their properties.

This is yet again, another retrospective application when residents must be aware of the Listed status of their properties and are situated in a Conservation Area.

We have already made representations to the Borough Council of our concerns regarding retrospective applications in Conservation Areas and consideration should be given to avoid these situations.

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

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

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

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

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

192	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

HBC Planning Policy Comments:

6.16 Planning policy object to the development.

6.17 The development is within a conservation area, as protected by policy HE3 of the Local Plan, and this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan specifies that the Council will seek to preserve, protect and enhance all heritage assets and it is considered that due to its location, this property is a heritage asset. It is considered that the replacement front door which has been fitted is not in keeping with the conservation area as it lacks traditional features, more detail of this is provided in the comments of the Heritage and Countryside Manager. It is considered that the conservation area is at risk, in part as a result of loss of detailing on features such as windows and doors. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy.

6.18 Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided information detailing such benefits, therefore in the view of policy, the public benefits of the development do not outweigh the harm caused to the heritage asset and the conservation area.

PLANNING CONSIDERATIONS

6.19 The main material planning considerations when considering this application are the impact on the character and appearance of the listed building and surrounding conservation area, the impact on the amenity of neighbouring land users and the impact upon highways safety.

IMPACT UPON DESIGNATED HERITAGE ASSETS (INCL. THE CHARACTER SETTING AND APPEARANCE OF THE LISTED BUILDING AND THE CONSERVATION AREA)

6.20 The host property comprises a grade II listed two storey building located in the Headland Conservation Area, both of which are considered to be designated heritage assets in regard to the determination of the application.

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

6.22 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

6.23 Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.'

6.24 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).

6.25 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.'

6.26 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

6.27 The detail and standard joinery evident on the Headland contributes to its unique character. Front doors are considered to be two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

6.28 The conservation area is considered to be at risk due to the loss of traditional detailing such as windows and doors. 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.

6.29 This is a retrospective application for the removal of a timber panelled door and frame and its replacement with a composite door and uPVC frame.

6.30 The Council's Heritage and Countryside Manager has advised that composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the door is not considered to be appropriate for use on listed buildings or within the conservation area.

6.31 The NPPF requires works that would result in less than substantial harm to the significance of a designated heritage asset is weighed against any public benefits of the proposal. The Council's Heritage and Countryside Manager has identified these works as being less than substantial harm to the designated heritage assets, namely the Grade II listed building of No. 5 Regent Street and the Headland Conservation Area.

6.32 It is acknowledged that the supporting documentation provided as part of the application indicates that the door was replaced out of necessity as the previous door had badly deteriorated, was not water tight and a substantial amount of heat was being lost from the building. This is noted, however there is no detail provided to indicate the level of damage caused, whether repair was possible and why a replacement timber door would not have been appropriate.

6.33 Furthermore it is considered that no justification for the need for its removal or what clear public benefit there could be to justify these works has been provided by the applicant (as required by the NPPF). Therefore, in this instance, it is considered that the identified 'harm' to the designated heritage assets would warrant a refusal of the application.

6.34 The applicant was made aware of the concerns of the Heritage and Countryside Manager and Hartlepool Civic Society. The case officer sought to work with the

applicant and recommended amendments to the application to a design more in keeping with the listed building and the conservation area (i.e. the use of timber instead of a composite door) in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not wish to amend the application.

AMENITY OF NEIGHBOURING OCCUPIERS

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

HIGHWAYS SAFETY

6.36 The Council's Traffic and Transport team were consulted on the proposal and have raised no objections to the application. It is considered that there are no changes to the separation distance to the highway or existing parking provision and therefore will not have a significant adverse impact upon highways safety or parking provision therefore the proposed development is acceptable in this regard.

CONCLUSION

6.37 Whilst the circumstances surrounding the reason the door to the property has been replaced are noted, it is considered that the composite door and uPVC frame cause less than substantial harm to the significance of the listed building and 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 Grade II listed building of No. 5 Regents Street and the Headland Conservation Area, contrary to policies HE1, HE3 and HE4 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.40 There are no Section 17 implications.

REASON FOR DECISION

6.41 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 composite door and uPVC frame cause less than substantial harm to the Grade II listed building of No. 5 Regents Street and the Headland 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 listed building of No. 5 Regents Street and the Headland Conservation Area, contrary to policies HE1, HE3 and HE4 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

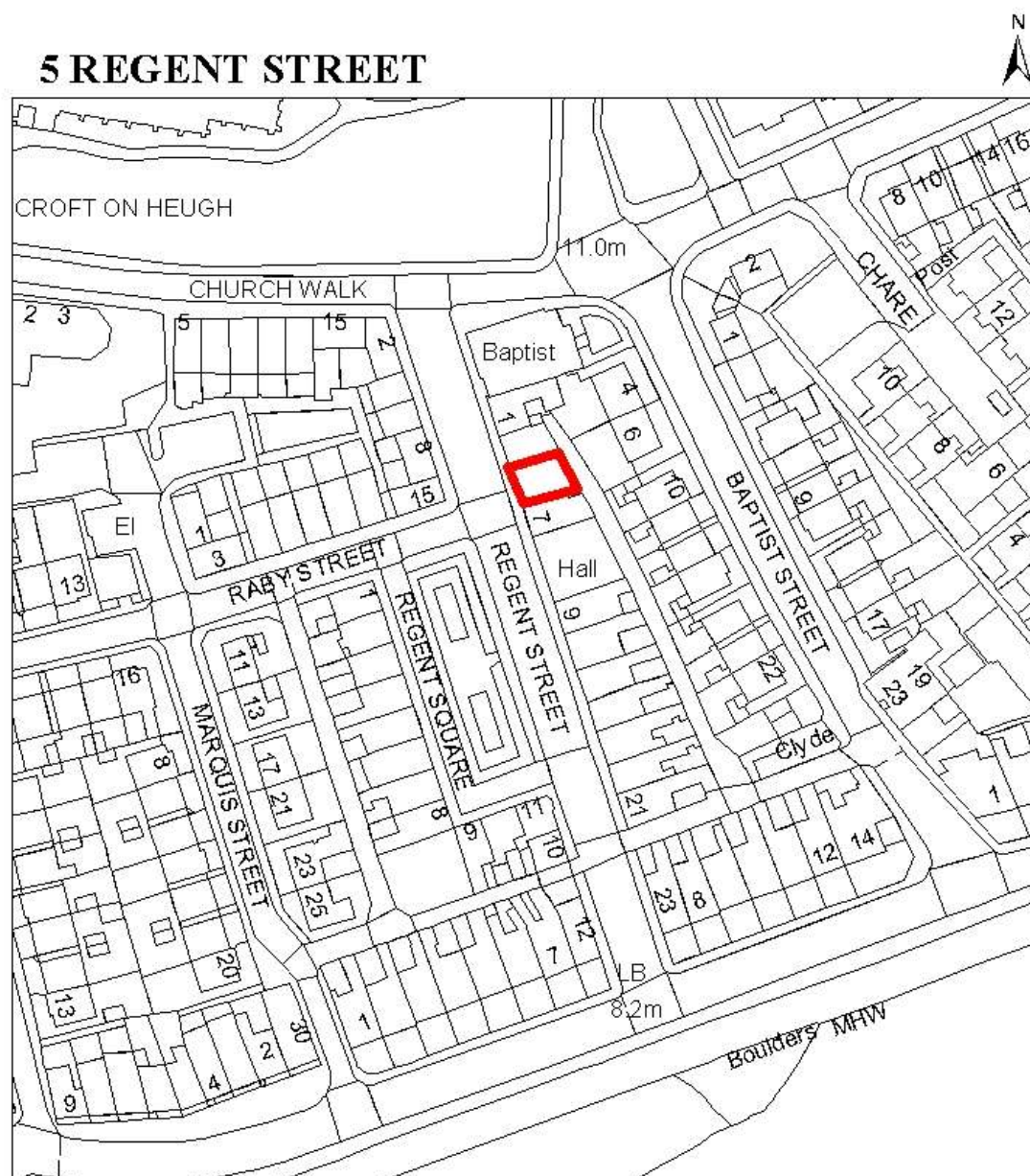
6.42 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0344 H/2018/0345	REV

No: 7
Number: H/2018/0345
Applicant: MRS B COX
Agent: N/A
Date valid: 11/09/2018
Development: Listed building consent for the installation of replacement front door (retrospective application)
Location: 5 REGENT STREET, HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 The following planning application is associated with the site:

7.3 HLBC/1998/0550 – Listed Building Consent to demolish rear outbuildings – Approved 03/09/1999.

7.4 H/2018/0344 – Retrospective application for replacement door, pending consideration.

PROPOSAL

7.5 Listed Building Consent is sought for the installation of a replacement composite door of a black colour with white uPVC frame to the front of the property.

7.6 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.

SITE CONTEXT

7.7 The application site is a mid-terrace, two storey property on Regent Street. The site is a Grade II listed building and is within the Headland Conservation Area. The surrounding area is typified by two and three storey residential properties.

PUBLICITY

7.8 The application has been advertised by way of four neighbour letters, site notice and a press notice. To date, three responses (1 objection, 1 support, 1 no objection) have been received from neighbouring properties commenting on the application on the following grounds:

7.9 Objection:

- I feel that one of the (few) jewels in Hartlepool's crown is under threat, and the charm and character of the historic headland is being eroded by loosely enforced planning laws.
- Depending on budget there are always acceptable and sympathetic upgrade options available.
- It's time to think about the big picture and the benefits that heritage brings to local economic status.
- Improving the attractiveness of a deprived but improving area of the town can only be positive and stimulate further economic benefits.

7.10 Support:

- We look at the door of No. 5 Regent Street and there is no problem with it. It is a big improvement to some of the wooden doors in the Street.

7.11 Copy Letters **F**

7.12 The period for publicity has expired.

CONSULTATIONS

7.13 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is a grade II listed building located in the Headland Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.'

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desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

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The conservation area is considered to be at risk due to the loss of traditional detailing such as windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

This is a retrospective application for the removal of a timber panelled door and frame and its replacement with a composite door and frame.

Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the doors are not considered to be appropriate for use on listed buildings or within the conservation area.

It is considered that the proposal will cause less than substantial harm to the designated heritage assets, namely the listed building and the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Hartlepool Civic Society – The Society has studied the application for this Listed Building in the Conservation Area.

We would urge that the application should be changed and the replacement door should be replaced and constructed of timber, replacing the original features which would be in keeping with the original building. The appearance of this Listed Building will be diminished by the addition of a composite door.

Additionally, No 5 Regent Street forms part of a group - being No.'s 1-6 - therefore it is all the more important that the standard is kept up so as not to detract from neighbouring properties which are part of the listing. The street and square is one of the architectural gems of Hartlepool and materials are important.

It seems many applicants pick doors, etc from showrooms or catalogues without any reference to the situation in which they are to be situated - which are just not in keeping with their properties.

This is yet again, another retrospective application when residents must be aware of the Listed status of their properties and are situated in a Conservation Area.

We have already made representations to the Borough Council of our concerns regarding retrospective applications in Conservation Areas and consideration should be given to avoid these situations.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

7.15 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.

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

Para	Subject
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

Hartlepool Local Plan 2018

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

Policy	Subject
QP6	Technical matters
HE1	Heritage assets
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

HBC Planning Policy Comments:

7.18 Planning policy object to the development.

7.19 The development is within a conservation area, as protected by policy HE3 of the Local Plan, and this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan specifies that the Council will seek to preserve, protect and enhance all heritage assets and it is considered that due to its location, this property is a heritage asset. It is considered that the replacement front door which has been fitted is not in keeping with the conservation area as it lacks traditional features, more detail of this is provided in the comments of the Heritage and Countryside Manager. It is considered that the conservation area is at risk, in part as a result of loss of detailing on features such as windows and doors. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy.

7.20 Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided information detailing such benefits, therefore in the view of policy, the public benefits of the development do not outweigh the harm caused to the heritage asset and the conservation area.

PLANNING CONSIDERATIONS

7.21 The main issues for consideration in this instance are the impact of the proposal on the character and setting of the listed building.

IMPACT ON CHARACTER AND SETTING OF THE LISTED BUILDING

7.22 The host property comprises a grade II listed two storey building which is set within the Headland Conservation Area, both of which are considered to be designated heritage assets in regard to the determination of the application.

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

7.24 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

7.25 Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.'

7.26 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

7.27 The detail and standard joinery evident on the Headland contributes to its unique character. Front doors are considered to be two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

7.28 This is a retrospective application for the removal of a timber panelled door and frame and its replacement with a composite door and uPVC frame.

7.29 It is considered that composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the doors are not considered to be appropriate for use on listed buildings or within the conservation area.

7.30 The NPPF requires works that would result in less than substantial harm to the significance of a designated heritage asset is weighed against any identified public

benefit. The Council's Heritage and Countryside Manager has identified these works as being less than substantial harm to the designated heritage assets, namely the Grade II listed building of No. 5 Regent Street and its setting within the Headland Conservation Area.

7.31 It is acknowledged that the supporting documentation provided as part of the application indicates that the door was replaced out of necessity as the previous door had badly deteriorated, was not water tight and a substantial amount of heat was being lost from the building. This is noted, however there is no detail provided to indicate the level of damage caused, whether repair was possible and why a replacement timber door would not have been appropriate.

7.32 Furthermore it is considered that no justification for the need for its removal or what clear public benefit there could be to justify these works has been provided by the applicant. Therefore, in this instance, it is considered that the identified 'harm' to the listed building of No. 5 Regent Street and its setting within the Headland Conservation Area would warrant a refusal of the application.

7.33 The applicant was made aware of the concerns of the Heritage and Countryside Manager and Hartlepool Civic Society. The case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the listed building and the conservation area (i.e. the use of timber instead of a composite door) in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not wish to amend the application.

RESIDUAL MATTERS

7.34 It is acknowledged that comments have been received from internal and external consultees and neighbouring properties with respect to the impacts of the proposal on the amenity and privacy of neighbouring land users and highway, pedestrian safety and car parking. These matters are beyond the scope of this application for Listed Building Consent however have been considered in full as part of the associated full application for planning permission (ref: H/2018/0344) received at the same time as this application.

CONCLUSION

7.35 Whilst the circumstances surrounding the reason the door to the property has been replaced are noted, it is considered that the composite door and uPVC frame cause less than substantial harm to the significance of the listed building and 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 Grade II listed building of No. 5 Regent Street and its setting within the Headland Conservation Area.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.38 There are no Section 17 implications.

REASON FOR DECISION

7.39 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 composite door and uPVC frame causes less than substantial harm to the Grade II listed building of No. 5 Regents Street and its setting within the Headland 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 listed building of No. 5 Regents Street and its setting within the Headland Conservation Area.

BACKGROUND PAPERS

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

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

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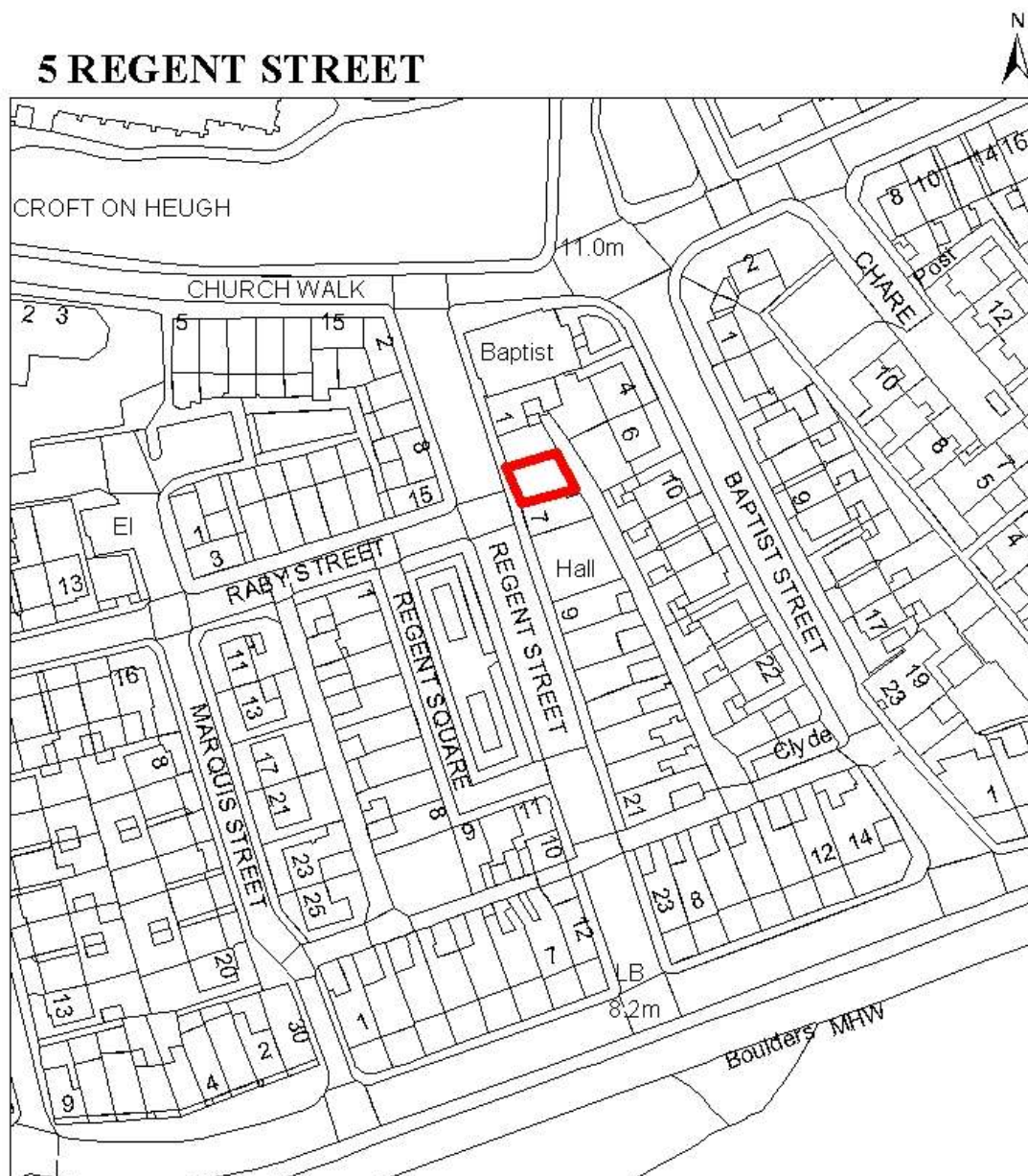
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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	REV

No: 8
Number: H/2018/0368
Applicant: MR D ATTER
Agent:
Date valid: 18/09/2018
Development: Retrospective application for the installation of composite front door and frame and upvc windows to rear of property
Location: 21 REGENT STREET, HARTLEPOOL

PURPOSE OF REPORT

8.1 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

8.2 H/2018/0369 – Associated Listed Building Consent application, currently pending consideration.

PROPOSAL

8.3 The application seeks retrospective permission for the installation of a replacement door to the front of the property and upvc windows to rear of property. The former timber door to the front of the property has been replaced with a composite door of a blue colour with white uPVC frame. With regard to the windows to the rear of the property, the only information that has been provided are in regards to the details of the installed windows (white uPVC windows) and no evidence has been provided on what these windows replaced.

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

SITE CONTEXT

8.5 The application site is an end terrace, two storey property on Regent Street. The site is a Grade II listed building and is within the Headland Conservation Area. The surrounding area is typified by two and three storey residential properties.

PUBLICITY

8.6 The application has been advertised by way of seven neighbour letters, site notice and a press notice. To date, one response has been received from neighbouring property of No. 8 Albion Terrace, who supports the application but submitted no additional comments in regards to the application.

8.7 Copy Letters **G**

8.8 The period for publicity has expired.

CONSULTATIONS

8.9 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is a grade II listed building located in the Headland Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations.'

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier types of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

The Headland Conservation Area is considered to be 'at risk' using the Historic England methodology due to the accumulation of alterations resulting in a loss of traditional details. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The proposal is a retrospective application for the installation of a composite door to the front of the property and uPVC windows to the rear of the building.

Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the doors are not considered to be appropriate for use on listed buildings or within the conservation area.

It is considered that the proposal will cause less than substantial harm to the designated heritage assets, namely the listed building and the Headland Conservation Area.

With regard to the windows to the rear of the property, the only information that has been provided are details of the installed windows, no evidence has been provided on what these windows replaced.

With regard to the two windows shown in the main building the assumption can be made that these replaced traditionally detailed windows, i.e. a sliding sash window and a bay window in timber. In light of this the replacement windows are contrary to the Policy Guidelines agreed by Planning Committee in 2009, which state, 'Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.'

It is considered that these two windows cause less than substantial harm to the significance of the listed building and the wider conservation area. This is because they are of a modern design and not traditionally detailed. In particular the upper

floor window opening features a casement window with a top opening light rather than the proportions of a sash window. Furthermore whilst the bay to the ground floor would appear to be a later addition it is clear that this also contrary to the above policy as it is unlikely that such a bay window would be detailed with flat fixed mullions and glazing bars with only a single opening window.

In relation to the windows in the offshoot these are of a modern design. The Policy Guidelines state, 'Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.' Given that this is an extension to the building and the window openings shown are not of a proportion that would accept a traditional sash window, there would be no objection to this element of the proposal.

Considering the application as a whole it is considered that the accumulation of these alterations would cause less than substantial harm to the listed building and the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Hartlepool Civic Society – The Society has perused the application for this retrospective application for the listed building.

We note the application includes replacement door with a composite one. The listing actually mentions the panelled door. The new replacement door is not in keeping with the original – its glazing panels are more 1930s rather than early 1800s.

We feel that yet again, we have another retrospective application of an inappropriate replacement to a listed property when residents must be aware of the Listed Status of their properties in Conservation Areas. The fine details of those properties should be retained.

As we have already raised our concerns with the Borough Council, the seemingly trend of retrospective applications it is becoming imperative that consideration should be given to avoid these situations or important and significant Conservation Areas will be at risk.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

8.11 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent.

There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

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

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

HBC Planning Policy Comments:

8.14 Planning policy object to the development.

8.15 The development is within a conservation area, as protected by policy HE3 of the Local Plan, and this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan specifies that the Council will seek to preserve, protect and enhance all heritage assets and it is considered that due to its location, that the property is a heritage asset. It is considered that the replacement front door and rear windows which have been fitted are not in keeping with the conservation area as they are lacking in traditional features. It is considered that the conservation area is at risk, in part as a result of a loss of detailing on features such as windows and doors. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy.

8.16 Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided information detailing such benefits, therefore in the view of policy, the public benefits of the development do not outweigh the harm caused to the heritage asset and the conservation area.

PLANNING CONSIDERATIONS

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

IMPACT UPON DESIGNATED HERITAGE ASSETS (INCL. THE SETTING, CHARACTER AND APPEARANCE OF THE LISTED BUILDING AND THE CONSERVATION AREA)

8.18 The host property comprises a grade II listed two storey building located in the Headland Conservation Area, both of which are considered to be designated heritage assets in regard to the determination of the application.

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

8.20 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

8.21 Policy HE4 of the local plan states the Borough Council will seek to ‘conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.’

8.22 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).

8.23 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.’

8.24 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council’s Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

8.25 The detail and standard joinery evident on the Headland contributes to its unique character and it is considered that windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. However, it is noted that some of the earlier types of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

8.26 The Headland Conservation Area is considered to be ‘at risk’ using the Historic England methodology due to the accumulation of alterations resulting in a loss of traditional details. 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.

8.27 The proposal is a retrospective application for the installation of a composite door to the front of the property and uPVC windows to the rear of the building.

8.28 It is considered that composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and

reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the door is not considered to be appropriate for use on listed buildings or within the conservation area.

8.29 With regard to the windows to the rear of the property, the only information that has been provided are details of the installed windows, no evidence has been provided on what these windows replaced. With regard to the two windows shown in the main building the assumption can be made that these replaced traditionally detailed windows, i.e. a sliding sash window and a bay window in timber. In light of this the replacement windows are contrary to the Policy Guidelines agreed by Planning Committee in 2009, which state, 'Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.'

8.30 It is considered that these two windows cause less than substantial harm to the significance of the listed building and the wider conservation area. This is because they are of a modern design and not traditionally detailed. In particular the upper floor window opening features a casement window with a top opening light rather than the proportions of a sash window. Furthermore whilst the bay to the ground floor would appear to be a later addition it is clear that this also contrary to the above policy as it is unlikely that such a bay window would be detailed with flat fixed mullions and glazing bars with only a single opening window.

8.31 The NPPF requires works that would result in less than substantial harm to the significance of a designated heritage asset is weighed against any public benefits of the proposal. The Council's Heritage and Countryside Manager has identified these works as being less than substantial harm to the designated heritage assets, namely the listed building of No. 21 Regent Street and the Headland Conservation Area.

8.32 In relation to the windows in the offshoot these are of a modern design. The Policy Guidelines state, 'Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.' Given that this is an extension to the building and the window openings shown are not of a proportion that would accept a traditional sash window, the Council's Heritage and Countryside Manager has confirmed there would be no objection to this element of the proposal.

8.33 When considering the application as a whole, it is considered that the accumulation of these alterations would cause less than substantial harm to the listed building and the Headland Conservation Area. Furthermore, no justification in regards to the need for the removal of the original features or to demonstrate that this harm will be outweighed by any public benefits has been provided by the applicant. Therefore, in this instance, it is considered that the identified 'harm' to the designated heritage assets would warrant a refusal of the application.

8.34 The applicant was made aware of the concerns of the Heritage and Countryside Manager and Hartlepool Civic Society. The case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the listed building and the conservation area in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not wish to amend the application.

AMENITY OF NEIGHBOURING OCCUPIERS

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

HIGHWAYS SAFETY

8.36 It is considered that there are no changes to the separation distance to the highway or existing parking provision and therefore will not have a significant adverse impact upon highways safety or parking provision therefore the proposed development is acceptable in this regard.

CONCLUSION

8.37 Whilst the circumstances surrounding the reasons for replacement of the door and windows to the property are noted, it is considered that composite door and uPVC frame to the front of the property and the uPVC windows to the rear of the property cause less than substantial harm to the significance of the listed building and 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 Grade II listed building of No. 21 Regents Street and the Headland Conservation Area, contrary to policies HE1, HE3 and HE4 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

8.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.39 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.

8.40 There are no Section 17 implications.

REASON FOR DECISION

8.41 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 composite door and uPVC frame to the front of the property and the 2 no. uPVC windows to the main rear of the property cause less than substantial harm to the Grade II listed building of No. 21 Regents Street and the Headland 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 listed building of No. 21 Regents Street and the Headland Conservation Area, contrary to policies HE1, HE3 and HE4 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

BACKGROUND PAPERS

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

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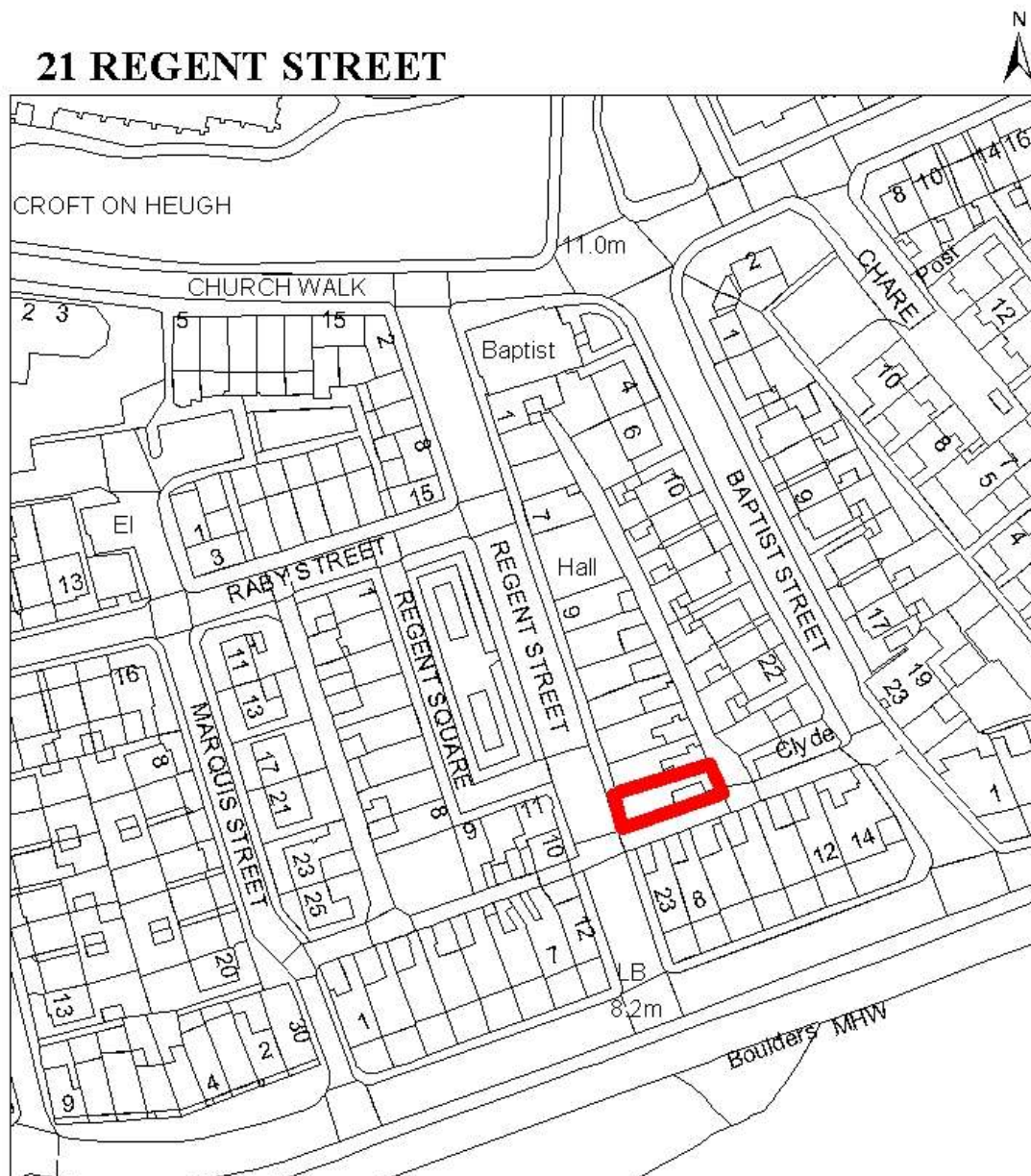
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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0368 H/2018/0369	REV

No: 9
Number: H/2018/0369
Applicant: MR D ATTER
Agent: N/A
Date valid: 18/09/2018
Development: Listed building consent for the installation of composite front door and frame and upvc windows to rear of property (retrospective application)
Location: 21 REGENT STREET, HARTLEPOOL

PURPOSE OF REPORT

9.1 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

9.2 H/2018/0344 – Associated retrospective planning application, currently pending consideration.

PROPOSAL

9.3 Listed Building Consent is sought for the installation of a replacement composite door of a blue colour to the front of the property and white upvc windows to rear of property.

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

SITE CONTEXT

9.5 The application site is an end terrace, two storey property on Regent Street. The site is a Grade II listed building and is within the Headland Conservation Area. The surrounding area is typified by two and three storey residential properties.

PUBLICITY

9.6 The application has been advertised by way of seven neighbour letters, site notice and a press notice. To date, no responses have been received by the Local Planning Authority with regards to the mentioned application.

9.7 The period for publicity has expired.

CONSULTATIONS

9.8 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is a grade II listed building located in the Headland Conservation Area, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations.'

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier types of multi-paned

sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

The Headland Conservation Area is considered to be 'at risk' using the Historic England methodology due to the accumulation of alterations resulting in a loss of traditional details. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The proposal is a retrospective application for the installation of a composite door to the front of the property and uPVC windows to the rear of the building.

Composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the doors are not considered to be appropriate for use on listed buildings or within the conservation area.

It is considered that the proposal will cause less than substantial harm to the designated heritage assets, namely the listed building and the Headland Conservation Area.

With regard to the windows to the rear of the property, the only information that has been provided are details of the installed windows, no evidence has been provided on what these windows replaced.

With regard to the two windows shown in the main building the assumption can be made that these replaced traditionally detailed windows, i.e. a sliding sash window and a bay window in timber. In light of this the replacement windows are contrary to the Policy Guidelines agreed by Planning Committee in 2009, which state, 'Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.'

It is considered that these two windows cause less than substantial harm to the significance of the listed building and the wider conservation area. This is because they are of a modern design and not traditionally detailed. In particular the upper floor window opening features a casement window with a top opening light rather than the proportions of a sash window. Furthermore whilst the bay to the ground floor would appear to be a later addition it is clear that this also contrary to the above

policy as it is unlikely that such a bay window would be detailed with flat fixed mullions and glazing bars with only a single opening window.

In relation to the windows in the offshoot these are of a modern design. The Policy Guidelines state, 'Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.' Given that this is an extension to the building and the window openings shown are not of a proportion that would accept a traditional sash window, there would be no objection to this element of the proposal.

Considering the application as a whole it is considered that the accumulation of these alterations would cause less than substantial harm to the listed building and the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Hartlepool Civic Society – The Society has perused the application for this retrospective application for the listed building.

We note the application includes replacement door with a composite one. The listing actually mentions the panelled door. The new replacement door is not in keeping with the original – its glazing panels are more 1930s rather than early 1800s.

We feel that yet again, we have another retrospective application of an inappropriate replacement to a listed property when residents must be aware of the Listed Status of their properties in Conservation Areas. The fine details of those properties should be retained.

As we have already raised our concerns with the Borough Council, the seemingly trend of retrospective applications it is becoming imperative that consideration should be given to avoid these situations or important and significant Conservation Areas will be at risk.

PLANNING POLICY

9.9 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)

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.

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

Para	Subject
2	Primacy of the Development Plan
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

Hartlepool Local Plan 2018

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

Policy	Subject
HE1	Heritage assets
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

HBC Planning Policy Comments:

9.12 Planning policy object to the development.

9.13 The development is within a conservation area, as protected by policy HE3 of the Local Plan, and this policy states that regard must be given to the design and finishes of a development being complementary to the character and appearance of the conservation area. Policy HE1 of the Local Plan specifies that the Council will seek to preserve, protect and enhance all heritage assets and it is considered that due to its location, that the property is a heritage asset. It is considered that the replacement front door and rear windows which have been fitted are not in keeping with the conservation area as they are lacking in traditional features. It is considered that the conservation area is at risk, in part as a result of a loss of detailing on features such as windows and doors. As a result of this, it is considered that the proposal will cause less than substantial harm to the heritage asset and therefore is contrary to policy.

9.14 Paragraph 196 of the NPPF highlights that if development will lead to less than substantial harm to the significance of a heritage asset, then the harm should be weighed against the public benefits of the proposal. The applicant has not provided information detailing such benefits, therefore in the view of policy, the public benefits

of the development do not outweigh the harm caused to the heritage asset and the conservation area.

PLANNING CONSIDERATIONS

9.15 The main issues for consideration in this instance are the impact of the proposal on the character and setting of the listed building.

IMPACT ON CHARACTER AND THE SETTING OF THE LISTED BUILDING

9.16 The host property comprises a grade II listed two storey building which is set within the Headland Conservation Area, both of which are considered to be designated heritage assets in regard to the determination of the application.

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

9.18 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 193 and 194, NPPF).

9.19 Policy HE4 of the local plan states the Borough Council will seek to 'conserve or enhance the town's listed buildings by resisting unsympathetic alterations, [and] encouraging appropriate physical improvement work.'

9.20 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

9.21 The detail and standard joinery evident on the Headland contributes to its unique character and it is considered that windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. However, it is noted that some of the earlier types of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

9.22 The proposal is a retrospective application for the installation of a composite door to the front of the property and uPVC windows to the rear of the building.

9.23 It is considered that composite doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between composite material and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A composite door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. In addition to this the doors are constructed differently and therefore the finer detailing found in moulding and frame or just the basic construction of the door is not replicated in a composite door or its frame. For this reason the door is not considered to be appropriate for use on listed buildings or within the conservation area.

9.24 With regard to the windows to the rear of the property, the only information that has been provided are details of the installed windows, no evidence has been provided on what these windows replaced. With regard to the two windows shown in the main building the assumption can be made that these replaced traditionally detailed windows, i.e. a sliding sash window and a bay window in timber. In light of this the replacement windows are contrary to the Policy Guidelines agreed by Planning Committee in 2009, which state, 'Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.'

9.25 It is considered that these two windows cause less than substantial harm to the significance of the listed building and the wider conservation area. This is because they are of a modern design and not traditionally detailed. In particular the upper floor window opening features a casement window with a top opening light rather than the proportions of a sash window. Furthermore whilst the bay to the ground floor would appear to be a later addition it is clear that this also contrary to the above policy as it is unlikely that such a bay window would be detailed with flat fixed mullions and glazing bars with only a single opening window.

9.26 The NPPF requires works that would result in less than substantial harm to the significance of a designated heritage asset is weighed against an identified public benefit. The Council's Heritage and Countryside Manager has identified these works as being less than substantial harm to the designated heritage assets, namely the listed building of No. 21 Regent Street and its setting within the Headland Conservation Area.

9.27 In relation to the windows in the offshoot these are of a modern design. The Policy Guidelines state, 'Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.' Given that this is an extension to the building and the window openings shown are not of a proportion that would accept a traditional sash window, the HBC Heritage and Countryside Manager has confirmed that there would be no objection to this element of the proposal.

9.28 When considering the application as a whole, it is considered that the accumulation of these alterations would cause less than substantial harm to the listed building and its setting within the Headland Conservation Area. Furthermore, no justification in regards to the need for the removal of the original features or to

demonstrate that this harm will be outweighed by the public benefits of the proposal has been provided by the applicant. Therefore, in this instance, it is considered that the identified 'harm' to the listed building of No. 21 Regent Street and the its setting within the Headland Conservation Area would warrant a refusal of the application.

9.29 The applicant was made aware of the concerns of the Heritage and Countryside Manager and Hartlepool Civic Society. The case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the listed building and the conservation area in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not amend the application.

RESIDUAL MATTERS

9.30 In respect of the impacts of the proposal on the amenity and privacy of neighbouring land users and highway, pedestrian safety and car parking it is considered that these matters are beyond the scope of this application for Listed Building Consent however have been considered in full as part of the associated full application for planning permission (ref: H/2018/0368) received at the same time as this application.

CONCLUSION

9.31 Whilst the circumstances surrounding the reasons for replacement of the door and windows to the property are noted, it is considered that composite door and uPVC frame to the front of the property and the 2 no uPVC windows to the main rear of the property cause less than substantial harm to the significance of the listed building and 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 Grade II listed building of No. 21 Regents Street and its setting within the Headland Conservation Area.

EQUALITY AND DIVERSITY CONSIDERATIONS

9.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.33 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.

9.34 There are no Section 17 implications.

REASON FOR DECISION

9.35 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 composite door and uPVC frame to the front of the property and the 2 no uPVC windows to the main rear of the property causes less than substantial harm to the Grade II listed building of No. 21 Regents Street and the Headland 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 listed building of No. 21 Regents Street and its setting within the Headland Conservation Area.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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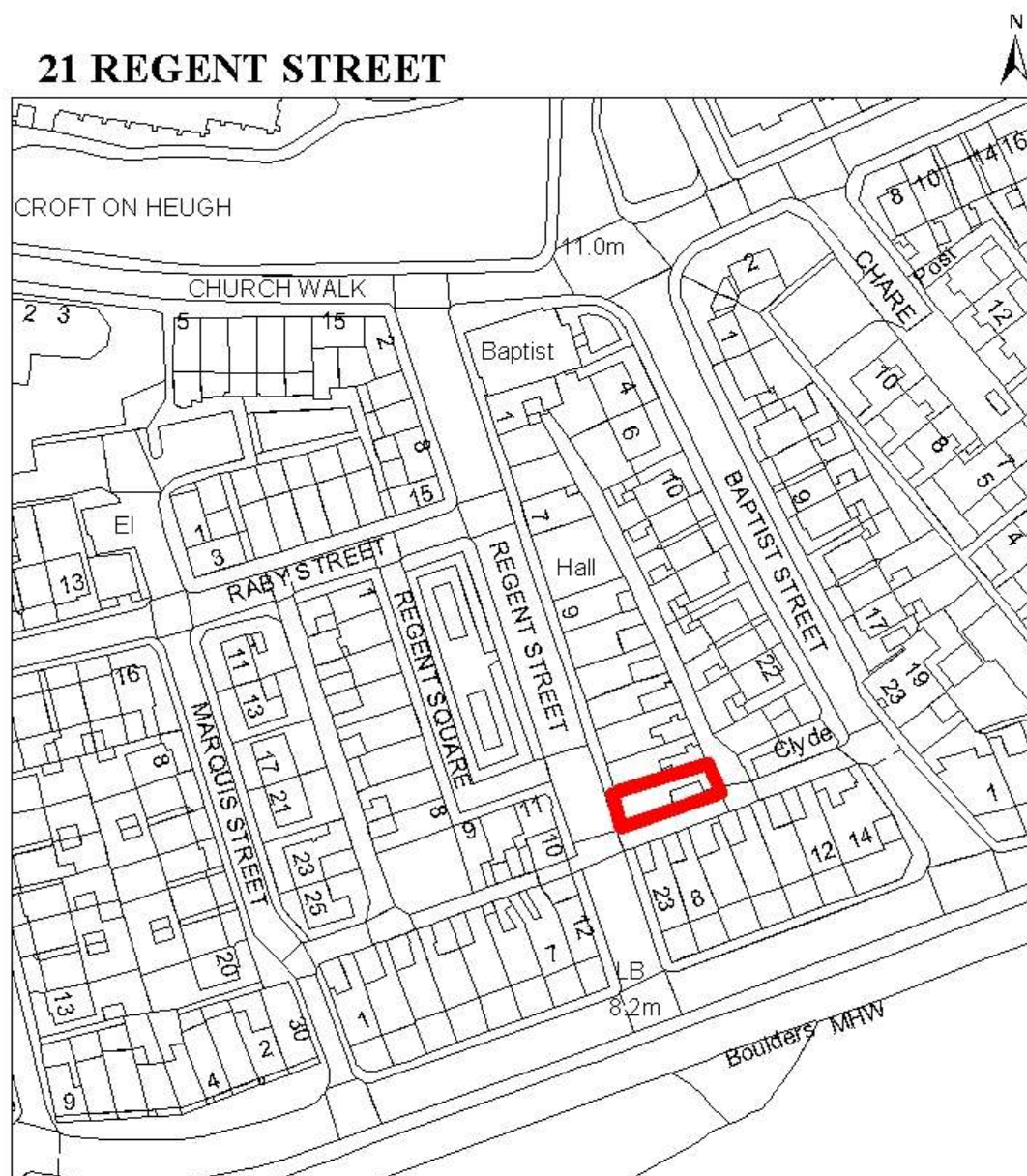
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/11/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0368 H/2018/0369	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

28th November 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: UNITS 30-34 NAVIGATION POINT, MIDDLETON ROAD, HARTLEPOOL TS24 0UG
APPEAL REF(s): APP/H0724/C/18/3196353, APP/H0724/W/18/3193746
CHANGE OF USE OF CAR PARKING AREA TO EXTERNAL SEATING AND ASSOCIATED WORKS (RETROSPECTIVE APPLICATION) (H/2017/0469).

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning and enforcement appeal that has been determined in respect of a retrospective planning application for the change of use of car parking area to external seating and associated works to the front of Units 30-34 Navigation Point, and the associated enforcement notice.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

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4. AUTHOR

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Appeal Decisions

Site visit made on 30 October 2018

by **Anthony J Wharton** BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2018

Appeal A - Ref: APP/H0724/C/18/3196353

Units 30-34 Navigation Point, Middleton Road, Hartlepool TS24 0UG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Darragh against an enforcement notice issued by Hartlepool Borough Council (the LPA).
- The enforcement notice was issued on 15 January 2018.
- The breach of planning control as alleged in the notice is the change of use of car parking area to external seating area and associated works.
- The requirements of the notice are as follows:
 - (i) Cease the use of the land as and external seating area.
 - (ii) Restore the land to its previous condition/use including removal of seating and benches, relocation of the kerb line to its former position and re-instating of the car parking bays as they were previously laid out.
- The period for compliance with the requirements is 2 months
- The appeal is proceeding on grounds (a), (g) and (e) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.

Appeal B - Ref: APP/H0724/W/18/3193746

Units 30-34 Navigation Point, Middleton Road, Hartlepool TS24 0UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Darragh against a refusal by Hartlepool Borough Council.
- The application, reference H/2017/0469, dated 29 August 2017, was refused by notice dated 29 November 2017.
- The application was for the change of use of car parking area to external seating and associated works (retrospective application) to the front of Units 30-34.

Decisions

1. Both appeals are dismissed. See formal decisions below.

Background information and relevant policy

2. The works were carried out in in early 2017. In August 2017 the retrospective application (now Appeal B) was submitted. This was refused in November 2017 for two reasons: firstly the effect of the development on visual and residential amenity and, secondly, the effect on highway safety, the loss of parking and potential congestion.

3. At that time the relevant policies were saved policies, set out in the Hartlepool Local Plan (2006). National planning policy was set out in the previous version of the National Planning Policy Framework (NPPF) which was superseded in July 2018. The proposals are now considered in the context of the adopted Hartlepool Local Plan and the revised July 2018 NPPF. Section 38(6) of the Planning and

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

Appeal Decision APP/H0724/C/18/3196353

Compensation Act 2004 requires that any determination under the Planning Acts must be made in accordance with the development plan for the area, unless material considerations indicate otherwise.

4. The NPPF is a major material consideration and the most relevant parts are set out in the sections relating to determination of applications in accordance with the development plan; achieving sustainable development and requiring good design. The relevant HLP policies are LS1 (Locational Strategy); LT1 (Leisure and Tourism); LT2 (Tourism Development in the Marina); SUS1 (Presumption in Favour of Sustainable Development); QP3 (Location, Accessibility Highway Safety and Parking); QP4 (Layout and Design of Development); QP5 (Safety and Security) and RC12 (The Marina and Leisure Park).

The appeal site and the surrounding area

5. The appeal site is located on 10 former car parking spaces (24m x 5m) to the front of Units 30-34 at Navigation Point within the Hartlepool Marina area. It lies at the junctions of Navigation Point, Harbour Walk and Middleton Road within the Marina on the western edge of the town centre. It is bounded by Middleton Road to the north and the existing footpath to the south. Navigation Point itself is a high rise mixed use block in a prominent position with commercial uses on the ground floor and residential flats above. To the south-west of the appeal site there is further parking in the main car park for this part of the Marina.

6. The site area has been surfaced with block paving similar to existing paved finishes and the kerb-line. The hardstanding sits flush with the level of the pavement. The application for planning permission (the subject of Appeal B) included a change of use of the land from parking to the commercial uses carried out within Units 30-34. The street furniture consists of timber picnic benches, tabling and seating outside of the premises known as 'Oh this is Us'. At the time of my site visit I noted that the seating and tabling shown in the submitted photographs had been changed to a different design which included round tables with attached seating and constructed in timber.

Appeal A on ground (e)

Service of the Notice

7. It is contended on behalf of the appellant that the notice was not served correctly. It is indicated that although the notice was served on the land owners, it was not served correctly on those who occupy the units. It is considered, therefore, that it was not served correctly in accordance with section 172(2) of the Act. The Council indicates that it had previously provided a list of names and addresses of all persons on whom a copy of the notice was served (sent by e-mail to the Planning Inspectorate in August 2018). The Council states that it sent copies by first class post to all persons on the list but that all but two were returned undelivered. It is indicated that the Council's Enforcement Officer (CEO) hand delivered copies to the remaining affected premises and that the list included all persons who were either the owner or the occupier of land to which the notice relates.

8. This information appears to be correct and clearly the appellant has been able to make a valid appeal against the notice. It cannot be claimed, therefore, that the appellant has been prejudiced by non-service. In any case, section 176(5) of the 1990 Act is clear in setting out that the Secretary of State (and therefore an appointed Inspector) may disregard the fact that an appellant was not served with a notice, if he/she has not been substantially prejudiced by the failure to serve. I do not consider that any injustice has been caused and the appeal fails on ground (e).

Appeal A on ground (a) and Appeal B*The main issues*

9. The main issues in both appeals are as follow:

- The effect of the external seating area and associated works on the character and appearance of this part of Hartlepool Marina.
- The effect on the living conditions of nearby residents, with particular reference to noise and disturbance.
- The effects relating to highway safety, loss of parking and potential congestion in the locality.

Character and appearance

10. In support of the appeals, 4 previous planning applications relating to the use of outdoor seating along the Navigation Point frontage are referred to. It is stressed that in each of these cases the relevant Committee Report, when considering the effect on visual amenity, stated that *'the provision of outdoor seating is considered to be both appropriate for the setting of the area and in keeping with the character and ambience of this busy Marina location'*. During my visit I walked the full length of the frontage and noted all of the other outdoor seating areas which were mainly under the canopy to the building frontage. Clearly, therefore the principle of outdoor seating areas for commercial premises in the locality is acceptable. However, each must be considered on its merits and this is how I have dealt with these appeals.

11. On behalf of the appellant it is indicated that in this case the Committee Report concedes that the hardstanding used to infill the row of parking bays is *'largely in keeping with the existing paving in the area'*. It is also contended that the timber picnic benches and furniture is not incongruous in what is primarily a leisure location where other wooden street furniture is already prominent. It is considered, therefore to have a relationship to the surrounding area that reflects a high standard of design in accordance with the relevant policies.

12. In particular it is considered to accord with policies QP4 and QP2 of the HLP in that it respects the surrounding buildings, structures and the environment as well as using appropriate materials and colour. The furniture is considered to be appropriately designed, well-located, complimentary and appropriate in the overall context of Navigation Point. In relation to the NPPF it is considered that the works constitute a high quality of design in this particular location. The works are not considered to have a detrimental impact on the area and a neighbouring business has written to support the retention of the external seating.

13. As indicated above the Council accepts that the block paving is generally in keeping with the existing paving in the area. However it is stressed that the seating is located in a prominent location at this noticeable junction, which forms the primary entrance to this part of the Marina. It is considered that the works have led to a proliferation of timber picnic tables and other furniture that sit prominently and obtrusively on the land. These features are not considered to be in keeping with the area and are harmful therefore to visual amenity.

Assessment

14. Having seen the paving works and the street furniture in place, I share the Council's concerns about the overall visual impact in this part of the Marina. I acknowledge that the design of the timber seating/tabling has been changed and improved and that other external seating has been allowed elsewhere. However, the change in design is minimal and each case must be assessed on its merits. In this case the prominent location and the basic utilitarian nature of the furniture has,

Appeal Decision APP/H0724/C/18/3196353

in my view, resulted in an obtrusive and cluttered appearance along the relatively clean lines of this part of the Marina. In my view, the overall visual impact is one that is detrimental to the character and appearance of the streetscene in this part of Hartlepool Marina.

15. I cannot agree with the contention that the works have resulted in a design of high quality. I acknowledge that the paving is similar to existing paving in the locality but, in this case, it is the location of the works combined with the design of the street furniture that combine to provide an unacceptable and ill-designed environment overall. I find that the works as carried out are contrary to the development plan policies QP3 and QP4 as well as to the design policies within the NPPF. The appeal fails, therefore on this first issue.

Living conditions

16. The Council's Public Protection section (CPP) has raised concerns about the external seating use. It is stressed that the outside seating area extends beyond the fixed canopy along this section of the building. Being outside of the covered area, there is no aural barrier as is the case for the areas beneath the canopy. It is considered, therefore that seating area and the intensification of the external use has a considerable impact on the living conditions of the residents living on the upper floors of the building. The difficulties in removing the street furniture are referred to. Due to the likelihood of the furniture remaining in place after the business has closed, it is considered that this will encourage customers and others to continue to use the seating/tabling and remain in the vicinity late at night.

17. In support of the appellant's case it is stressed that of 27 neighbours consulted only one response was received. It is stressed that this is a prominent area with a high footfall and in the busy Marina location. The restaurant use is well-established and the planning permission included a condition controlling the hours of opening, which would also apply to the external seating area.

18. Although the single objection relating to noise and disturbance is recognised it is indicated that the reference to '*loud and noisy behaviour*' does not specifically mention this particular outside seating area. Instead it refers in general to the commercial uses at the ground floor level of Navigation Point. This area has long been established for such commercial uses and the appeal use has not resulted in any disruption or anti-social behaviour in this location. It is considered that the use accords with the relevant development plan policies.

Assessment

19. To a certain extent I can understand the Council's concerns about this particular development. It is clear that the seating area extends beyond the canopy which affords some protection from noise for the residents living above. However, having considered this development in the overall context of the land uses in this part of the Marina, I do not consider that the use significantly affects the living conditions of existing occupants.

20. Although it is possible that customers and others will linger in the area and might well continue to use the seating and tabling after hours, I do not consider that this has been shown to lead to unacceptable levels of noise and disturbance for residents. It would appear that there has only been one complaint about '*loud and noisy behaviour*' but this seems to have been a general complaint rather than relating specifically to this area of the Marina. In summary on this issue, therefore, I find in favour of the appellant.

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Highways, parking and potential congestion

21. The Council refers to the loss of 10 parking spaces; the fact that the car park can be very busy at times and that the loss of spaces exacerbates congestion in the area. The use of the outside seating area is considered to be contrary to policy QP3 of the HLP which requires development to have regard to servicing and highway safety provisions which must be maintained over the lifetime of a development.

22. On behalf of the appellant, the Council's Committee Report is referred to whereby the Highways, Traffic and Transport Section indicate that, in order to avoid parking charges, vehicles are parked in Middleton Road. It is stressed that *'common sense would suggest that losing 10 parking spaces would not lead to any further issues on Middleton Road as this is the first choice for vehicle users'*.

23. Another development, which went to appeal, is referred to and this related to the Council's concerns about a loss of 17 spaces. In that case the Inspector found that the car park was large and that a reduction of 5% would not lead to the adjacent car park being oversubscribed or to the detriment of highway safety. It is stressed that the loss of 10 spaces would only result in a 3.5% loss and that the previous development (appeal case) had not proceeded. Photographic evidence taken at various times of the day and on different dates indicates more than sufficient spaces being available.

Assessment

24. Having considered all of the submissions and having inspected the car parking area and the Marina generally, I do not consider that there is sufficient evidence to show that this development has or would detrimentally affect highway safety in the locality. The area of seating is clearly separate from the adjacent parking and an overall loss of just 3.5% of spaces is negligible in my view having seen the overall areas of parking within the Marina Area. Again, therefore, on this issue I find in the appellant's favour.

Planning Balance

25. I have found in the appellant's favour with regard to the issues on residential amenity and highway safety/congestion. However I have found against the appellant on the question of the effect of the development on the character and appearance of this part of the Marina. Due to the positioning and basic design of the seating/tabling and the detrimental cluttered visual impact that it has had within this part of the Marina, this issue significantly outweighs my conclusions on the other two issues. As indicated above most (if not all) of the other existing seating is under the frontage canopy and, in many cases, the seating and tabling is of much higher quality than the utilitarian looking appeals furniture.

26. In conclusion, therefore, I agree with the Council that the development is contrary to both local and national policies which seek to ensure good layout and design and a good standard of amenity for all existing and future occupants of land and buildings. Appeal A fails, therefore, on ground (a) and Appeal B is dismissed.

Appeal A on ground (g)

27. Having considered the appeal on this ground, I agree with the Council that the appellant has not provided any schedule of works or other evidence to demonstrate that the requirements of the notice justify a period of compliance in excess of 2 months. I have also noted that part of the seating has already been removed since the retrospective application was submitted. In my view, the compliance period is more than sufficient and the appeal also fails on ground (g)

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Other Matters

28. In reaching my decisions I have taken into account all of the other matters raised by the Council, by the appellant and by other consultees. These include the planning history; the other examples referred to; the initial statements; the Councils Reports and the photographic evidence. However, none of these carries significant weight to alter my conclusions that planning permission should not be granted for this particular development. Nor is any other factor of such significance so as to change my decisions that both appeals should fail.

Formal Decisions

29. Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

30. Appeal B is dismissed.

Anthony J Wharton

Inspector

PLANNING COMMITTEE

28th November 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: NEGOTIATING PLANNING OBLIGATIONS

1. PURPOSE OF REPORT

- 1.1 To notify members of the decision of the Regeneration Services Committee in respect to a report on procedures in relation to negotiating planning obligations.
- 1.2 The report sought members approval to allow the Planning & Development Manager the discretion to refer cases, where discussions on planning obligations required in connection with development have reached an impasse, to the District Valuer for advice.

2. BACKGROUND

- 2.2 This matter was reported to the Planning Committee on 20th June 2018 when the matter was deferred for the further consideration of the Regeneration Services Committee.

3. Decision of Regeneration Services Committee

- 3.1 The matter was reported to the Regeneration Services Committee on 22nd October 2018 (**report attached**). The decision of the Committee was as follows:
 - (i) The Committee approved the proposal that in cases where an impasse was reached in respect of negotiations on planning obligations the Planning and Development Manager be given the discretion, in consultation with the Chair of Planning Committee, to refer the case to the District Valuer. The payment of this service to be met by the applicant.
 - (ii) That the matter be referred to the Planning Committee for noting purposes.

4. RISK IMPLICATIONS

4.1 See attached report

5. FINANCIAL CONSIDERATIONS

5.1 See attached report

6. LEGAL CONSIDERATIONS

6.1 See attached report

7. CHILD AND FAMILY POVERTY CONSIDERATIONS

7.1 None

8. EQUALITY AND DIVERSITY CONSIDERATIONS

8.1 None.

9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.1 None.

10. STAFF CONSIDERATIONS

10.1 None.

11. ASSET MANAGEMENT CONSIDERATIONS

11.1 None

12. RECOMMENDATIONS

12.1 That members **note** the report.

13. REASONS FOR RECOMMENDATIONS

13.1 To notify Planning Committee of the decision of the Regeneration Services Committee on this matter.

14. BACKGROUND PAPERS

14.1 See attached report.

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Regeneration Services Committee – 22nd October 2018

4.1

REGENERATION SERVICE COMMITTEE

22nd October 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: NEGOTIATING PLANNING OBLIGATIONS

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Part of the Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 To seek members support to allow the Planning & Development Manager the discretion to refer cases, where discussions on planning obligations required in connection with development have reached an impasse, to the District Valuer for advice.

3. BACKGROUND

3.1 This matter was reported to the Planning Committee on 20th June 2018 when the matter was deferred for the further consideration of the Regeneration Services Committee.

3.2 Planning obligations are legally enforceable obligations entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal. They might for example secure a proportion of Affordable Housing on a site or a contribution towards expanding educational provision in an area affected by a development.

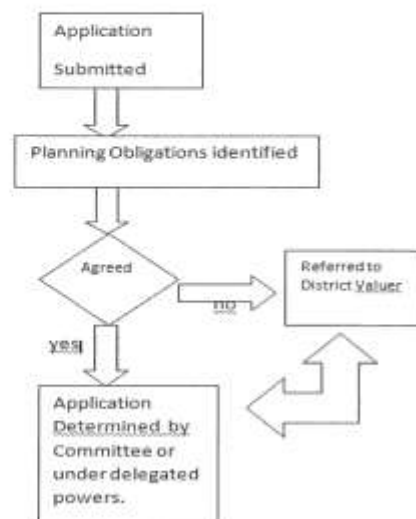
3.3 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework 2012. They ensure that

where possible the costs of providing public infrastructure are met by developers. However, they also result in additional costs for the developer and can therefore affect the viability of a development

- 3.4 The Planning Obligations SPD was adopted on 12th November 2015 and sets out guidance on the Council's approach towards securing planning obligations associated with development in the Borough. The guidance indicates that the obligations which will be sought will be dependent upon the type of development proposed. These can include for example obligations relating to affordable housing, play facilities, playing pitches, built sports facilities, highway infrastructure, education provision, community facilities, green infrastructure, ecological mitigation and training and employment. There may also be site specific obligations that need to be secured. (For example an obligation to maintain on site infrastructure). The obligations might be delivered through on site provision, or management obligations, or might include payments for off-site provision dependent on the circumstances.
- 3.5 In terms of the current practice when a planning application is received the Council's Planning Policy team are consulted and will identify the Planning Obligations required in accordance with the guidance set out within the Planning Obligations SPD. (The need for other obligations might also be identified by internal and external consultees and the planning officer dealing with the case.). The applicant will be informed of the obligations which need to be secured. The applicant may agree to the obligations in which case the application can proceed to determination and the obligations will normally be secured through conditions or the completion of an appropriate legal agreement. The applicant may raise concerns at the obligations and in such cases discussions will take place. If the concern is based on the viability of the scheme then the applicant will be asked to provide an economic viability assessment. This will detail the development costs and value. The economic viability assessment will be assessed by officers. If it is accepted then the scheme will proceed to determination. If it is not accepted then further negotiations may take place until either an agreed position, or impasse is reached and again the application proceed to determination. It is usually the case that an agreement can be reached. In the event that an impasse is reached however it is likely that the application would be recommended for refusal on the grounds that the application cannot support the delivery of the required infrastructure and is therefore unsustainable.

4. PROPOSALS

- 4.1 It is proposed that in cases where an impasse is reached in respect to negotiations on planning obligations the Planning & Development Manager have the discretion to refer the case to the District Valuer for advice on whether the obligations can be met. A process flowchart is shown below. The costs for this service to be met by the applicant.



- 4.2 Other authorities notably Stockton Borough Council take this approach. The advantages are that it will provide a further route where an impasse is reached and in the event that an applicant appeals against a decision evidence to defend the council position on appeal.

5. RISK IMPLICATIONS

- 5.1 The failure to progress planning applications in a fair and timely manner could impact on the economic growth of the Borough. It is essential that appropriate planning obligations are delivered to ensure that developments are sustainable.

6. FINANCIAL CONSIDERATIONS

- 6.1 It is proposed that the costs of the referral to the District Valuer are met by the applicant.

7. LEGAL CONSIDERATIONS

- 7.1 The NPPF 2018 and its guidance re-affirm the possibility for an applicant to submit a Viability Assessment ("VA") with a view to reducing the overall level of contributions required in order to make a development sustainable. The

opportunity for the submission of a VA has been reduced and the method of calculating land values has been prescribed.

- 7.2 The major issue in most VAs is the valuation of the land which, in most cases, requires the input of a qualified surveyor; The RICS have established a methodology for arriving at the correct valuation for the purposes of the NPPF. In the event that a LPA does not have appropriate professional staff to assess submitted VAs it is common practice to ask the District Valuer ("DV") to assess them and provide a confidential valuation report; often accompanied by a non-confidential 'Executive Summary' which can be used in preparation of the Committee report. Alternatively some LPAs refer the VAs to independent surveyors for a similar report.
- 7.3 The proposal here is that, in cases where Council Officers (having evaluated a submitted VA) are unable to agree the appropriate level of contributions to be sought, the matter may be referred to the DV for an opinion rather than refuse the application outright, in effect a form of independent arbitration.
- 7.4 As this optional 'arbitration' is an additional service, not included in the LPA's normal functions when considering an application it is therefore a discretionary service for the purposes of the General Power of Competence contained in the Localism Act 2011 and, accordingly, the Council is legally able to recover from the developer the cost of obtaining the opinion.

8. CHILD AND FAMILY POVERTY

- 8.1 There are no child and family poverty implications relating to this report.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations relating to this report

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 There are no Section 17 considerations relating to this report.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations relating to this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 There are no asset management considerations relating to this report.

13. RECOMMENDATIONS

13.1 The recommendation is that

- i) Members **support** the proposal that in cases where an impasse is reached in respect to negotiations on planning obligations the Planning & Development Manager have the discretion to refer the case to the District Valuer. The payment for this service to be met by the applicant.
- ii) That the matter be referred to the Planning Committee for its endorsement.

14. REASONS FOR RECOMMENDATIONS

- 14.1 To provide a further route where an impasse is reached in negotiations on planning obligations and in the event that an applicant appeals against a decision evidence to defend the council position on appeal.

15. BACKGROUND PAPERS

- 15.1 The Planning Obligations SPD can be viewed online at https://www.hartlepool.gov.uk/downloads/file/907/planning_obligations_spd_nov_2015

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PLANNING COMMITTEE

28 November 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The siting of nine shipping containers at the site of the University Hospital of Hartlepool.
2. Non-compliance with a condition which relates to the installation of a composite door and external roller shutter at a commercial premises in Tower Street.
3. Non-compliance with a condition which relates to the replacement of a uPVC window at the rear of a commercial premises in Scarborough Street.
4. The change of use from a shop to a cafe at a commercial premises on Northgate.
5. The erection of an extension at the rear of a residential property in Catcote Road.
6. The partial paving of a front garden and replacement of a driveway at a residential property in Spalding Road.
7. The operation of a retail business from a residential property in Lady Mantle Close.
8. The installation of uPVC replacement windows at a residential property in Rowell Street.
9. Alterations to a front boundary wall and non-compliance with conditions attached to a grant of planning permission at a residential property in Clifton Avenue.

10. The installation of uPVC replacement windows at a residential property in Queen Street.
 11. Non-compliance with conditions attached to grant of planning permission at a residential development site at Land off Coniscliffe Road.
 12. The installation of uPVC replacement windows at two residential properties in Queen Street.
 13. The installation of replacement uPVC windows at a residential property in Friar Terrace.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The partial demolition of a side boundary wall at the rear of a listed guesthouse at The Green, Seaton Carew. It was found that the works did not constitute a breach of listed building or planning legislation. No further action required.
 2. Non-compliance with a condition relating to working hours at a residential development site at land off Tees Road. It was found that the site is operating in accordance with the relevant condition.
 3. The installation of raised decking in the rear garden of a residential property in Snowdrop Avenue. The raised decking has now been reduced in height to comply with the relevant permitted development limit.
 4. Unauthorised works to a listed residential property at The Green, Seaton Carew. The works consisted only of repairs to, and repainting of, parts of the building and did not constitute a breach of listed building or planning legislation. No further action required.
 5. The erection of a close boarded timber fence to the side of a residential property in Ardrossan Road. A retrospective planning application seeking to regularise the development has since been approved.
 6. The partial erection of a steel portal framed building at an industrial estate on Windermere Road. A planning application seeking to regularise the development has since been approved.
 7. The display of an advertising banner on the side of a residential property in Colwyn Road. The advertising banner has since been removed.
 8. Operating a car sales business from a residential property in Catcote Road. It was found that no material change of use had occurred.
 9. Operating a car repair business from a residential property in Chatham Road. It was found that no material change of use had occurred.

10. A side and rear extension not built in accordance with the approved plans at a residential property in Hutton Avenue. A retrospective planning application seeking to regularise the development has since been approved.
11. Operating a car repair business from a residential property in Durham Street. No evidence of car repair activity at the property could be established.
12. The untidy condition of small areas of land at the entrance to The Laurels. The land has since been brought to an acceptable standard.
13. The display of advertisements at a commercial premises in Scarborough Street. It was found that the advertisements benefit from deemed consent.

2. RECOMMENDATION

- 2.1 Members note this report.

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