

PLANNING COMMITTEE

AGENDA



Wednesday 3 July 2019

at 10.00am

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, Mincher, C Richardson 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 5 June 2019 (to follow).

4. ITEMS REQUIRING DECISION

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

1. H/2019/0008 – 193 Raby Road, Hartlepool (page 1)
2. H/2018/0504 – 1 Grassholme Road, Hartlepool (page 11)
3. H/2019/0195 – 31 Hillston Close Hartlepool (page 25)
4. H/2019/0029 – Unit 4 Shisha Bar, Navigation Point, Middleton Road, (page 41)
5. H/2019/0197 - 15 Meadow Drive, Hartlepool (page 51)

5. ITEMS FOR INFORMATION

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5.1 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



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

EXEMPT ITEMS

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

8. ITEMS REQUIRING DECISION

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

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

FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 31 July 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th June 2019

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: James Brewer, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge and Brenda Loynes

In accordance with Council Procedure Rule 4.2 Councillor Ann Marshall was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Andrew Carter, Assistant Director (Economic Growth and Regeneration)
Neil Wilson, Assistant Chief Solicitor
Jim Ferguson, Planning and Development Manager
Dan James, Planning (DC) Team Leader
Matthew King, Planning Policy Team Leader
Laura Chambers, Senior Planning Officer
Paul Simpson, Solicitor
Jo Stubbs, Democratic Services Officer

1. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Paddy Brown and Carl Richardson.

2. Declarations of interest by members

None

3. Confirmation of the minutes of the meeting held on 8th May 2019

Minutes confirmed

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

| | |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Number: | H/2018/0516 |
| Applicant: | DEVELOPMENTS BY JOSEPH HOMES WYNYARD |
| Agent: | STEVEN BOWERS POPPY COTTAGE MUSGRAVE GARDEN LANE WYNYARD |
| Date received: | 22/01/2019 |
| Development: | Erection of 1no. detached dwelling house (including roof terrace to rear) with detached double garage, associated access and landscaping. |
| Plan | |
| Location: | PLOT 3 MUSGRAVE GARDEN LANE SITE A WYNYARD BILLINGHAM |

The Planning (DC) Team Leader advised members that policy required that development in this area should accord with an approved masterplan. As this was not in place this application was contrary to policy. The Planning Policy Team Leader indicated that this masterplan, which would be a joint venture with Stockton Borough Council, should be in place by August 2019 following consultation with a number of parties including developers, landowners and residents. Members queried whether developer contributions had been requested in respect of this application. The Planning and Development Manager advised that under current legislation only 5 obligations could be pooled for developer contributions on a specific piece of infrastructure. Given the size of the area in question planning were therefore reluctant to use up one of these 5 obligations on an application for a single house. Therefore in this case only affordable housing contributions would apply.

The applicant urged members to take a more pragmatic view than their officers. He acknowledged the Masterplan was not yet in place but felt this was due to the relatively late adoption of Stockton Borough Council's Local Plan rather than the fault of the developer. The land had been purchased on the understanding that planning permission would be approved. He apologised that building work had already commenced in this case, saying this was due to a misunderstanding between the developer and Wynyard Park which had stopped as soon as the developer was made aware of the situation. He noted that the officers had indicated that the application was acceptable in principle but had refused solely on the basis of the masterplan not yet being in place. If members refused this application the developer might to consider its future and the future of its employees.

A member expressed their frustration that the building work had started before permission was given. They queried whether the applicant would be prepared to install an integral bat box and make a further voluntary contribution for additional bat boxes elsewhere in Hartlepool. The applicant was happy to

agree this request, as well other requests made by objectors as detailed within the report. The Planning and Development Manager noted that while the integral bat box could be included as a condition the voluntary contribution toward further bat boxes could not and he advised members that they should attach no weight to this agreement. The member gave final comments indicating that this was an invitation to the developer for a voluntary contribution, which the developer had agreed to.

Members approved the application by a majority for reasons of economic impact, planning history and the economic viability of the scheme. They also felt they did not want to lose the employment or apprenticeships this development would provide. Specific conditions would be delegated to the planning officers.

Decision: **Planning Permission Approved subject to planning conditions and the completion of a S106 Legal Agreement to secure an off site affordable housing contribution of £9,641. All such matters delegated to Officers.**

Moving forward a member expressed concerns that decisions relating to the Local Plan and Masterplans were made by Regeneration Services Committee which would then bind members of Planning Committee. They felt the overall working processes needed to be examined to enable a wider audience and more input. The Assistant Director (Economic Growth and Regeneration) advised that the Regeneration Services Committee made these decisions. The Assistant Director suggested that the report on the Wynyard masterplan be brought to Planning Committee for information however the member felt a joint meeting would be more helpful.

5. Update on current complaints (*Assistant Director (Economic Growth and Regeneration)*)

Members were given details of 24 complaints currently under investigation and 8 completed investigations.

Decision

That the report be noted

6. 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 7 – (Enforcement notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

Members were asked whether they wished to take enforcement action. Further details are provided on the closed minutes.

Decision

Further details provided in the closed minutes.

- 8. 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.

- 9. Any other business – presentation of reports**

The Chair suggested that in future officers sit to present reports. Members were supportive of this.

- 10 Any other business – future training**

The Planning and Development Manager advised members that the annual planning training event would take place on Thursday 4th July. It would comprise of a site visit on the morning and a number of short talks on the

afternoon covering topics including archaeology and transportation. Members were asked to inform Member Services if they would be attending in order that a minibus and catering to meet demand could be provided.

The meeting concluded at 10:45am

CHAIR

No: 1
Number: H/2019/0008
Applicant: MR PATHMATHAN KANDASAMYTHURAI RABY ROAD
HARTLEPOOL TS24 8EH
Agent: GEORGE HIND 100 SPALDING ROAD HARTLEPOOL
TS25 2JP
Date valid: 05/03/2019
Development: Change of use to A5 (hot food takeaway) and installation
of replacement doors and windows to the front and
installation of a flue to the rear. (Retrospective
Application)
Location: 193 RABY ROAD 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.

BACKGROUND

1.2 This application is retrospective in that the change of use has already commenced, the shop front has been replaced and the flue to rear has already been installed. Three adverts have also been installed at the property, including a fascia sign and projecting sign to front and a fascia sign to side. These require a separate application to be made for advertisement consent and are not included in the current application.

PROPOSAL

1.3 Permission is sought retrospectively for the change of use of the property from A1 retail to A5 hot food takeaway. In association with that use a flue has already been installed to the rear of the property, the flue is of a stainless steel finish, having been installed at approximately 3.2m above ground level it measures approximately 9.2m in height and 0.6m in width.

1.4 The application as submitted indicates that it is proposed to replace the existing door and window to front within the existing timber shop front, which would remain in place. However, it is apparent from the officer site visit to the premises that a new shop front has been installed. This includes larger stall risers than the original and therefore the proportions of the windows have varied. Top hung casement windows have been introduced to the top of the shop window, where previously there were no additional openings. Cladding has been introduced to either side and beneath the window openings.

1.5 The application has been referred to Planning Committee due to the retrospective nature of the proposals.

SITE CONTEXT

1.6 The site is an end of terrace property located on the western side of Raby Road, directly north of the junction with Marton Street. The property was previously in use as a shop (A1) with a flat above (C3). The adjoining property to the north is a general dealer's store (A1), there are residential dwellings to the west (Tweed Walk), east (Raby Road) and south (Marton Street). There is also a small area of public open space to the south of the application site. The site is not within the Raby Road Local Centre, which is located further north, adjacent to the junction with Chester Road.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (6) and site notice. To date, one response of no objections from a neighbouring occupier has been received.

1.8 The period for publicity has expired.

CONSULTATIONS

1.9 The following consultation replies have been received:

HBC Public Health – Paragraph 171 of the National Planning Policy framework states that, 'Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.'

Planning Practice Guidance also states that, 'Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.'

Although there are a wide range of factors contributing to the levels of obesity in Hartlepool, the 2007 UK government Foresight report, 'Tackling obesity: future choices' demonstrates evidence that the consumption of take-away and fast-foods are key determinants of excess weight gain.

Data from the National Obesity Observatory (NOO) highlights that Hartlepool has 160.5 hot food take-away outlets per 100,000 population, which is significantly higher than the national average of 96.1 per 100,000 population.

A proliferation of hot food takeaways and other outlets selling fast-food can harm the vitality and viability of local centres and undermine attempts to promote the consumption of healthy food, particularly in areas close to schools and other areas where children congregate.

The unit in question, situated at 193 Raby Road, sits within the Victoria ward. It is therefore important to consider the potential health impact on this area.

Childhood obesity is of particular concern to Public Health and HBC. The most recent ward based statistics from the National Childhood Measurement Programme (NCMP) (2013/14 to 2015/16) shows that 25.4% of reception children (age 4-5) from schools in Victoria are classified as having excess weight (11.4% are obese). However, once children reach Year 6 (age 10-11), 40.1% of children in Victoria are classified as having excess weight (with 23.0% obese), which is higher than the England averages. (PHE Localhealth.org.uk)

The most recent NCMP data for Hartlepool (2017/18 data) shows that 29.2% of reception age children are classified as having excess weight and 40.5% of Year 6 pupils are classified as having excess weight. This compares to an England average of 22.4% of children having excess weight at reception age and 34.3% at year 6.

Victoria ward has a higher number of obese adults (26.9%) than the rest of England (24.1%) (PHE Localhealth.org.uk).

Obesity is linked to an increased risk of stroke and cardiovascular disease. Emergency hospital admissions in Victoria for CHD higher than the Hartlepool and England averages (PHE).

There is therefore a concern that another hot food take-away outlet could contribute further to unhealthy diets and a rise in levels of childhood and adult obesity in the Victoria ward. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease.

HBC Public Protection – I would have no objection providing the following was met: I would require submission of details of the extraction system and agreement in writing, an hours restriction on the A5 hot food takeaway to 23:00 hours, an hours restriction on any deliveries to the A5 hot food takeaway between the hours of 09:00 hours and 21:00 hours. These conditions are in order to protect the amenity of the residents.

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

HBC Engineering Consultancy – No objections.

Cleveland Police – These premises can be vulnerable to incidents of crime and disorder, to reduce this risk I would expect measures in place to help reduce the risk and not have an adverse risk to the nearby community. Measures would include installation of CCTV to cover serving area and entrance. Serving counter should be of a height and width to offer protection of staff. No items should be present in customer waiting area that can be used by customers for in criminal or disorderly activity.

I am not aware of any proposals to replace any doors or windows but would recommend that any replacement doors and accessible windows are certified to PAS24:2016.

In relation to proposed opening times the relevant licensing departments will need to decide if this is acceptable in light of the close proximity of residential premises.

PLANNING POLICY

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

Local Policy

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

LS1: Locational Strategy
 RC16: The Local Centres
 RC18: Hot Food Takeaway Policy
 RC21: Commercial Uses in Residential Areas

National Policy

1.12 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 047: Determining Applications
 PARA 091: Healthy, inclusive and safe places

Planning Policy Comments:

1.13 Planning Policy would not support a hot food takeaway in this location. The proposal is contrary to Policy RC18 of the adopted Hartlepool Local Plan. The property sits outside of the Local Centre areas along Raby Road and the Policy states that hot food takeaways will not be permitted outside of any designated retail

or commercial centres or the limits to development of any village. Policy RC18 was developed in conjunction with our public health colleagues and has sought set limits on the floor space within retail centres that is permissible for hot food takeaways taking account of obesity levels within the locality.

1.14 The most recent floor space survey (May 2019) of the Raby Road/Brougham Terrace local centre (the closest to the site) indicates a proportion of A5 uses of 19.39%, which is already 3.39% above the 16% threshold set out in policy RC18. The Raby Road/Hart Lane Corner local centre was identified to have 3.95% of its floor space in A5 use, fractionally below the threshold of 4% set out in policy RC18. Given these figures there would be a presumption against any further A5 uses in either of these local centres.

1.15 The proposal is also contrary to Policy RC21 which states that hot food takeaways will not be permitted in residential areas.

PLANNING CONSIDERATIONS

1.16 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 the proposed use, public health, the design of the proposals and impact on the character and appearance of the area and the impact of the proposals on the amenity of neighbouring land users.

PRINCIPLE OF DEVELOPMENT

1.17 The application site is not allocated for a particular purpose within the Hartlepool Local Plan 2018, notably it does not form part of a designated local centre. Although there are a small number of commercial properties adjacent to the applicant property, these are not of a scale that would characterise a local centre and the area more generally is residential in nature.

1.18 Policy RC16 identifies Local Centres as the most sequentially preferable location for hot food takeaway uses, this is further supplemented by Policy RC18 which identifies those location deemed suitable and the proportion of floor space within those locations that are considered appropriate for hot food takeaway uses and expressly states that hot food takeaway uses will not be permitted outside of any designated retail or commercial centre. The proposed development does not therefore comply with either of these policies.

1.19 Notwithstanding the above, the two closest local centres to the site have been identified to either be at the threshold deemed acceptable or in excess of it and therefore there would be a presumption against any further hot food takeaway uses in this locality in any event (see figures within Policy Comments above).

1.20 Policy RC21 seeks to control commercial uses in residential areas, again identifying that designated centres are the most appropriate location for these both in order to protect the vitality and viability of local centres, as well as the amenity of residents. The policy again states that applications for hot food takeaways in residential areas will not be permitted.

1.21 The proposed change of use of the property from A1 retail to A5 hot food takeaway is in direct conflict with the policy requirements of the Local Plan with respect to Policies RC16, RC18 and RC21 and is therefore unacceptable as a matter of principle.

PUBLIC HEALTH

1.22 The Council's Public Health Team have objected to the application and raised concerns about the impact of the proposals in relation to health and obesity, highlighting that Hartlepool has a notably higher number of hot food takeaways per 100,000 population than the national average (160.5 compared with a national average of 96.1), which can be a contributing factor to obesity levels and undermine efforts to promote healthy eating.

1.23 The site is within Victoria Ward, HBC Public Health have provided figures relating to the levels of childhood and adult obesity in the ward and the town as a whole, both of which are higher than the average for England (see consultation comments above) and are linked to emergency hospital admissions and premature deaths. HBC Public Health raise concern that a further hot food takeaway could contribute further to unhealthy diets and levels of obesity in the Victoria Ward. Such concerns and evidence base formed part of the development of the Hot Food Takeaway policy within the Local Plan and efforts to limit the number and location of such uses, which links to paragraph 91 of the National Planning Policy Framework in seeking to create healthy places.

1.24 The proposed development conflicts with Local Plan policy requirements with respect to the principle of such a use in this location and is therefore considered to undermine efforts to promote healthy lifestyles and would have a negative impact on public health if approved.

IMPACT ON CHARACTER AND APPEARANCE OF AREA

1.25 It is apparent that works to convert the premises have included the installation of a new shop front and associated adverts, neither of which are included within the scope of this application and therefore remain unauthorised. In general terms the shop front that has been installed is not of the same proportions of that it replaced, however this does not significantly detract from the appearance of the property overall.

1.26 The property has a different appearance to others within the terrace due to its gabled front elevation and shop front at ground floor. Although the adjoining property is also in retail use, the property is not part of a purpose built retail parade and therefore there is a not a uniformity it might be desirable to observe that would mean the change in proportions of the shop front would be detrimental to the character of the wider area.

1.27 The proposals include a flue to the rear of the property, there is not a traditional rear alley to the west, and instead the rear of the property is clearly visible from Marton Street to the south and in particular from the residential properties on Tweed

Walk to the west. The flue as installed is of a significant size and projects above the highest part of the property. The flue obscures existing window openings that serve the first floor flat of the property. The flue has an industrial appearance that is not in keeping with the broadly residential nature of the surrounding area.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.28 The Council's Public Protection team has raised concerns about the need to understand the specification of the flue that has been installed to determine whether it is fit for purpose, in the interests of the amenity of neighbouring occupiers. Notwithstanding this, it has been indicated they would be willing to accept receiving this information by condition.

1.29 The application form indicates the intention to open between 9am and midnight, however Public Protection further advise it would be necessary to include conditions on any approval to restrict opening hours to no later than 11pm and hours of delivery between 9am and 9pm, given the residential nature of the area in order to protect amenity. While these matters are of concern, it is apparent any impact on the amenity of neighbouring occupiers in terms of late night opening could be suitably addressed via planning conditions and therefore this matter would not warrant refusal of the application.

1.30 It is apparent that the flue as installed obscures views from and light entering two windows in the rear elevation of the property serving the upper floors of the building, which includes residential accommodation. Plans of the upper floors have not been provided, however the windows appear to serve habitable rooms and therefore this element of the proposal has the potential to limit the amenity of the occupier of the flat contrary to policy QP4 of the Hartlepool Local Plan.

OTHER PLANNING MATTERS

1.31 The application site does not benefit from dedicated parking and there are parking restrictions directly outside the premises due to its proximity to the junction with Marton Street, however on-street parking is available a short distance further north of the site. The previous use of the site as a general food store and off-licence would have likely had similar frequent short stay visits from those travelling by car as the proposed use as a hot food takeaway would do. As such, it is not considered that the proposed development would have a severe impact on parking or highway safety in the surrounding area and therefore there are no objections from HBC Traffic and Transport. The application is considered to be acceptable in this respect.

1.32 Cleveland Police have not raised any objections to the proposals in principle, however they have offered advice in relation to security measures. If the proposals were found to be acceptable in other respects, this advice could be relayed to the applicant by a suitable informative.

PLANNING BALANCE AND OVERALL CONCLUSION

1.33 Although the application site has historically been in use as a shop, this area is primarily residential and not therefore part of a planned retail centre. Hot food

takeaway uses have the potential to create greater disturbance to the residential amenity of neighbouring properties in terms of unsociable opening hours and nuisance smells. While it is evident this could be limited to some degree by planning conditions, it is also apparent that the necessary equipment associated with cooking on the premises requires an installation of a flue of a design that detracts from the visual amenities of the area and would be more akin to an industrial location, while the manner in which equipment has been installed at this premises, along with its scale, has the significant potential to detract from the amenity of neighbouring occupiers in terms of creating an overbearing appearance and loss of light.

1.34 Furthermore, allowing businesses that would be more appropriately located in a retail centre to operate in a residential area would undermine the vitality and viability of existing local centres that primarily serve a retail purpose but also offer complimentary services such as hot food takeaways.

1.35 The proposed development would undermine efforts to promote healthy eating and contribute to an established link between higher than average obesity levels in the area and the sale of hot food, in conflict with Local Plan policy RC18.

1.36 While acknowledging the proposals have brought a vacant unit back into use, there is no evidence submitted with the application to suggest that the property had suffered long-term vacancy or that a more appropriate use was not likely to come forward to justify the consideration of alternative uses. As such, this benefit could only be afforded limited weight in considering the merits of the application and in light of the number of policy conflicts (QP4, RC16, RC18 and RC21) the development is considered to be unacceptable and officer recommendation is to refuse for the reasons outlined below

EQUALITY AND DIVERSITY CONSIDERATIONS

1.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.38 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. These issues are considered in the report.

REASON FOR DECISION

1.39 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 subject to the following reasons:

1. The application site is not within a designated retail centre, Policies RC16, RC18 and RC21 expressly prohibit hot food takeaway uses outside of designated retail centres in order to protect the vitality and viability of local

centres and ensure that residential amenity is not negatively affected by commercial uses.

2. The proposed change of use would be detrimental to the health of local residents in an area identified as suffering higher than average rates of childhood obesity in conflict with Hartlepool Local Plan 2018 Policy RC18 and paragraph 91 of the National Planning Policy Framework.
3. The flue installed at the property is, in the opinion of the Local Planning Authority, of a poor quality design that is inappropriate in a residential location by virtue of its size and location, resulting in harm to the visual amenities of the area and the amenity of occupiers of the residential accommodation on the upper floors of the applicant property in terms of loss of light and creating an overbearing appearance. This is in conflict with Policy QP4 of the Hartlepool Local Plan 2018.

BACKGROUND PAPERS

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

CONTACT OFFICER

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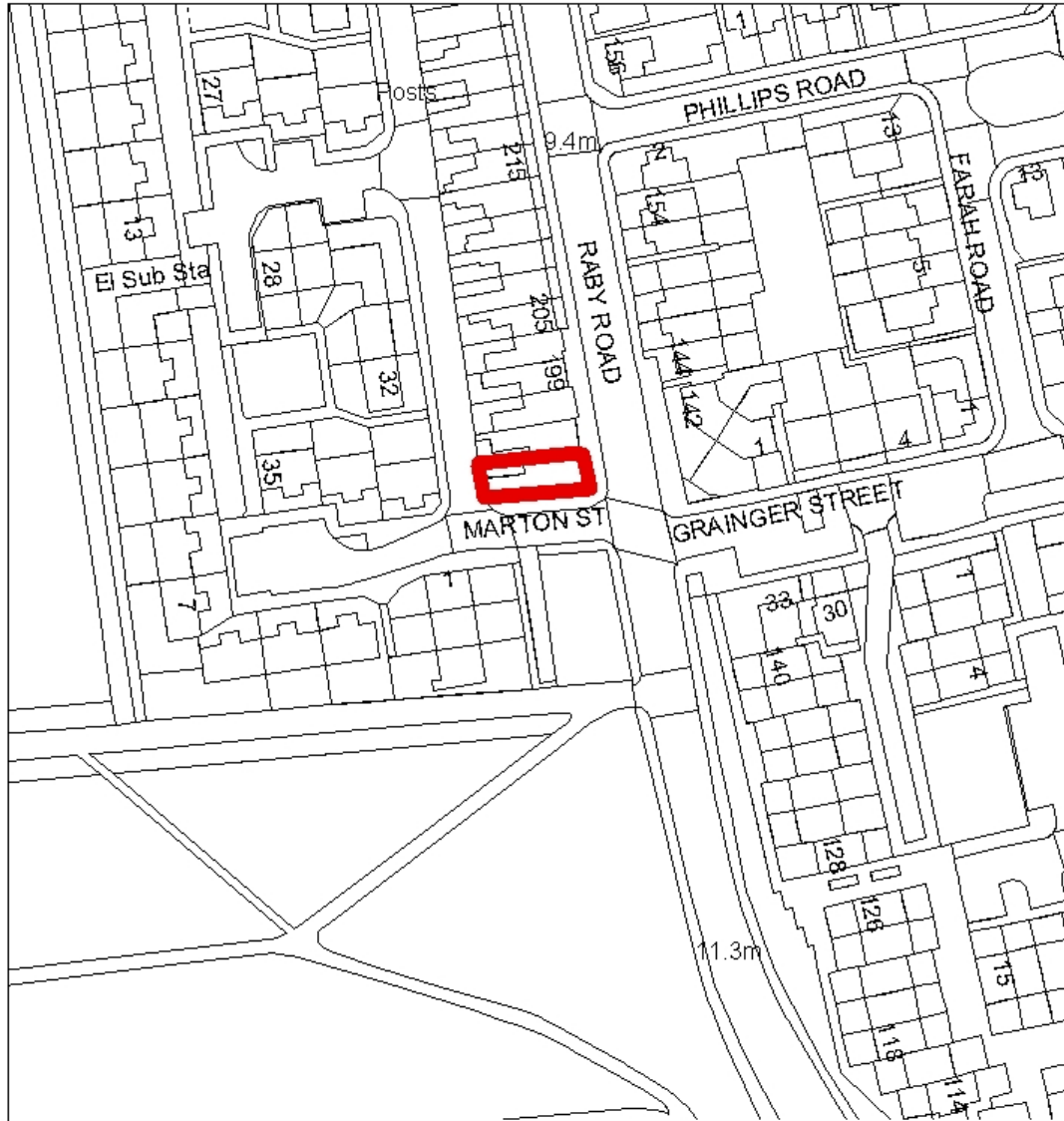
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193 RABY ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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| <h2>HARTLEPOOL</h2> <h3>BOROUGH COUNCIL</h3> | DRAWN GS | DATE 17/06/19 |
| | SCALE 1:1,000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2019/0008 | REV |

No: 2
Number: H/2018/0504
Applicant: MR J KELLY GRASSHOLME ROAD HARTLEPOOL
 TS26 0QH
Agent: MWEXPERTS RAY WELLS 12 HARDWICK COURT
 HARTLEPOOL TS26 0AZ
Date valid: 21/02/2019
Development: Alterations to ground levels and erection of retaining walls
 and boundary fencing to rear, erection of boundary
 fencing to front and side (part-retrospective)
Location: 1 GRASSHOLME ROAD 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 None.

PROPOSAL

2.3 Planning permission is sought for alterations to ground levels and erection of retaining walls and boundary fencing to rear and erection of boundary fencing to front and side (part-retrospective).

2.4 In detail, the proposal comprises an increase in the ground level across the rear garden of the property to create a more level garden and reduce the previous gradient across the site, including an increase of up to 0.6 metres immediately adjacent to the site boundaries to the south and east, with a continued gradient up to the existing patio level. The proposals include concrete panel retaining walls along both boundaries ranging in height from approximately 0.4 metres to 1.2 metres, with an approximately 1.8 metre high boundary fence to be erected along both the southern and eastern boundaries of the site, above the new ground level. The proposals also include the continuation of the proposed 1.8 metre fence along the eastern boundary of the site to the front of the property, where it meets the rear of the footpath on Grassholme Road.

2.5 Works have already commenced on site and at the time of the case officer's site visit the proposed fencing along the eastern boundary of the site (including forward of the front elevation of the original dwellinghouse) had been part erected, and a significant amount of imported earth was present on site. Furthermore, a number of the concrete panels for the proposed retaining walls had already been installed.

2.6 The application has been referred to the planning committee as more than 2 objections have been received.

SITE CONTEXT

2.7 The application site comprises a large detached two storey dwellinghouse situated on a corner plot at the junction of Roundhill Close and Grassholme Road in an existing residential estate at 1 Grassholme Road, Hartlepool. The application site is bounded to the east by 24 and 26 Kielder Road, and to the south by 1 and 2 Roundhill Close. To the north and west, the application site is bounded by the adopted highway on Grassholme Road and Roundhill Close, respectively.

PUBLICITY

2.8 The application has been advertised by way of neighbour letters (8). To date, there have been 3 objections received from neighbouring land users.

2.9 The concerns raised are:

- Pressure and damage to existing retaining wall at 26 Kielder Road
- Damage to existing fencing at 2 Roundhill Close
- Excess water will be released into 26 Kielder Road
- Weep holes shown on eastern elevation but not on southern
- Proposed fencing would block light/tower over garden of 26 Kielder Road
- Proposed fencing is unduly large and overbearing
- Proposed fencing is unattractive/out of keeping with traditional design and appearance of estate
- Proposed concrete retaining wall(s) are unsightly and are not in keeping with others in the area
- Existing plans do not accurately reflect previous ground levels
- Submitted plans and details are misleading/inaccurate and lacking detail
- Applicants intention is to raise ground level further than indicated
- 26 Kielder Road has been incorrectly referenced as 25 Kielder Road on the submitted plans
- Other residents have overcome level changes by creating terracing/split level gardens
- No details with respect to maintenance or life expectancy of the retaining structures has been provided.
- Concrete structures will subside in time and cause damage to interconnecting fence
- Difficult to maintain gap between existing and proposed fences/walls

2.10 Copy Letters **B**

2.11 The period for publicity has expired.

CONSULTATIONS

2.12 The following consultation replies have been received:

HBC Engineering (Environmental) – The drawing attached does not show any drainage weep holes through the proposed new retaining wall.

Can I please request clarification that these will be installed?

I would also recommend this application is reviewed by the Council's Structural Engineer.

UPDATE 05/04/19: No objection from me.

HBC Engineering (Structural) – Submission for proposed RW looks OK.

UPDATE 08/04/19: If the weep holes line up and are at least the same diameter there should not be a problem.

The opportunity to clean out existing weep holes in order to assure performance should be considered.

HBC Landscape Architect – There are no landscape and visual objections to the proposed development.

HBC Building Control – As this is something that does not affect the house foundations, I do not think we would have any issues in this instance.

PLANNING POLICY

2.13 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

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

LS1 – Locational Strategy

SUS1 – Presumption in Favour of Sustainable Development

QP4 - Layout and Design of Development

HSG11 – Extensions to Existing Dwellings

National Policy

2.15 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. 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 be significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007 : Purpose of the Planning System;
PARA 011 : Presumption in favour of sustainable development;
PARA 038 : Decision making;
PARA 047 : Determining applications in accordance with the development plan;
PARA 124 : High quality buildings and places;
PARA 127 : Design principles.

PLANNING CONSIDERATIONS

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area and the impact on the amenity and privacy of neighbouring land users. These and all other planning and residual matters are set out in details below.

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

2.17 Paragraph 124 of the National Planning Policy Framework (NPPF) (2019) highlights that the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

2.18 Paragraph 127 of the NPPF (2019) further stipulates that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

2.19 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that development should be of an appropriate, layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features and character of the local area, respects the surrounding buildings, structures and environment and uses design elements relevant to the location.

2.20 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) further stipulates that proposals for extensions and alterations to residential properties should be of a size, design and use materials that

are sympathetic to the existing dwelling and should not affect the character of the surrounding residential area.

2.21 The proposals comprise engineering operations to raise the ground level of the rear garden of the host property, the use of concrete panel retaining walls to facilitate this and the erection of 1.8 metre high closed boarded timber fencing above.

2.22 Objections have been received from neighbouring land users citing concerns including the proposed fencing being unduly large and overbearing, with both the fencing and proposed retaining walls being unattractive/unsightly and out of keeping with the wider estate.

2.23 With respect to the proposed changes to the ground level, the additional earth and alterations to the ground level of the rear garden will not be readily visible from within the street scene due to their location to the rear and will be screened from neighbouring properties by the proposed boundary treatments and retaining walls. It is therefore considered that these will have no appreciable visual impact.

2.24 With respect to the proposed retaining walls, it is noted that the use of concrete retaining walls diverges from the brick retaining walls used elsewhere within the estate, however given the limited size of the retaining walls and their locations exclusively to the rear of the property, where they will be significantly screened by both the raised ground level on one side and the boundary walls/fencing of neighbouring properties to the other, it is not considered that the proposed retaining walls would have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

2.25 With respect to the proposed boundary fencing, the majority of this again is to be located to the rear of the property, and it is noted that the use of timber fencing to rear boundaries is common throughout the wider estate. Whilst it is appreciated that the proposed fencing to the rear will sit higher than that of neighbouring properties, the proposed fencing to the rear will not have a significant impact on the street scene due to its location and it is noted that the wider estate is characterised by level changes between properties with fencing to some properties sitting higher than that at adjacent properties. It is therefore considered that the proposed relationship is not uncharacteristic of the area, in terms of its visual appearance, and whilst the previous arrangement with the garden sloping down to the boundary with landscape screening to neighbouring properties in parts is considered to be a softer and more visually attractive boundary treatment, it is not considered that the proposed alterations would have such a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area to warrant refusal of the application.

2.26 In addition to the above, the application also includes additional fencing along the eastern side boundary of the property and extending forward of the front elevation of the original dwellinghouse to the back of the footpath on Grassholme Road. Given that the property is within an open plan estate, such fencing forward of the original elevation of the dwellinghouse would not typically be permitted. However, given that the fencing simply sits adjacent to an existing neighbouring fence and boundary wall that extends along this shared boundary to the same point at the rear

of the footpath, it is not considered that the fencing forward of the front elevation of the dwellinghouse creates any additional sense of enclosure or compromises the open plan nature of the front garden of the property.

2.27 The Council's Landscape Architect has confirmed that they have no landscape or visual objections to the proposals.

2.28 In view of the above considerations, it is considered on balance that the proposals would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area sufficient to warrant refusal of the application. The application is therefore considered to be acceptable in this respect and in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.29 Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure that developments will create places with a high standard of amenity for existing and future users.

2.30 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) also states that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby property by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.

2.31 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) states that proposals for extensions and alterations to residential properties must not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook.

2.32 Objections have been received from neighbouring land users citing concerns including with respect to the proposed fencing resulting in a loss of light, being unduly large and having an overbearing impact on adjacent gardens and dwellings.

2.33 The relationship of the proposed works to neighbouring properties has been considered in the context of the above national and local policy requirements and has been assessed in detail as set out below;

Neighbouring Properties to the North and West (2-6 Grassholme Road)

2.34 To the north and west, the proposed alterations to the ground level of the rear garden, provision of retaining walls and erection of boundary fences are largely screened from neighbouring land users or are otherwise situated at sufficient distance from neighbouring land users on the opposite side of Grassholme Road and Roundhill Close, respectively, and therefore it is considered that there would be no

appreciable impact on the amenity or privacy of neighbouring land users to the north or west.

Neighbouring Properties to the East (24 & 26 Kielder Road)

2.35 To the east, the proposals comprise the erection of 1.8 metre high closed boarded boundary fencing along the full extent of the eastern boundary, with the portion of the boundary situated in the rear garden elevated above a concrete retaining wall that will facilitate an increase in the ground level of the rear garden.

2.36 With respect to the adjacent property at 24 Kielder Road, as above, the proposed fencing simply sits adjacent to an existing fence and boundary wall that extends along this shared boundary at a similar height and up to the same point at the rear of the footpath on Grassholme Road. It is therefore considered that there would be no significant impact on the amenity or privacy of this neighbour.

2.37 With respect to the adjacent property at 26 Kielder Road, it is noted that the rear boundary of this neighbouring property currently features a large retaining wall (up to approx. 2.1 metres in height), with an existing closed boarded fence measuring up to a height of approx. 1.8 metres above. The existing retaining wall and fence along this boundary step down in height from north to south, with the retaining wall reduced to approx. 1.5 metres in height and the fence to approx. 1.65 metres in height at their lowest point (adjacent to the southern boundary of the site). The combined height of the existing retaining wall and fence along this boundary (as viewed from the rear garden of 26 Kielder Road) therefore ranges from approximately 3.9 metres in height down to approximately 3.15 metres in height. The proposals along this shared boundary, by virtue of the proposed increase in the ground level on the applicant's side (to level the rear garden), would see the existing fence line taken from its highest point (approx. 3.9m) continue along the full length of the shared boundary, as viewed from the neighbour's side. At its highest point above this neighbour's existing boundary fence, this would see the proposed fencing extend approximately 75cm above the existing fence height, where it meets the southern boundary of the site.

2.38 It is acknowledged that the proposals along this boundary will have some degree of impact when viewed from this neighbour's property, by encroaching into what was previously a largely uninterrupted view of the sky above the existing fence. However, in view of the existing relationships between the host property and this neighbouring property, including the presence of a substantial boundary wall and fence, and as the proposals at their greatest extent will extend above the existing fence by just 75cm, with a reduced impact along the rest of the boundary given the height(s) of the existing fence, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity of this neighbouring property through overshadowing, any overbearing effect or poor outlook, sufficient to warrant refusal of the application.

2.39 Furthermore, it is noted that a separation distance of approximately 12 metres is maintained between the proposed fencing and the principal rear elevation of this neighbouring property, albeit reduced to approximately 8 metres when taken from the rear of this neighbour's existing garden room extension. These separation

distances are largely in line with the guideline separation distances between dwellings set out in policy QP4 of the Hartlepool Local Plan (10 metres between principal and gable elevations), and the current relationship (in terms of immediate outlook) is therefore not significantly different to what might be found between the rear of a property and the two storey gable elevation of an adjacent dwelling, with the proposed retaining wall and fencing appreciably lower than a dwelling in height.

2.40 In addition, the height of the proposed fencing will prevent any overlooking of this neighbouring property from the raised garden level to the rear of the application site. It is therefore considered that there would be no significant loss of privacy for neighbouring land users to the east.

2.41 In view of the above considerations, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to the east, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application.

Neighbouring Properties to the South (1 & 2 Roundhill Close)

2.42 To the south, the proposed fencing and retaining walls extend along the full southern boundary of the site. With respect to the adjacent neighbour at 1 Roundhill Close, it is noted that the proposed fencing simply sits adjacent to the existing boundary fence that extends along this shared boundary and does not extend above the existing fence height. It is therefore considered that there would be no appreciable impact on the amenity or privacy of this neighbouring property.

2.43 With respect to the adjacent neighbour at 2 Roundhill Close, the shared boundary currently features an open boarded timber fence with a height of approximately 1.3-1.5 metres. This fence slopes away with the existing ground level from west to east, and therefore the extent to which the proposed fencing extends above the existing fence gradually increases in this direction. At its lowest point above the existing fence, the proposed fencing extends approximately 70cm above the neighbour's existing fence. At its highest point above the existing fence, the proposed fencing extends approximately 1.2 metres above the neighbour's existing fence line. The combined height of the proposed retaining wall and fence along this boundary (as viewed from the rear garden of 2 Roundhill Close) therefore ranges from approximately 2 metres to approximately 2.7 metres.

2.44 Whilst it is acknowledged that this represents a noticeable change in the openness of this boundary (particularly given the open boarded nature of the existing fencing) and will impact on the outlook from the rear of this neighbouring property to a degree, this type of relationship is not unprecedented within the wider estate, with similar examples of high rear boundary walls/fences in the immediate vicinity (i.e. 24 and 26 Kielder Road). Furthermore, the proposals are situated approximately 10 metres from the principal rear elevation of this neighbouring dwellinghouse, and approximately 7 metres from this neighbour's existing conservatory extension, and it is noted that a 2 metre high fence could be erected in any event without planning permission. It is therefore considered on balance that the proposals would not have such a significant detrimental impact on the amenity of this neighbouring property

through overshadowing, any overbearing effect or poor outlook, sufficient to warrant refusal of the application.

2.45 In addition, the height of the proposed fencing will prevent any overlooking of this neighbouring property from the raised garden level to the rear of the application site, or from this neighbour's property into the application site. It is therefore considered that there would be no significant loss of privacy for neighbouring land users to the east.

2.46 In view of the above considerations, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to the south, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application.

Amenity and Privacy of Neighbouring Land Users Conclusion

2.47 It is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to warrant refusal of the application. The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019).

OTHER PLANNING MATTERS

Flood Risk & Drainage

2.48 Objections have been received from neighbouring land users citing concerns with respect to drainage from the proposed retaining walls and the release of excess water to adjacent gardens. The Council's Engineers (Environmental) have been consulted and have confirmed that there are no objections provided weep holes are provided through the proposed new retaining wall. The submitted plans show indicative details of weep holes that it is understood are to line up with weep holes in the existing retaining wall. Notwithstanding this, a planning condition requiring final details with respect to the location and diameter of the proposed weep holes be provided within 3 months of the date of the decision is recommended.

2.49 The proposals are therefore considered to be acceptable in this respect subject to the abovementioned condition.

Structural Integrity (Health & Safety)

2.50 Objections have been received from neighbouring land users citing concerns with respect to the life expectancy of the proposed structures, the pressure on and potential damage to the existing retaining walls (to the east) as a result of the proposed works, the provision of weep holes to only one elevation of the proposed retaining walls and the potential for the concrete retaining walls to subside in time and cause damage to adjacent fences.

2.51 Given the nature of the proposals and in view of the concerns raised, the Council's Engineers (Structural) have been consulted and have confirmed that the proposals for the retaining walls are acceptable, provided the proposed weep holes line up with existing weep holes and are at least the same diameter. The submitted plans show indicative details of weep holes that it is understood are to line up with weep holes in the existing retaining wall. Notwithstanding this, a planning condition requiring final details with respect to the location and diameter of the proposed weep holes be provided within 3 months of the date of the decision is recommended.

2.52 The proposals are therefore considered to be acceptable in this respect subject to the abovementioned condition.

RESIDUAL MATTERS

2.53 Objections have been received from neighbouring land users citing concerns with respect to damage caused to existing boundary walls and fencing during the carrying out of the unauthorised works to date. The applicant has responded stating that the existing retaining wall is stepped in design and that no damage has been caused to existing fencing. In any event, any damage caused to boundary structures during any works (unauthorised or otherwise) are a civil legal matter between the applicant and their neighbour, dependent on ownership, and this is beyond the remit of the Local Planning Authority.

2.54 Objections were initially received from neighbouring land users citing concerns with respect to the accuracy of the submitted plans and details, and a lack of information. A number of discrepancies were identified and further requests for additional/amended information made to the applicant by the case officer on multiple occasions following the case officer's visit(s) to the application site and throughout the application process, which the applicant has duly corrected through the submission of amended plans and details, where appropriate. It is considered that the submitted amended plans and details are now accurate and sufficiently detailed to consider the application.

2.55 Objections have been received citing concerns that the intention of the applicant is to raise the ground level further than indicated on the submitted plans. Any planning permission granted would be subject to the standard planning condition requiring that the works are carried out in accordance with the submitted details. Any works that differ from the approved details would therefore require a further application for planning permission and any further works carried out without the requisite consent would remain subject to enforcement action by the Local Planning Authority.

2.56 The occupants of 26 Kielder Road have brought to the Council's attention that the submitted plans incorrectly refer to this property as '25 Kielder Road', and that there is no property addressed '25 Kielder Road'. Whilst this is acknowledged, it is not considered that this minor error would prejudice the determination of the application.

2.57 Objectors have noted that other properties in the area have overcome level differences by creating terracing/split level gardens. Whilst this is acknowledged, the

Local Planning Authority can only consider the proposals before it as submitted and on their own merits.

2.58 Objections have been received citing concerns with respect to the long term maintenance and life expectancy of the proposed retaining walls and fences, particularly given the limited space and access between existing and proposed structures. Whilst this is acknowledged, the access to the existing and proposed structures for maintenance purposes is a civil legal matter between the applicant and their neighbour, dependent on ownership, and this is beyond the remit of the Local Planning Authority.

CONCLUSION

2.59 The application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.60 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.62 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

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

LOCATION PLAN (scale 1:1000)
received 14th December 2018 by the Local Planning authority;

H76756-JNP-XX-XX-DR-S-2001 P07 (Proposed Site Layout),
H76756-JNP-XX-XX-DR-S-3000 P06 (Proposed and Existing Sections),
H76756-JNP-XX-XX-DR-S-4001 P08 (Proposed Elevations),
H76756-JNP-XX-XX-DR-S-4002 P02 (Extrapolating Elevations),
received 24th May 2019 by the Local Planning Authority.

For the avoidance of doubt.

2. Notwithstanding the submitted information, within 3 months of the date of this decision, full details (including locations and diameter) demonstrating that the proposed weep holes, to serve the retained ground, align with existing weep holes in the existing retaining wall to the east shall be submitted to the Local Planning Authority, for its approval in writing. Thereafter the works shall be carried out in accordance with the details so approved.
In the interests of ensuring the structural integrity of the retaining wall structures.
3. Notwithstanding the submitted information, within 3 months of the date of this decision, final details of the proposed stain/paint colour to be applied to the timber boundary fencing hereby approved shall be submitted to the Local Planning Authority, for its approval in writing. Thereafter the works shall be carried out in accordance with the details so approved.
In the interests of visual amenity.
4. Within 3 months of the completion of the works to raise the ground level of the rear garden of the property (as shown on drawing H76756-JNP-XX-XX-DR-S-2001 P07 received 24th May 2019 by the Local Planning Authority), the proposed rear garden boundary fencing hereby approved (as shown on drawing H76756-JNP-XX-XX-DR-S-4001 P08 received 24th May 2019 by the Local Planning Authority) shall be installed and thereafter maintained for the lifetime of the development.
To prevent overlooking.

BACKGROUND PAPERS

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

CONTACT OFFICER

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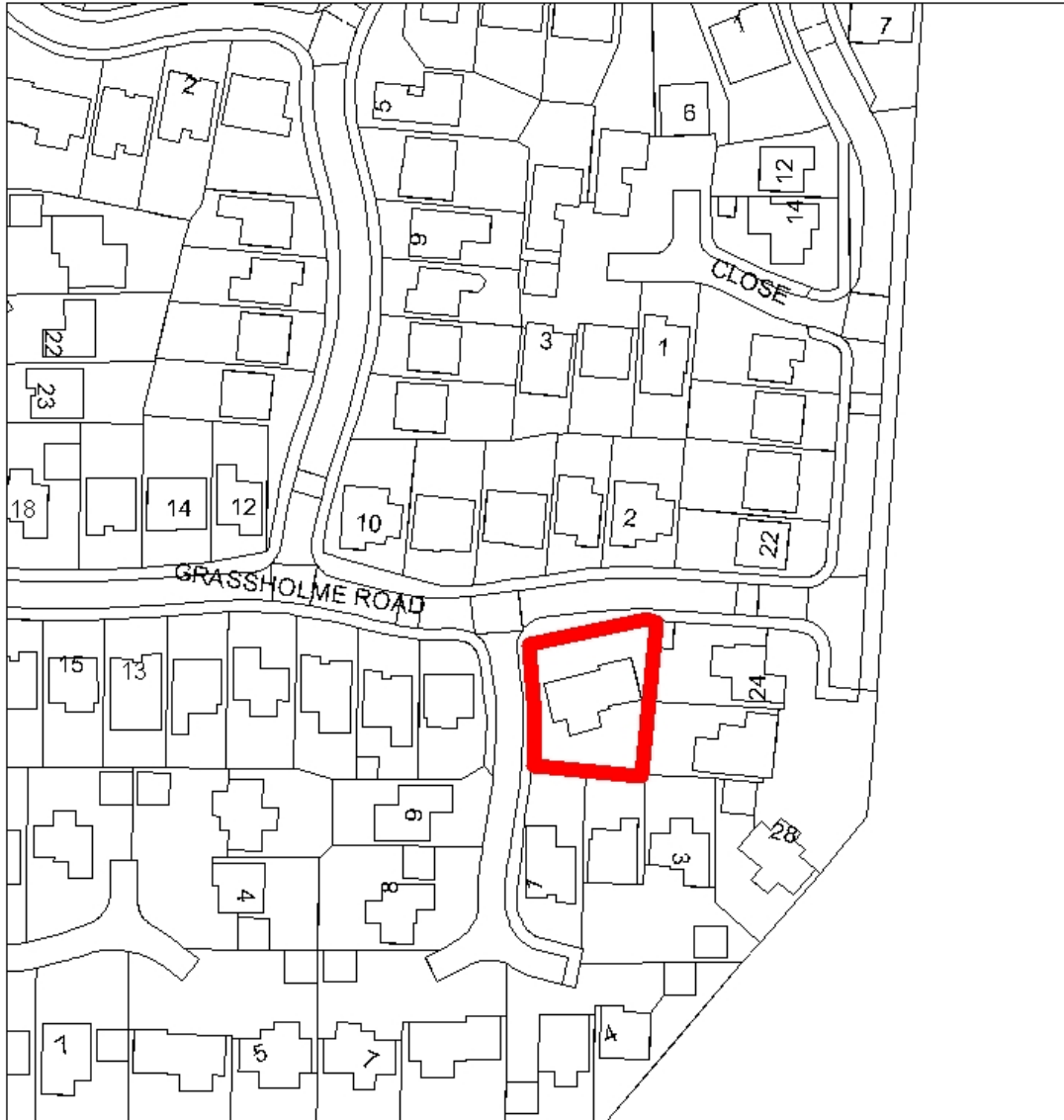
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1 GRASSHOLME ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------|
| <p>HARTLEPOOL BOROUGH COUNCIL</p> | <p>DRAWN GS</p> | <p>DATE 17/06/19</p> |
| | <p>SCALE 1:1,000</p> | |
| <p>Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY</p> | <p>DRG.NO H/2018/0504</p> | <p>REV</p> |

No: 3
Number: H/2019/0195
Applicant: A RHODES HILLSTON CLOSE HARTLEPOOL TS26 0PE
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL TS26 0QE
Date valid: 03/05/2019
Development: Erection of a two storey extension to front and side, a single storey extension to side and rear and alterations to roof to provide attic rooms (resubmitted application)
Location: 31 HILLSTON CLOSE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following planning history is considered to be relevant to the current application site;

H/2019/0096 – A valid planning application was received on 18th March 2019 and subsequently withdrawn on 25th April 2019 for the erection of a two storey extension to front and side, a single storey extension to side and rear and alterations to roof to provide attic rooms.

PROPOSAL

3.3 Planning permission is sought for the erection of a two storey extension to front and side, a single storey extension to side and rear and alterations to roof to provide attic rooms. This application is a resubmitted application featuring amended proposals, following on from a previously submitted application, which was withdrawn after concerns were raised by the case officer.

3.4 In detail, and for the purposes of this report, the proposal can be broken down into various components comprising;

- To the south-east, the erection of a two storey extension projecting approximately 5.36 metres beyond the existing south-eastern side elevation of the original dwellinghouse, at its greatest extent, and approximately 3.44 metres forward of the existing front elevation of the original dwellinghouse. To the rear, the proposed two storey extension sits flush with the existing rear elevation of the original dwellinghouse, and features a hipped roof design,

whilst to the front, the south-western roof slope of the proposed two storey extension slopes down to the top of the garage door, reducing in eaves height to approximately 2.7 metres above the proposed integral garage. A dormer window will serve the proposed master bedroom above. The proposed two storey extension sits approximately 0.9 metres from the shared boundary with 32 Hillston Close at its closest point, however the south-eastern elevation of the proposed two storey extension features a stagger, with the extension stepping in an additional (approx.) 2.8 metres (at first floor) as it approaches the shared boundary with 6 Whinston Close, reducing the projection beyond the existing side elevation of the original dwellinghouse (at first floor) to approximately 2.55 metres, as it extends along the shared boundary with 6 Whinston Close. At ground floor the single storey element does not step in from the shared boundary as far (approx. 1.78 metres only), and extends beyond the two storey element approximately 1 metre, with a mono-pitch (lean-to) roof with a maximum height of approximately 3 metres.

- To the north-east, the erection of a single storey extension projecting approximately 2.36 metres beyond the existing rear elevation of the original dwellinghouse, approximately 3.58 metres beyond the existing south-eastern side elevation of the original dwellinghouse, and approximately 3.38 metres beyond the existing north-western side elevation of the original dwellinghouse. The proposed single storey rear extension features a hipped roof design with an eaves height of approximately 2.75 metres and a ridge height of approximately 3.6 metres.
- To the north-west, the erection of a single storey extension projecting approximately 3.38 metres beyond the existing north-western side elevation of the original dwellinghouse and some 1 metre beyond the adjacent part of the original front wall of the house. The proposed single storey side extension features a hipped roof design with an eaves height of approximately 2.75 metres and a ridge height of approximately 3.95 metres.
- An increase in the overall roof (ridge) height of the dwellinghouse from approximately 7.8 metres to 8.9 metres to accommodate a second floor en-suite bedroom, including the provision of roof lights to the front and rear.
- Alterations to the existing external elevation treatments from brick to ivory colour render at first and second floor levels.
- The works will result in a 5 bedroom house.

3.5 As above, these proposals constitute amendments to a previously withdrawn application (ref H/2019/0096), including changing the proposed main roof from a dual-pitched side facing gable design to a hipped design, replacing the front facing second floor gable of the two storey extension to the front with a first floor dormer window with reduced eaves height and reducing the projection of the first floor side extension (where it projects along the shared boundary with 6 Whinston Close) by approximately 1 metre.

3.6 The application has been referred to the Planning Committee at the request of a Member of the Planning Committee.

SITE CONTEXT

3.7 The application site comprises a two storey, 3-bedroom detached dwellinghouse in a residential cul-de-sac at 31 Hillston Close, Hartlepool. The application site is bounded to the north by 6 and 7 Glenston Close, to the east by 6 Whinston Close and to the south by 32 Hillston Close. To the west the application site is bounded by a public footpath with 30 Hillston Close beyond. The host property features a private driveway to the front with access from the adopted highway on Hillston Close.

PUBLICITY

3.8 The application has been advertised by way of neighbour letters (9). To date, 1 objection has been received with the following comments;

“We have of course no objection to our neighbours’ right to extend their property. However, the impact of this design will result in a significant loss of light and privacy for our property given the relative elevation between our two properties and the proposal for two additional windows directly overlooking our property.”

3.9 An additional objection from a different neighbour was submitted however subsequently withdrawn.

3.10 Copy Letters **C**

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Building Control – If planning permission is granted for the scheme, I can confirm a Building Regulation application will be required for the proposals as described.

HBC Ecology – As per my original response dated 15/04/2019. One integral bat box required.

The site is in an area of the borough that has a good network of mature greenspace linking to Naisberry Quarry Local Wildlife Site to the west, and beyond, and which supports populations of bats. I therefore require Biodiversity enhancement as per NPPF 170 d), in the form of one integral bat box built into the fabric of either the south or east facing wall of the house or garage, at a height of at least 4m.

Examples:

Schwegler integral bat roost brick options:

A 1FE Schwegler Bat Access Panel: <http://www.schweglernatur>.

de/portfolio_1395072079/fledermaus-einlaufblende-1fe/?lang=en

Bat Winter Roost 1WI: http://www.schweglernatur.de/portfolio_1395072079/fledermaus-ganzjahres-einbauquartier-1wi-d-bp/?lang=en

Ibstock Brick products for bats.
<http://www.ibstock.com/kevington/eco-products/>
<https://www.ibstock.com/wp-content/uploads/2015/01/AA6606-Portfolio-Eco-products.pdf>

HBC Public Protection – Do not object.

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

PLANNING POLICY

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

Local Policy

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

LS1 – Locational Strategy
SUS1 – Presumption in Favour of Sustainable Development
QP4 - Layout and Design of Development
HSG11 – Extensions to Existing Dwellings
NE1 – Natural Environment

National Policy

3.15 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007 : Purpose of the Planning System;
 PARA 011 : Presumption in favour of sustainable development;
 PARA 038 : Decision making;
 PARA 047 : Determining applications in accordance with the development plan;
 PARA 124 : High quality buildings and places;
 PARA 127 : Design principles.
 PARA 130 : Refusal of Poor Design
 PARA 170 : Conserving and enhancing the natural environment

PLANNING CONSIDERATIONS

3.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, the amenity and privacy of neighbours, highway and pedestrian safety, and ecology and nature conservation. These and all other planning and residual matters are set out in detail below.

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

3.17 Paragraph 124 of the National Planning Policy Framework (NPPF) (2019) highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.18 Paragraph 127 of the NPPF (2019) further stipulates that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users.

3.19 Paragraph 130 of the NPPF (2019) advises that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

3.20 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that development should be of an appropriate, layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features and character of the local area, respects the surrounding buildings, structures and environment and uses design elements relevant to the location.

3.21 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) further stipulates that proposals for extensions to residential properties should be of a size, design and use materials that are sympathetic to the existing dwelling and should not affect the character of the surrounding residential area.

3.22 The host property is a relatively modest 3 bedroom detached dwellinghouse located at the end of a cul-de-sac, featuring a proportionate amount of private amenity space to the rear and a small rectangular open plan garden to the front. The property also features a large detached double garage and private driveway to the front.

3.23 The surrounding area is characterised by a mixture of three and four bedroom properties featuring adequate private amenity space to rears and open plan front gardens with a range of designs, sizes and external finishing materials within the estate. The host property appears to be one of a number of this house type within the immediate area, although it is noted several of these have previously been extended.

3.24 In view of the above, it is acknowledged that in principle there is provision within the existing plot and in the context of the surrounding area for the host property to be extended in some form and for alterations to be made to the design and external finishing materials of the property given the variety of house types within the surrounding area.

3.25 However, whilst it is recognised that the applicant has sought to amend the proposals following concerns raised by the case officer through the course of the previously withdrawn application, it is considered on balance that in this instance, the resubmitted proposals do not overcome the concerns previously raised with respect to the size, siting and design of the proposals.

3.26 Namely, it is considered that the proposed ground, first and second floor extensions to the property constitute a significant increase in the floor area of the dwelling and amount of development on this plot. In particular, it is noted that the proposed extensions more than double the size of the host dwelling and the developed area of the plot, constituting an increase in the floor area of the existing dwelling (incl. detached garage) of approximately 230% (from 145m² to 337m²) and an increase in the developed area of the plot from approximately 21.5% to 44.5%, with an appreciable reduction in the functional external amenity space and separation distances to site boundaries remaining. This scale of increase in the size of the dwelling and the developed area of the plot appears to be unprecedented in the surrounding area, is uncharacteristic of the wider estate, and it is considered would constitute overdevelopment of the application site.

3.27 In addition to the above, it is considered that owing to the size, layout and design of the proposals, the proposed extensions do not appear subservient to the main dwellinghouse and would appear incongruous in the street scene. It is noted that the host dwelling is somewhat set back into the plot in comparison to the dwellings either side (owing to the layout of this part of the cul-de-sac) and the detached garage adjacent at 32 Hillston Close currently sits forward of the front elevation of the host dwelling (with the proposed extension to sit flush with the front elevation of this garage), however the application site is situated on a higher ground level than this neighbouring garage. Furthermore, the proposed two storey extension features a significant projection forward of the front elevation of the original dwellinghouse, including a large, expansive and prominent roof slope that dominates the front elevation of the property, and creates an ungainly roof form and massing

that it is considered would have a visually jarring appearance, with the large double garage door and dormer window facing the end of the cul-de-sac serving to emphasise the bulk and mass of the forward projection and unbalance the front elevation of the dwellinghouse.

3.28 Additionally, it is considered that this design, including the provision of a front facing dormer window at first floor, and the alterations to the main roof of the dwellinghouse to form a hipped roof are out of keeping with the surrounding area, with no similar examples in the immediate street scene. Notwithstanding the above, it is considered that the application of a render finish to the external elevations of the property would not have significant detrimental visual impacts, given the variety of external finishing materials used in the surrounding area and existing street scene.

3.29 Taken as a whole, it is considered that the proposed extensions and alterations, due to their size, siting and design, would result in a dwelling that would lack visual harmony, appear incongruous in the street scene and would result in a development of a cramped appearance, to the detriment of the visual amenity of the application site, the appearance of the wider street scene and the character of the surrounding area.

3.30 In view of the above considerations, it is considered on balance that the proposals are not acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area and are contrary to policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the NPPF (2019).

AMENITY AND PRIVACY OF NEIGHBOURS

3.31 Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure that developments will create places with a high standard of amenity for existing and future users.

3.32 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) also states that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby property by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook. Development should also ensure that provision of private amenity space should be commensurate to the size of the development.

3.33 Policy QP4 also stipulates that, for new residential development, the following minimum separation distances between dwellings must be adhered to:

- Principal elevation to principal elevation – 20 metres
- Gable to principal elevation – 10 metres

Policy QP4 further clarifies that extensions to buildings that would significantly reduce the separation distances between properties will not be permitted.

3.34 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) states that proposals for extensions to residential properties must not significantly affect the amenities of the occupiers of adjacent or

nearby properties through overlooking, overshadowing or by creating a poor outlook, and must not deny the existing and future occupiers adequate private amenity space for normal domestic needs within the curtilage.

3.35 The relationship of the proposed extensions and alterations to neighbouring properties has been considered in the context of the above national and local policy requirements and has been assessed in detail as set out below;

Neighbouring Properties to the South (26-28, 32 Hillston Close)

3.36 To the south/south-east, the proposed extensions are largely screened from the adjacent neighbouring property at 32 Hillston Close and its associated rear garden area by an existing large detached garage. This neighbouring property features a single part glazed door serving a non-habitable room at ground floor in the side elevation facing the application site, with a separation distance of approximately 8 metres. The proposed extension(s) do not include any windows or doors facing directly onto this neighbouring property.

3.37 To the south-west (front), whilst the proposals include a significant projection forward of the front elevation of the original dwellinghouse, satisfactory oblique separation distances in excess of 30 metres are maintained to properties on the other side of the adopted highway (26-28 Hillston Close).

3.38 In view of these relationship, it is considered that there would be no significant detrimental impact on the amenity or privacy of neighbouring land users to the south/south-east or south-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

Neighbouring Properties to the West (30 Hillston Close)

3.39 To the west, the proposed single storey side extension sits approximately 4 metres from the side elevation of the adjacent property at 30 Hillston Close, separated by a public footpath and would be partially screened by existing boundary fencing to both the rear garden of the host property, and that of this neighbouring property. It is noted that this neighbouring property features an obscurely glazed window at ground floor in the side elevation facing the application site and two windows at first floor. However, the application site sits at a slightly lower level than this neighbour, reducing any overbearing impact, and the proposed front and side elevations of the proposed single storey side extension splay away from the side elevation and rear garden of this neighbouring property, maintaining the oblique relationship between the two properties and reducing the propensity for overlooking. Similarly, an oblique relationship is also maintained between the proposed two storey side extension (where it extends forward of the original dwellinghouse) and this neighbouring property, with a proposed oblique separation distance of approximately 8-10 metres and no windows facing this neighbouring property.

3.40 It is therefore considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

Neighbouring Properties to the North (6-8 Glenston Close)

3.41 To the north, the proposed extensions maintain adequate (and oblique) separation distances to the neighbouring properties at 8 Glenston Close (north-west), 7 Glenston Close (north) and 6 Glenston Close (north-east).

3.42 Whilst the proposed single storey side extension features 2 windows and 2 roof lights in the side elevation facing 8 Glenston Close (serving a study and lounge), a satisfactory oblique separation distance of between 17 metres and 24 metres is maintained from this side elevation to the rear elevation of this neighbouring property, with the site of the proposed extension substantially screened by an existing difference in levels and existing approximately 1.8 metre high closed boarded fencing to neighbouring boundaries. The proposed roof lights are at a height and angle that is unlikely to have any significant impact on this neighbour in terms of loss of privacy.

3.43 The proposed single storey rear extension features a row of patio/bi-folding doors along its rear elevation with 4no. roof lights above. However, a satisfactory oblique separation distance of between 11.5 metres and 20 metres is also maintained between the side and rear elevations of the proposed single storey rear/side extension and the rear elevation of the neighbouring dwellinghouse at 7 Glenston Close, with this shared boundary again featuring approximately 1.8 metre high closed boarded fencing and this neighbouring property sitting at a higher level.

3.44 Whilst the rear elevation of the proposed single storey extension looks more directly onto the rear garden area of 6 Glenston Close, a distance of approximately 6 metres is maintained to the rear boundary of the site, which again features an approximately 1.8 metre high closed boarded fence with substantial landscape screening beyond. Furthermore, a satisfactory oblique separation distance of between 17 metres and 25 metres is maintained between the proposed single storey extension and the rear elevation of this neighbouring dwellinghouse.

3.45 The proposed two storey side/front extension is substantially screened from neighbouring land users to the north by the existing dwellinghouse. Whilst the proposed two storey side extension features a rear facing dressing room window facing the rear garden area of 6 Glenston Close, a distance of approximately 9 metres is maintained to the rear boundary of the site and a satisfactory oblique separation distance of approximately 24 metres is maintained to the rear elevation of this neighbouring dwellinghouse.

3.46 Given the abovementioned relationships, separation distances, differences in levels and boundary screening, it is considered that the proposals would have no significant detrimental impact on the amenity or privacy of neighbouring land users to the north in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

Neighbouring Properties to the East (6 Whinston Close)

3.47 To the east, a limited (albeit oblique) separation distance of approximately 8 metres currently exists between the rear elevation of the existing dwellinghouse at 6

Whinston Close, and the rear elevation of the host property, and it was noted on site that this neighbouring property features an open plan kitchen/living area (habitable room) at ground floor, served by patio doors immediately adjacent to the shared boundary.

3.48 The relationship between the two properties is unusual, and has been further constrained through the erection of a two storey side extension at 6 Whinston Close, approved in 2006 (ref: H/2006/0182), which extended the ground floor living space. Notwithstanding this, the current application must be considered on its own merits and in the context of the relationships between properties as they currently exist. It was further noted on site that there is a difference in levels between the two properties, with the host property sitting approximately 1 metre (min.) higher than the dwellinghouse at 6 Whinston Close.

3.49 It is noted that through the course of the 2006 application for 6 Whinston Close, this neighbour was required to reduce the size of their proposed side extension to increase the separation to the shared boundary and between properties, following concerns raised by the case officer at the time with respect to the impact on the properties to the north (31 Hillston and 6 Glenston). It is clear therefore that the constrained relationship between the properties was acknowledged at that time, with measures taken to limit any impact on neighbour amenity.

3.50 Whilst it is considered that the existing relationship does not have a significant detrimental impact on the amenity or privacy of either neighbour, any further incursion into the minimal separation distance between the two properties is likely to begin to have an impact on residential amenity (more so for 6 Whinston Close due to the existing difference in levels and the presence of a large existing detached garage at 32 Hillston Close to the immediate north of 6 Whinston Close).

3.51 With respect to the current proposals, the proposed two storey side extension extends toward the shared boundary with 6 Whinston Close, reducing the separation distance between the two storey element of the extension and the rear elevation of this neighbouring dwelling to approximately 6.4 metres at its closest point. The proposed single storey extension to the side/rear extends further toward the shared boundary, further reducing this separation distance to approximately 3.8 metres at its closest point.

3.52 A separation distance of approximately 10 metres is maintained between the rear elevation of 6 Whinston Close and the rear (north-east) elevation of the proposed two storey side extension, at the point where it steps out and faces directly onto the rear elevation of 6 Whinston Close, with a setback of approximately 2.4 metres from this neighbour's boundary at its closest point.

3.53 Whilst it is appreciated the abovementioned guideline separation distances may not be as critical in instances where there is an oblique relationship between dwellings such as this (where the proposed extensions do not face directly onto this neighbouring dwelling, with the exception of the part of the two storey extension with integral garage), the proposals in this instance clearly reduce separation between the two properties to minimal distances far below those set out within policy QP4,

and the proposals would sit in close proximity to this neighbour's immediate rear garden area and ground floor living space.

3.54 It is acknowledged attempts have been made by the applicant to reduce the impact on the amenity and privacy of this neighbour through changing the roof design, reducing the two storey projection and using obscure glazing to overlooking windows, as part of this resubmitted application.

3.55 However, due to the proximity of the proposals to the shared boundary with this neighbour, the size of the extensions proposed and the proposed increase in the overall ridge height of the dwelling, the proposals would result in a significant increase in the built mass along/in proximity to the shared boundary with the neighbouring property at 6 Whinston Close. Given that this neighbouring property features patio doors at ground floor serving a lounge (habitable room), it is considered that the proximity to this neighbouring property would result in the outlook from 6 Whinston Close being dominated by the proposed extensions, which would have an overbearing impact on both the ground floor living space and immediate garden area of this neighbour and lead to a loss of light and increased overshadowing, particularly on an afternoon/evening due to the orientation of the properties. In combination with the existing relationships observed on site (including the difference in levels between properties and existing relationship with the garage at 32 Hillston Close), it is considered that this would have a significant and unacceptable detrimental impact on the amenity of this neighbour to the east in terms of overshadowing, an overbearing effect and poor outlook.

3.56 Notwithstanding this, given the oblique relationship between the properties and subject to appropriate treatment of any of the secondary/non-habitable room windows adjacent to the shared boundary to prevent overlooking, particularly the dressing room and en-suite window, it is considered that there would not be a significant loss of privacy for neighbouring land users to the east.

Amenity and Privacy of Neighbouring Land Users Conclusion

3.57 In view of the above considerations and due to the proposed relationship between the proposals and neighbouring land users to the east, it is considered on balance that the proposals are not acceptable with respect to the impact on the amenity and privacy of neighbouring land users and are contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019).

HIGHWAY AND PEDESTRIAN SAFETY

3.58 The proposal comprises an increase in the number of bedrooms at the property from 3 to 5. As such, in line with Tees Valley Design Guide & Specification, the property would be required to maintain a minimum of 3 off-street parking spaces. The property currently features a detached double garage and large private driveway. Whilst the proposed extension will result in the loss of part of the existing driveway, the extension features a large integral double garage, and the proposed site plan shows additional hard standing provided to the front of the property to accommodate further off-street parking.

3.59 The Council's Highways, Traffic & Transport section has been consulted and have confirmed that they have no highway or traffic concerns. The proposal is acceptable with respect to the impact on highway and pedestrian safety.

ECOLOGY AND NATURE CONSERVATION

3.60 The site is in an area of the Borough that has a good network of mature greenspace linking to Naisberry Quarry Local Wildlife Site to the west, and beyond, and which supports populations of bats.

3.61 Paragraph 170 of the NPPF (2019) stipulates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

3.62 The Council's Ecologist has therefore considered the proposals and has advised that they require biodiversity enhancement, in line with NPPF paragraph 170, in the form of one integral bat box built into the fabric of either the south or east facing wall of the house or garage, at a height of at least 4m. A planning condition requiring this would therefore have been recommended had the application been considered acceptable in all other respects.

3.63 Notwithstanding the outstanding concerns set out above, the application would otherwise be considered to be acceptable with respect to the impact on ecology and nature conservation, subject to the abovementioned condition.

CONCLUSION

3.64 In view of the above material planning considerations and the provisions of the relevant policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019), it is considered on balance that the proposals would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area and the amenity and privacy of neighbouring land users. The proposals are therefore considered to be unacceptable and contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019). The application is therefore recommended for refusals for the reasons set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.65 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.67 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would have a detrimental impact on the visual amenity of the application site and the character and appearance of the surrounding area, through the erection of an extension(s) that dominates the existing dwellinghouse, significantly increases the developed area of the application site, and introduces an incongruous feature to the street scene, out of keeping with the character of the area. For this reason the proposed development is considered to be contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the NPPF (2019).

2. In the opinion of the Local Planning Authority, it is considered that the proposed development, by virtue of its size, siting and design, would have a detrimental impact on the amenity of the occupiers of a neighbouring property (6 Whinston Close), through the erection of an extension(s) that would dominate the outlook from habitable rooms of the adjacent property to the east and would have an overbearing impact on this neighbouring property and its associated immediate rear garden area, including through overshadowing and loss of light. For this reason the proposed development is considered to be contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019).

BACKGROUND PAPERS

3.69 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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No: 4.
Number: H/2019/0029
Applicant: MR H RANDHANA NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL TS24 0UH
Agent: M2D CONSULTING LTD MR GLENN MCGILL THE DENE 36 NEVILLEDAL TERRACE DURHAM
Date valid: 26/02/2019
Development: Change of use to provide outside seating and retrospective permission for alteration to shop front
Location: UNIT 4 SHISHA BAR NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning application(s) and history is considered to be relevant to the current application site and surrounding area:

4.3 H/2012/0179 - Change of use to cafe/bar including internal and external alterations to create one unit. Approved. 27th June 2012.

PROPOSAL

4.4 Retrospective planning permission is sought for the retention of an outside seating area on land adjacent to the front of the property, the erection of timber barriers to the front, and the relocation of the main entrance door on the frontage.

4.5 The external seating area measures approximately 3.44 metres by 3.0 metres in area directly adjacent to the frontage of the building, beneath the existing projecting canopy. The proposed timber barriers measure approximately 1.2 metres in height. The barriers project approximately 3.0m when fully extended from the front elevation of the property. The door will be relocated on the western frontage toward the north, nearer to the boundary with No 5/6 Navigation Point.

4.6 Amended plans were requested and received to reflect the changes to the shop front. Following concerns raised by Officers over the appearance and siting of the timber barriers and the alterations to the front, further amended plans were requested. This is discussed in further detail below.

4.7 The application has been referred to the planning committee as the works are retrospective.

SITE CONTEXT

4.8 The application site comprises a ground floor commercial unit at Navigation Point, Hartlepool. The unit is adjoined to either side by other commercial (restaurant/bar) units with residential flats above. To the front of the application site lies a footpath with a large car park beyond. To the rear of the application site is a service area.

PUBLICITY

4.9 The application has been advertised by way of neighbour letters (eleven in total) and site notice. To date, there have been two material planning objections received.

4.10 The concerns raised are:

- The premises in question have put out seating with 'hookahs', causing an offensive smell/odour nuisance.
- Noise from loud music and shouting.
- Intimidating crowds.
- The staff have shown little consideration for neighbouring residents, e.g. drilling and banging late at night.
- It is understood that seating ought to be brought in of an evening and should not extend past the pavement, however this premises has left seating out overnight and one bench is affixed to the outside wall.
- Chairs near the road posing a health and safety issue, and it is assumed the reason the car parking was re-established at the end of the road.
- wooden seats are out of character with the area.
- The same rules regarding seating should be in place in this bar as with the other bars in the area.
- The bar has moved its door nearer another unit within the parade causing noise disturbance and the door should be relocated.

4.11 Copy Letters **D**

4.12 The period for publicity has expired.

CONSULTATIONS

4.13 The following consultation replies have been received:

HBC Public Protection: The outside seating area shall only be open for use by the public from 9am until 8pm or sunset whichever is the sooner each day. The seating area shall not be used beyond these times.

Any tables and/or chairs used in connection with the outside seating area shall be removed and stored within the unit at close of business.

The outdoor seating area shall not extend beyond the canopy.

No music shall be played or relayed to the outside seating area.

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

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change
 LS1: Locational Strategy
 LT1: Leisure and Tourism
 LT2: Tourism Development in the Marina
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RC7: Late Night Uses Area
 SUS1: The Presumption in Favour of Sustainable Development

National Policy

4.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. 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 interdependent. 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 significantly and demonstrably outweigh the benefits. 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

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

4.18 The application site is in a mixed use area including flatted properties as well as retail units. The main issues raised by this use are the potential impact on the general amenity, character and appearance of the area.

4.19 Paragraph 8 of the NPPF sets out the three overarching interdependent objectives of the planning system. These include that planning should contribute to protecting and enhancing the natural, built and historic environment. Paragraph 127 of the NPPF attaches importance to the design of proposal and ensuring the developments function well and add to the overall quality of the area, are visually attractive, sympathetic to the local character and maintain a strong sense of place.

4.20 The Hartlepool Local Plan (2018) identifies the application site as being located within an area identified as RC12 (The Marina Retail and Leisure Park). This policy identifies uses that are appropriate within the Marina Retail and Leisure Park however again stipulates these, and other uses, will only be permitted provided that they do not adversely affect the character, appearance, function and amenity of the area.

4.21 Local Plan Policy QP4 (Layout and Design of Development) seeks to ensure that all developments are designed to a high quality and positively enhance their location and setting.

4.22 With regard to the outdoor seating at the Marina consideration must be given to the site as a mixed use area which includes both residential and retail/commercial units and one of the main issues raised by the outdoor seating is the potential impact on the general amenity of the area.

4.23 Policy LT2 (Tourism Development in the Marina) states that the Marina will continue to be developed as a major tourist and leisure attraction. The proposed outside seating areas support the existing uses in this area and therefore contribute to its continued vitality and viability.

4.24 Therefore, it is considered that the principle of development (in particular external seating to serve the existing use) is considered to be acceptable subject to the relevant material planning considerations as set out in detail below.

IMPACT ON CHARACTER AND APPEARANCE OF THE AREA

4.25 In terms of the impact on the character of the area, the application site is located towards the southern end of Navigation Point, which is characterised by its long sweeping frontage with canopy to the front which is used by the restaurants and bars to provide additional outdoor seating beneath the canopy.

4.26 In this regard it is considered that the provision of outside seating is established within the area and considered not to detrimentally impact the character and appearance of the area.

4.27 However, the proposal also contains a retrospective timber barrier structure that projects from the southern boundary of the site, serving as a boundary on all three edges of the site. As detailed above, Navigation Point is generally characterised by relatively attractive sweeping frontages that provide visitors with a pleasant open vista of the leisure units within this key leisure and tourism area.

4.28 It is therefore considered that the erected 1.2 metre high (approximately) timber barriers, by virtue of their design, scale and siting, detrimentally impacts upon the appearance and character of the area, introducing an incongruous and alien feature to the frontages of Navigation Point. This element of the proposal is therefore considered to be contrary to Local Plan Policy RC12, that states “the design of all units...is key to improving the appearance, safety and promotion of the area...” and policy QP4 which states that development should be of an appropriate scale and form and respect surrounding buildings, structures and environments.

4.29 It is noted that barriers demarking boundaries are present on other premises, however these are of a more transparent design and construction to not obstruct the open frontages of the area. Discussions were held with the applicant to request that the timber barriers were removed. However, the applicant has declined to respond further or to submit details of an amended scheme. It is therefore considered that the applicant has not made an attempt to overcome the concern raised in respect to the structure’s impact upon the visual appearance and amenities of the area.

4.30 It is therefore considered that the development has a detrimental impact on the visual amenity, character and appearance of the area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and Paragraph 127 of the National Planning Policy Framework (2019) and would warrant a refusal of the application.

AMENITY OF NEIGHBOURING LAND USERS

4.31 It is considered that the provision of outside seating areas has the potential to create noise concerns/issues on the occupants of residential apartments which are directly above the application site. However, it is noted that late evening commercial uses are common in the immediate vicinity of the host unit, and as such the occupants of the residential premises would expect a certain level of activity or

disturbance associated with living in this location, with close proximity to the commercial uses.

4.32 The Council's Public Protection team have raised no direct concerns in relation to the outside seating, however, they have requested that no music be played or relayed to the seating area, that the hours of use of the seating area be restricted, and removal of the seating area at the close of business in line with other recent similar approvals for seating areas along Navigation Point. These matters could have been secured by appropriate planning conditions, had the application been considered acceptable in all respects.

4.33 The proposal includes the erection of wooden barrier structures. Whilst the structures are not considered to result in a detrimental impact on the residential properties to the upper floors of the building, it is not considered the barriers have an overbearing effect onto the neighbouring adjacent commercial properties (including its outlook) to the south (Unit 3) and to the north (Unit 4/6).

4.34 The application site only features windows with an outlook towards the car park and the Marina. The proposals include the relocation of the door from the side closest to No 3 Navigation Point to the side closest to No 5/6 Navigation Point. It is not considered that the relocation of the door would cause any adverse impacts in terms of overlooking onto the residential properties above the unit, or the adjacent commercial properties or unduly affect amenity in terms of noise and disturbance.

HIGHWAY SAFETY AND CAR PARKING

4.35 The existing parking systems within the Marina will be unaffected by the proposal. The Council's Traffic and Transport team have been consulted and no objections have been received. Given the nature of the proposals, it is considered that the proposals are unlikely to adversely impact on the highway safety or create any parking related issues. The application is therefore considered to be acceptable in this respect.

FLOODING AND DRAINAGE

4.36 The application is not within a flood zone, and due to the nature of the proposal is not considered to introduce any features that would impact on the drainage of the area. It is therefore considered to be acceptable in this respect.

CONCLUSION

4.37 In view of the above material planning considerations, whilst the relocation of the door and the external seating area would be acceptable in principle (subject to appropriate mitigation measures being secured by planning conditions), given that the application also includes the timber barriers element which is considered to constitute an unacceptable form of development by virtue of its scale, design and siting, the scheme is considered to result in detrimental harm to the visual amenity, character and appearance of this prominent leisure activity location contrary to paragraphs 8 and 127 of the NPPF, and policies QP4 and RC12 of the Hartlepool Local Plan (2018). This would therefore warrant a refusal of the application.

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 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, the proposed retractable screen to front of the building constitutes an unacceptable form of development that results in a detrimental impact on the visual amenity, character and appearance of the area by virtue of its scale, design and siting of the screen, contrary to paragraphs 8 and 127 of the NPPF, and policies QP4 and RC12 of the Hartlepool Local Plan (2018).

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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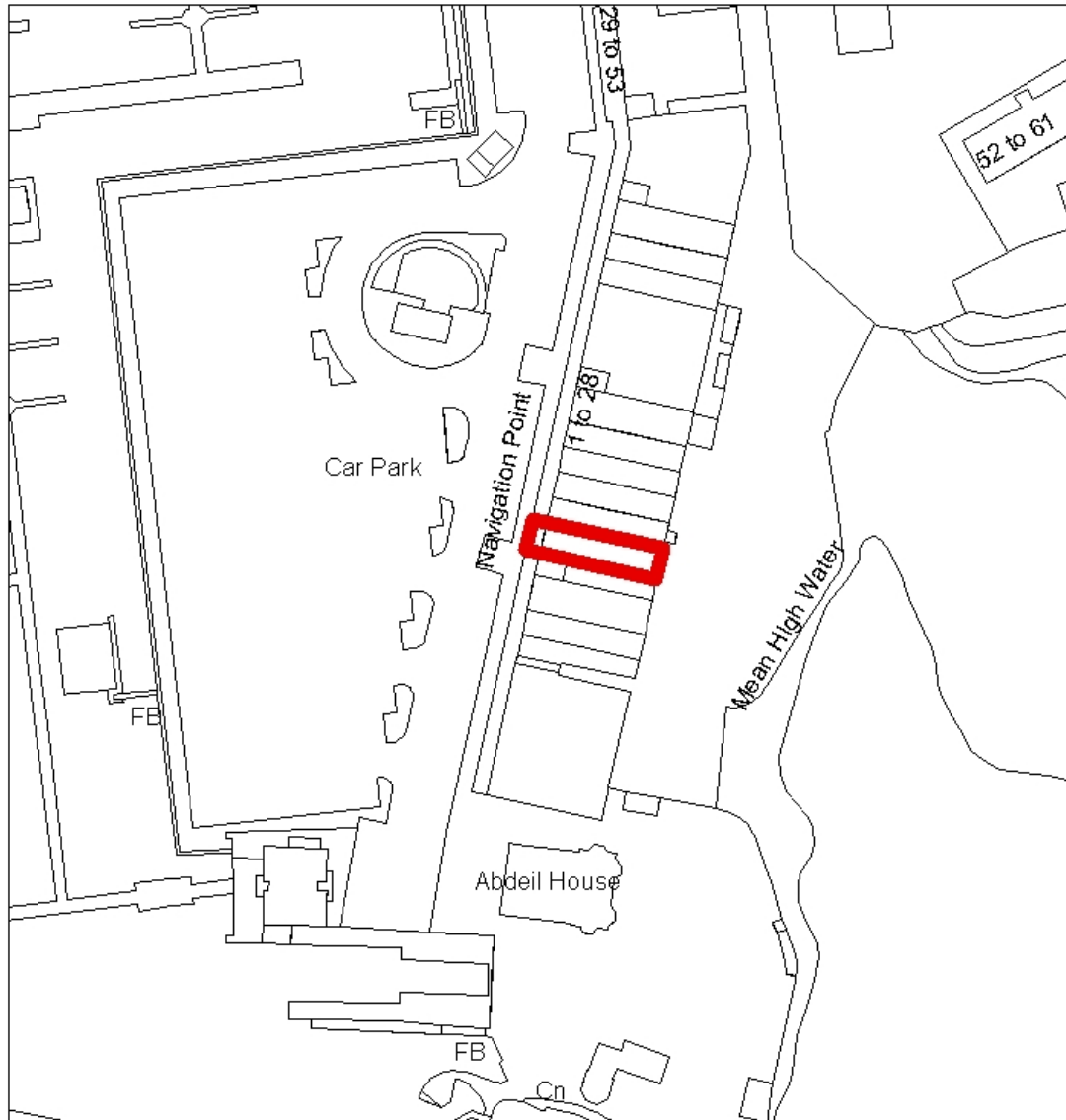
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4 NAVIGATION POINT



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| <h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2> | DRAWN GS | DATE 17/06/19 |
| | SCALE 1:1,000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2019/0029 | REV |

No: 5
Number: H/2019/0197
Applicant: Mr Mark Filby Meadow Drive HARTLEPOOL TS26 0AY
Agent: MALCOLM ARNOLD 2 SISKIN CLOSE HARTLEPOOL TS26 0SR
Date valid: 20/05/2019
Development: Erection of a detached garage
Location: 15 MEADOW DRIVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following planning applications are relevant to this application:

5.3 H/2017/0206 – Planning permission was granted on 1st June 2017 for alterations and extensions to existing bungalow to form two storey dwelling, which included the erection of a detached garage.

PROPOSAL

5.4 The application seeks permission for the erection of a detached garage to the rear of the host property at 15 Meadow Drive. Planning permission was granted in 2017 for the erection of a detached garage measuring approximately 6 metres in width by approximately 6 metres in length, with an approximate total height of 3.7 metres.

5.5 The proposed changes to the garage previously approved comprise a larger length of the detached garage, from approximately 6 metres to approximately 8.5 metres. The proposed roof is a hipped roof in a colour to match the existing dwelling.

5.6 The application is being referred to the planning committee as the applicant is the spouse of an officer at the Council.

SITE CONTEXT

5.7 The application site relates to a detached south facing two-storey dwelling with an existing detached garage on Meadow Drive. The property features a garden to the front and a large garden to the rear.

5.8 The surrounding area is residential in nature and surrounding properties consist of single storey and two storey dwellings of various designs and scales. The rear

garden is enclosed by an approximate 1.8 metre high closed boarded fence at the northern and western boundaries with a low fence and hedge at the eastern boundary. Several trees abound the site to the rear (north) and west, ranging in height from approximately 3.5 metres and 5.5 metres.

PUBLICITY

5.9 The application has been advertised by way of five neighbour letters. To date, no responses have been received.

5.10 The period for publicity has expired.

CONSULTATIONS

5.11 The following consultation replies have been received:

HBC Traffic and Transport – No objections to the proposal.

HBC Engineering – No objections to the proposal.

PLANNING POLICY

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

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

GEP 1: General Environmental Principles
 SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 HSG 11: Extensions to Existing Dwellings

National Policy

5.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. 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 interdependent. 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Purpose of the planning system
 PARA 011: Presumption in favour of sustainable development
 PARA 038: Decision making
 PARA 047: Determining applications in accordance with the development plan
 PARA 054: Can unacceptable development be made acceptable
 PARA 055: Planning conditions
 PARA 056: Planning obligations
 PARA 124: High quality buildings and places
 PARA 127: Design principles
 PARA 150: Reduce greenhouse gas emissions

PLANNING CONSIDERATIONS

5.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies QP3, QP4 and HSG11 of the Hartlepool Local Plan (2018), the impact on the character and appearance of the existing dwelling and wider area, the impacts on neighbour amenity and privacy, the impacts on highway safety and any other planning matters.

IMPACT ON CHARACTER AND APPEARANCE OF DWELLING AND AREA

5.16 The proposed garage is to be located in the north west corner of the application site, to the rear of 15 Meadow Drive with limited direct views from the front of the host property.

5.17 The proposed detached garage is considered to be of a design and scale (including matching materials) that respects the nature, character and appearance of the existing dwelling and wider area. The proposal is considered to accord with the provisions of policies HSG11 and QP4 of the Hartlepool Local Plan (2018).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.18 The host dwelling is situated within a reasonable plot with large gardens to the front and rear.

Impact on 13 Meadow Drive (west)

5.19 The proposed detached garage will be set along the boundary with this neighbour. There will be an approximate distance of 13m between the proposals and the elevation of this neighbour at its closest point. Owing to the screening afforded by the boundary treatment which comprises mature trees of approximately 4m in height and a fence with an approximate height of 1.5m, and separation distance, it is not considered that there would be any significant adverse impacts on the privacy of this neighbour as a result of the proposals.

5.20 The existing garage on the adjacent boundary with this neighbour is to be demolished, with the proposed garage erected with a greater separation distance from this neighbour. Owing to this it is considered there would be no significant adverse impact in terms of overshadowing or loss of outlook. The proposed development will benefit from some screening against this neighbour from the trees serving as a boundary treatment, which will obscure views from no. 13 Meadow Drive.

Impact on 17 Meadow Drive (east)

5.21 There is an approximate distance of 17 metres from the elevation of this neighbour and the nearest edge of the proposed extension. The proposal does not feature fenestration in the side elevation (eastern) with an aspect toward this neighbour and therefore it is considered there would be no resulting adverse impacts on the privacy of this neighbour.

5.22 The proposed extension is an additional 2.5 metres in length than has already been approved by virtue of planning application H/2017/0206. At the time of the case officer's site visit there was a wooden playhouse on the north west corner of the site where this proposed outbuilding is to be erected, with an approximate height of 3.5 metres. It is further acknowledged that part of the proposal is to demolish the existing garage that is set forward of this proposal, and therefore it is considered there would be no additional adverse loss of outlook or overbearing impact on this neighbour as a result of the proposals.

Impact on properties to the north (3 Carisbrooke Road and 5 Carisbrooke Road)

5.23 The rear corner of the garden where the detached garage will be located benefits from several trees with an approximate height of 5 metres, which are considered to obscure views toward these neighbours. Further, there is a separation distance of more than 20 metres between the proposed development and the rear elevation of no. 3 Carisbrooke Road and no. 5 Carisbrooke Road. Additionally, there are no windows proposed in the rear (northern) elevation of the structure.

5.24 Therefore it is considered there would be no significant adverse impacts on the privacy or amenity of these neighbours in terms of overlooking, overshadowing, overbearing or loss of outlook.

IMPACT ON HIGHWAY SAFETY AND CAR PARKING

5.25 The proposal is for a detached garage to serve the dwelling. Whilst the existing garage is to be demolished, the existing driveway will be retained. There have been no objections raised by the Council's Traffic and Transport section therefore the proposal is considered acceptable in this respect.

RESIDUAL PLANNING MATTERS

5.26 Concerns have been raised that the applicant is running a business from home. This matter has been investigated and the activity was not considered to be at a level to constitute a change of use requiring planning permission. A condition is

proposed to ensure the use of the detached garage remains incidental to the dwellinghouse.

CONCLUSION

5.27 The proposal is considered to be acceptable in terms of amenity of neighbouring properties, visual amenity, character of the surrounding area and highway safety. As such the proposal is recommended for approval subject to conditions detailed below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.30 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Location Plan (scale 1:1250), Proposed Plans Sheet 2, and Proposed Plans Sheet 3 (scale 1:10) received by the Local Planning Authority on 14th May 2019 and Proposed Plans Sheet 1 received by the Local Planning Authority on 20th May 2019.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

5.32 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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15 MEADOW DRIVE



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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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

PLANNING COMMITTEE

3 July 2019



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.

2. Details of Complaints and Investigations

2.1 Investigations have commenced in response to the following complaints:

1. The erection of an outbuilding in the rear garden of a residential property in Cranesbill Avenue.
2. The erection of a high fence at the rear of a residential property in Hayfield Close.
3. Non-compliance with conditions relating to a construction management plan and tree protection measures at a residential development site at land off Dalton Heights.
4. Non-compliance with a condition relating to dust suppression at a quarry site in Hart Lane.
5. The change of use of a light industrial unit to a children's play facility at an industrial estate at Usworth Road.
6. The installation of pole mounted ANPR apparatus at a supermarket car park on Clarence Road.
7. The installation of pole mounted ANPR apparatus at a licensed premises car park on Stockton Road.
8. The erection of a low fence on the side boundary to the front of a residential property in Kesteven Road.
9. The change of use of a shop to a café at a commercial premises in Elizabeth Way.

10. Operating a vehicle parts business at a residential property in Meadow Drive.
11. Operating a car sales business at a residential property in Gladys Worthy Close.
12. Non-compliance with conditions relating to the finishing materials of an approved detached extension at a school in Jesmond Gardens.
13. Non-compliance with the approved plans (relates to the installation of a door) at a residential development site in Newton Bewley.
14. The siting of a residential caravan at an industrial unit in Graythorp.
15. An untidy building and unauthorised display of a trailer mounted advertisement at a former licensed premises on Catcote Road.
16. Operating a hair dressing business at a residential property in Grange Road.

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

1. The painting pink of a listed telephone box on Raby Road. The telephone box was painted pink temporarily in connection with an event. Arrangements are in place to return the telephone box to its original colour.
2. Unauthorised commencement of development works at a residential development site at Nine Acres, Hart. It was found that the works were limited to an initial ground clearance, and that no breach of planning control had occurred.
3. The erection of an extension at the rear of a residential property in Brenda Road. Permitted development rights apply in this case.
4. A side extension not built in accordance with the approved details at a residential property in Brandon Close. It was found that the development is being carried out in accordance with the approved details.
5. The unauthorised display of advertisements at 2 sites on farmland adjacent to the A689 Stockton Road. The advertisements have since been removed.
6. Non-compliance with a condition relating to the removal of external window graphics at a licensed premises on Victoria Road. The external window graphics have since been removed.
7. Operating a car repair business at a residential property in Carlisle Street. It was found that no breach of planning control had occurred.
8. The erection of an outbuilding in the rear garden of a residential property in The Grove, Greatham. The outbuilding has since been reduced in height and as a result permitted development rights apply in this case.

9. The erection of a dwelling at Musgrave Garden Lane, Wynyard. A planning application in respect of the development has since been approved subject to conditions and the completion of a section 106 agreement..
10. Running an unspecified business at a residential property in Cragston Close. It was found that no breach of planning control had occurred in this case.
11. The erection of raised decking in the rear garden of a residential property in Coltsfoot Close. Permitted development rights apply in this case.

3. RECOMMENDATION

- 3.1 That Members **note** this report.

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