

PLANNING COMMITTEE

AGENDA



Wednesday 4 September 2019

at 11.00am

**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 31 July 2019

4. ITEMS REQUIRING DECISION

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

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|----------------|--|
| 1. H/2019/0140 | 8 The Front, Seaton Carew (page 1) |
| 2. H/2019/0191 | 11 Queen Street, Headland (page 15) |
| 3. H/2019/0242 | Land at Teesbay Retail Park, Brenda Road (page 27) |
| 4. H/2019/0169 | 68 Grange Road (page 41) |
| 5. H/2019/0200 | Rossmere Park, Rossmere Way (page 57) |

5. ITEMS FOR INFORMATION

- 5.1 Appeal at 11 Moor Parade, The Headland - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Appeal at Amigo's Bar, 1-3 Victoria Road - *Assistant Director (Economic Growth and Regeneration)*
- 5.3 Appeal at 1 Arncliffe Gardens - *Assistant Director (Economic Growth and Regeneration)*



- 5.4 Appeal at 193 Raby Road - *Assistant Director (Economic Growth and Regeneration)*
- 5.5 Appeal at 458 West View Road - *Assistant Director (Economic Growth and Regeneration)*
- 5.6 Appeal at Unit 4, The Saxon - *Assistant Director (Economic Growth and Regeneration)*
- 5.7 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8. ITEMS REQUIRING DECISION

- 8.1 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.4 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.5 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.6 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.7 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.8 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.9 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*



- 8.10 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.11 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

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 25 September 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

31st July 2019

The meeting commenced at 10.20am in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, James Brewer, Paddy Brown,
Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge,
Brenda Loynes and David Mincher

Also present: Councillor Shane Moore

Officers: Jim Ferguson, Planning and Development Manager
Sarah Scarr, Heritage and Countryside Manager
Adrian Hurst, Environmental Health Manager (Environmental
Protection)
Dan James, Planning (DC) Team Leader
Laura Chambers, Senior Planning Officer
Ryan Cowley, Senior Planning Officer
Paul Simpson, Solicitor
Jo Stubbs, Democratic Services Officer

21. Apologies for Absence

Apologies were submitted by Councillor Carl Richardson.

22. Declarations of interest by members

Councillor Jim Lindridge declared a personal and prejudicial interest in application H/2018/0504 (1 Grassholme Court) and indicated he would leave the meeting during consideration of this item.

Councillor Tim Fleming declared a personal interest in application H/2019/0191 (11 Queen Street) as Ward Councillor.

Councillor James Brewer declared a personal interest in application H/2019/0206 (land adjacent to 28 Nine Acres) as Ward Councillor

Councillor Brenda Loynes declared a personal interest in applications H/2018/0504 (1 Grassholme Road) and H/2019/0094 (land off Dalton Heights, Dalton Piercy) as Ward Councillor

Councillor Mike Young declared a personal interest in applications H/2018/0504 (1 Grassholme Road) and H/2019/0094 (land off Dalton Heights, Dalton Piercy) as Ward Councillor.

23. Confirmation of the minutes of the meeting held on 3rd July 2019

Minutes approved.

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

Councillor Jim Lindridge left the meeting during consideration of the following item.

Number:	H/2018/0504
Applicant:	MR J KELLY GRASSHOLME ROAD HARTLEPOOL
Agent:	MWEXPERTS RAY WELLS 12 HARDWICK COURT HARTLEPOOL
Date received:	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

Consideration of this application had been deferred at the previous meeting to allow a site visit to be undertaken.

A statement was read out by an objector on behalf of neighbours affected by the proposed changes to the environment around the site. It identified a number of alleged failings associated with the officer report including errors in the calculation of the height and subsequent visual impact of the proposed structure, health and safety issues and legal concerns. They queried whether Councillors would want to see a similar structure built near their homes and asked that they reject the application due to the precedent that the 'flawed' application would set and for the unsightly impact the structure would have on the neighbourhood.

A member referred to the applicant's plans to raise the height of the grassed area at the back of the property so as to be level with the patio and asked whether this would result in overlooking and a reduction in fence height. The

Senior Planning Officer advised that the fence would sit on top of the raised level at a height of 1.8m which was a standard height for residential properties. However the member noted that boys could eventually grow above that height and would therefore be able to see over the fence into neighbouring properties. They also noted that the stated intention that the garden would be used by the children of the applicant to play football would lead to footballs constantly going over the fence into the neighbours' garden.

A member raised concerns around potential drainage problems from the 'higher' property into the lower and also noted that the load bearing wall would ultimately have to hold additional weight from the soil that it was not designed for. The Senior Planning Officer acknowledged these concerns but stated that the engineers had raised no concerns provided a new retaining wall be erected with weep holes matching up with the existing retaining wall. Site drainage would continue at the same rate and the amount of rainfall would not be affected.

Members refused the application by a majority citing the following reasons for departing from the officer recommendation:

- a) Visual impact
- b) Impact on Privacy
- c) Flood Risk
- d) Concerns around the retaining wall

Decision: Planning Permission Refused

REASONS FOR REFUSAL

- 1 In the opinion of the Local Planning Authority, the proposed development would give rise to issues of overlooking, to the detriment of the amenity and privacy of existing and future occupiers of neighbouring residential properties, contrary to Policy QP4 of the Hartlepool Local Plan 2018 and paragraph 127(f) of the National Planning Policy Framework (2019).
- 2 In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an inappropriate form of development for its location, resulting in a detrimental visual impact on the character of the area, contrary to Policy QP4 of the Hartlepool Local Plan 2018.
- 3 In the opinion of the Local Planning Authority, the proposed development would give rise to an increase in flood risk within, and adjacent to the application site, contrary to Policies QP6 and CC2 of the Hartlepool Local Plan 2018 and paragraph 180 of the National Planning Policy Framework (2019).
- 4 In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development by virtue of the potential adverse

impact on existing retaining walls within and adjacent to the application site, to the potential detriment of land stability, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraph 170 of the National Planning Policy Framework (2019).

The Committee considered representations in relation to this matter.

Councillor Jim Lindridge returned to the meeting

Number:	H/2019/0094
Applicant:	WYNYARD HOMES LTD MR BARRY MILLER HARBOUR WALK HARTLEPOOL
Agent:	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE HARTLEPOOL
Date received:	12/03/2019
Development:	Section 73 application for the variation of condition 2 (approved plans) of planning approval H/2015/0353 for residential development comprising 31 two, three and four bedroomed bungalows to allow for amendments to the approved site layout (including alterations to the internal road layout, driveways, garage positions, landscaping, easements and dwelling positions), and amendments to the approved garages and house types (including amendments to finishing materials, layouts, fenestration and eaves/ridge heights) (AMENDED PLANS RECEIVED AND CHANGES TO DESCRIPTION)
Location:	LAND OFF DALTON HEIGHTS DALTON PIERCY HARTLEPOOL

The Agent urged members to support this minor variation of an existing planning approval, describing it as the most concentrated development of bungalows in Hartlepool in many years.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

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

1523:P:04 (location plan),

received by the Local Planning Authority on the 20 August 2015,

1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout),

1523:P.01 Rev H (Proposed Bungalow Range Plans and Elevations),

1523:P.03.01 (Proposed Range of Garages sheet 1 of 2),

1523:P.03.02 (Proposed Range of Garages sheet 2 of 2)

received by the Local Planning Authority on 24 June 2019;

1523:P.05 Rev B (Proposed Plans and Elevations to Plot 5)

received by the Local Planning Authority on 19 July 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

3. A detailed plan showing the proposed carriageway gradients shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be implemented in accordance with the approved details.

To enable the Local Planning Authority to control details and in the interests of highway safety

4. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme for surface water management shall be submitted to the Local Planning Authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be fully implemented in accordance with the agreed details and timetable, and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

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

5. Notwithstanding the submitted information, within 1 month of the date of this decision notice a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall take place in accordance with the approved details.

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

6. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to the Local Planning Authority. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.

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

7. Notwithstanding the submitted information, within 1 month of the date of this decision notice a detailed scheme of landscaping and tree and shrub planting shall be submitted to the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas and include a programme of the works to be undertaken. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

8. Notwithstanding the requirements of condition 7 a scheme of landscaping to be incorporated into the buffer zone between the Howls and plots 15, 16, 17, 18, 19, 20, 21, 23 and 26 as identified on drawing 1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout) received by the Local Planning Authority on 24 June 2019 shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing

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

In the interest of protection and enhancement of biodiversity of the area.

9. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme for the protection during construction works of all trees and hedges to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', shall be submitted to the Local Planning Authority. The existing hedgerow on the western side of the site as indicated on drawing 1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout) received by the Local Planning Authority on 24 June 2019 shall be retained. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s) and hedgerows.

10. Notwithstanding the submitted information, within 1 month of the date of this decision notice a Construction Management Plan shall be submitted to the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter and following the written approval of the Local Planning Authority, the development of the site shall accord with the requirements of the approved Construction Management Plan.

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

11. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of all walls, fences and other means of boundary enclosure shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the boundary enclosures shall be erected in accordance with the approved details prior to the occupation of the any individual dwelling or completion of the development, whichever is the sooner.

In the interests of visual amenity.

12. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details, prior to the occupation of the dwellings or completion of the development, whichever is the sooner. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

13. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

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

14. Notwithstanding the submitted information, within 1 month of the date of this decision notice a site specific Waste Audit shall be submitted to the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. Thereafter and following the written approval of the Local Planning Authority, the development of the site shall accord with the requirements of the approved Waste Audit.

- To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011
15. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the building regulations Part L prevailing at the time of development, shall be submitted to the Local Planning Authority. Prior to the residential occupation of any individual dwelling, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
- In the interests of promoting sustainable development.
16. Notwithstanding the submitted information, within 1 month of the date of this decision notice a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the renewable energy equipment detailed in the approved report shall be installed, prior to the occupation of the any individual dwelling or completion of the development, whichever is the sooner.
- In the interests of promoting sustainable development.
17. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
- To ensure the site is developed in a satisfactory manner.
18. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
- In the interests of biodiversity compensation and to accord with the provisions of the NPPF.
19. This approval relates solely to this application for the variation of condition 2 of planning permission H/2015/0353, to allow for amendments to the approved plans as detailed within the application description. Where not addressed through the other conditions of this approval, the remaining conditions attached to approval H/2015/0353 (decision date 27th November 2017) shall continue to apply to this consent and shall be complied with.
- For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number: H/2019/0140

Applicant: MR AMRO GALAL ENDRICK ROAD
HARTLEPOOL

Agent: PETER GAINEY ARCHITECTURAL SERVICES
50 GRANVILLE AVENUE HARTLEPOOL

Date received: 12/04/2019

Development: Installation of uPVC casement windows
(retrospective) and alterations to shop front

Location: 8 THE FRONT HARTLEPOOL

The Agent urged members to support the retrospective changes which had been made to the property. She acknowledged the buildings location in a conservation area but noted that the window styles had been chosen to be as similar as possible to the originals and were not unsympathetic to the area. The applicant did not have access to grant money and the original windows had been way beyond repair, something which was not the fault of the applicant. The new windows were also more practical from a ventilation standpoint, something which was vital given the nature of the business.

Members voted to undertake a site visit to the property in order to view the alterations for themselves.

Decision: **Deferred for a site visit**

The Committee considered representations in relation to this matter.

Number: H/2019/0191

Applicant: MS G FLETCHER 11 QUEEN STREET
HARTLEPOOL

Agent: MS G FLETCHER 11 QUEEN STREET
HARTLEPOOL

Date received: 17/05/2019

Development: Installation of replacement windows
(Retrospective)

Location: 11 QUEEN STREET HARTLEPOOL

Members voted to undertake a site visit to the property in order to view the alterations for themselves.

Decision: **Deferred for a site visit**

Number: H/2019/0206

Applicant: ROBSON & BURLEY DEVELOPMENTS MR D
ROBSON SPALDING ROAD HARTLEPOOL

Agent: PETER GAINES ARCHITECTURAL SERVICES
50 GRANVILLE AVENUE HARTLEPOOL

Date received: 14/05/2019

Development: Erection of detached dwellinghouse

Location: LAND ADJACENT TO 28 NINE ACRES HART
HARTLEPOOL

Members approved this application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Location Plan, Ref. 721.8, Rev. A (1:1250); Location and Site Plans, Ref. 721.3, Rev. A (1:500); Boundary and Parking Details, Ref. 721.4, Rev. A (1:100), all received 25th June 2019 by the Local Planning Authority; Proposed Elevations, Ref. 721. 2 (1:100); Proposed Plans, Ref. 721.1 (1:50), all received 30th April 2019 by the Local Planning Authority.
For the avoidance of doubt.
3. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

4. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the submitted information and prior to commencement of development, a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. Notwithstanding the submitted information, final details of all walls, fences, gates and other means of boundary enclosure, including finishing materials and paint/stain colours, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation or completion of the development hereby approved, whichever is the sooner, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
7. Prior to the occupation or completion of the proposed development (whichever is the sooner) hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwelling hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
8. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building(s) or completion of the development, (whichever is the sooner) hereby approved. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. No development shall take place until a scheme for the protection during construction works of the tree (to the north west corner of the site) which is to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the retained tree.

10. Prior to above ground construction of the dwelling hereby approved, details of an integral starling or sparrow nesting brick to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation or completion of the development hereby approved, whichever is the sooner, the scheme shall be implemented in accordance with the approved details.

To ensure the development contributes to biodiversity enhancement in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity.

11. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building(s) to be erected and any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.

12. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way including the installation of windows in the north/side elevation of the dwelling facing 28 Nine Acres hereby approved without the prior written consent of the Local Planning Authority.

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

14. The development hereby approved shall be used as a single dwellinghouse as defined by Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 6, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

25. Appeal at 13 Regent Street, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal made against the conditions of approval in respect of a listed building consent application at 13 Regent Street had been dismissed by the Planning Inspector. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted

26. Appeal at 27 Scarborough Street, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal against an enforcement notice to remove an unauthorised replacement door at 27 Scarborough Street had

been dismissed by the Planning Inspector. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted

27. Appeal at 32 The Front, Seaton Carew, Hartlepool
(Assistant Director (Economic Growth and Regeneration))

Members were advised that an appeal in respect of the installation of replacement windows within the first floor elevation had been dismissed by the Planning Inspector. A copy of the decision letter was attached.

Decision

That the outcome of the appeal be noted

28. Appeal at 34 Rillston Close, Hartlepool (Assistant Director
(Economic Growth and Regeneration))

Members were advised that an appeal had been submitted against a planning decision in respect of a two-storey and single-storey extension at the sides and single-storey extension at the rear of 34 Rillston Close.

Decision

That the report be noted

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

Members were advised of 8 complaints currently under investigation and 12 complaints where investigations had been completed.

Decision

That the report be noted.

**30. Local Government (Access to Information) (Variation
Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as

defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 31 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 32 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 33 – (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.

Minute 34 – (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.

Minute 35 – (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.

Minute 36 – (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.

Minute 37 – (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.

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

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

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

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

- 33. 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.

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

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

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

- 35. 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.

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

- 36. 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.

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

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

This item was deferred to enable members to undertake a site visit.

Decision

That the item be deferred.

- 38. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following item 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.

39. Any Other Business – Conservation Area Regulations *(Assistant Director (Economic Growth and Regeneration))*

Members noted the number of appeals which had recently been won by the Council in relation to changes made to properties in conservation areas. Whilst members appreciated the potential high costs of ensuring correct treatment, upgrade and maintenance of properties in conservation areas, it was noted that the policy must still apply to all residents and full support from council officers would be given within the guidance to assist in the identification of the most appropriate materials to use. Members noted the difficult job facing officers in trying to control the 'look' of these areas however they also acknowledged that as Planning Committee members their role was to provide robust decision-making while taking on board the professional opinion of officers.

The meeting concluded at 11:10am

CHAIR

No: 1.
Number: H/2019/0140
Applicant: MR D DOBSON
Agent:
Date valid: 12/04/2019
Development: Installation of uPVC casement windows (retrospective) and alterations to shop front
Location: 8 THE FRONT, SEATON CAREW, 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 was deferred at the previous meeting of the Planning Committee (31/07/19) to allow Members to carry out a site visit.

1.3 The following applications are considered relevant to the current proposals:

HFUL/2004/0527 – 8 The Front, installation of new shop front and disabled access to ground floor and installation of first floor bay windows to front, approved 27/09/04. This application included a condition requiring all doors and windows to be installed in timber.

PROPOSAL

1.4 The application seeks retrospective planning permission for the installation of replacement windows within the front elevation at first floor, including one single window and those within a square bay window. The windows that have been replaced were timber sliding sash windows. Those now installed are uPVC casement windows. The previous frame and sashes of the bay window were entirely constructed in timber, with three separate sash openings to the front and one to either side. However, the works carried out have entirely removed the supporting sections of the frame to the front, introducing one replacement uPVC window albeit subdivided into three casement openings in the upper section and by fixed glazing bars at the lower level.

1.5 Permission is also sought to make alterations to the existing shop front at ground floor in order to move the central door to the right side (when viewed from the front) and to introduce a timber stall riser and timber framed windows in the central section in place of the door. These works have not been carried out.

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

SITE CONTEXT

1.7 The application site is located on the western side of The Front, to the south of the Marine Hotel. The property is a three-storey end of terrace building currently in use as a restaurant. The site is within the Seaton Carew Conservation Area, the Marine Hotel to the north is a listed building and the property to the north west, Ashburn Cottage, is locally listed.

PUBLICITY

1.8 The application has been advertised by way of five neighbour letters, site notice and a press notice. To date, two responses have been received from neighbouring land users, one an objection, the other not objecting. These can be summarised as follows:

- Sound insulation measures should be carried out to the property so the works cannot be heard by neighbouring occupiers,
- The property should not be extended forward of the existing front elevation,
- The timber windows should have been repaired,
- Alterations to the doorway should be carried out in timber.

1.9 The period for publicity has expired.

1.10 Copy Letters **A**

CONSULTATIONS

1.11 The following consultation responses have been received:

HBC Heritage & Countryside Manager – The application site is located in Seaton Carew Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

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

approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.”

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties.

The conservation area is considered to be “at risk” under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alterations to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area (that has recently been demolished). Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as “at risk” is a priority for the Borough Council.

Further to this Policy HE6 of the Local Plan seeks to retain historic shop fronts. Replacement shopfronts should, “respond to the context reinforcing or improving the wider appearance of the shopping parade within the street.” Proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

The proposal is the removal of the windows to the shopfront and first floor on the front of the building and their replacement with UPVC.

This property was the subject of a Heritage Economic Regeneration Scheme Grant in 2005 receiving £36,997 from the programme which was funded by English Heritage and ONE. Works included the replacement of the shop front and the windows that are proposed to be removed as part of this application. The owner at the time agreed to the conditions of the grant which stated,

“After completion of the grant aided works, those items which have been specifically subject to repair or restoration, shall be retained and maintained to the same standard as specified by this grant offer letter, using the same materials as appropriate.”

If the timber shop front and windows have been maintained as specified above replacement would not be required. There is no evidence within the application to explain why it is considered the windows and shop front cannot be repaired and require wholesale replacement.

It is considered that the installation of UPVC windows and door would cause less than substantial harm to the designated heritage asset (NPPF, 196). This is because:

- UPVC as a material is not appropriate as the condition of the grant states that grant aided works should be retained and maintained to the same standard as specified.
- UPVC has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window or door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.
- The finer detailing of a timber window or door cannot be replicated in UPVC. For example a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated Comments

The proposed amendments to the application are noted. Whilst it is welcome to see that the shop front will be repaired and restored, it is disappointing that it is proposed to move the door of the shop from the centre to the side of the front. The grant assistance provided enabled a shop front to be installed which reflected the traditional proportions of such frontages, in particular those found in the wider Seaton Carew Conservation Area, where it is common to have a central recessed door with display windows either side. The necessity to reposition the door is not detailed in the information provided and therefore it is considered that such works would cause harm to the significance of the conservation area.

Further to this whilst the additional information provided regarding the upper floor windows is acknowledged this does not demonstrate that the harm caused by the replacement windows will be outweighed by the public benefits of the proposal.

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

HBC Engineering Consultancy – No objection.

Tees Archaeology – This application has no archaeological implications.

Hartlepool Civic Society – The Society wish to object to the retrospective application for the upper floor replacement uPVC windows. This building is in a prominent position within the Conservation area and the original sash windows were an important part of the character of the property. These replacement casement windows do not provide any significant public benefit and are detrimental to the overall character of the Conservation Area.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

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

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

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

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE7	Heritage at Risk
LT3	Development of Seaton Carew

Planning Policy Comments:

1.16 It is considered that the loss of timber features and replacement with UPVC would be inappropriate and would be harmful to the character and appearance of the conservation area. The harm would be less than substantial. The NPPF in paragraphs 193 and 194 is clear that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Clear and convincing justification of the public benefits has not been provided.

1.17 The proposal is not in accordance with Local Plan policy HE1 Heritage Assets and HE3 Conservation Areas, which seek to preserve and enhance designated heritage assets through resisting unsympathetic works. Nor is it in accordance with policy HE6 on Historic Shopping Parades that specifically notes The Front as a parade where the preservation of traditional examples of shop frontages is important.

1.18 The Seaton Carew conservation area is identified as being “at risk” on the Historic England Heritage at Risk Register. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. The Seaton Carew SPD 2015 further explains that some of the contributory factors that have resulted in the conservation area being identified as at risk include unsympathetic alterations to shop fronts and an increasing use of modern materials diluting the fine architectural details on buildings. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate UPVC features is considered a threat to character and appearance and so the proposal does not accord with the aims of this policy.

1.19 The proposal is not in line with Local Plan policy LT3 Development of Seaton Carew that supports proposals for tourism and leisure developments within Seaton Carew, where they complement the character of the area, through appropriate design, scaling, siting, use of materials and impact on the significance. Proposals for external development of shops are encouraged in this policy to enhance the conservation area.

1.20 The proposal is contrary to local and national planning policy and guidance. Planning Policy cannot support the removal of timber windows and shopfront and their replacement with UPVC.

Updated Comments:

1.21 It is positive to understand the intention now is to retain the existing timber shopfront, albeit with the doorway repositioned. This would not have an adverse effect upon the character and appearance of the conservation area and can be supported.

1.22 Unfortunately the unauthorised new uPVC windows cannot be supported.

1.23 It cannot be agreed that the new windows match those that they have replaced. The now removed windows were in timber, were sliding sash, had vertical glazing bars and were separated by mullions. The new windows fail to respond to any of these features. uPVC is an alien material to historic properties that cannot match the attractiveness and historical accuracy of timber. The casement opening method removes the variances of depth achieved from a sash opening. The removed windows had a strongly vertical emphasis that was appropriate to the age and style of the host property, due to the vertical glazing bars and the separating mullions. The replacement does not include these features and is more horizontally emphasised. On this matter, I would note that the submitted “proposed” plans do not appear to accurately depict the now installed bay window illustrated in the submitted photograph.

1.24 Local Planning Authorities have a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of conservation areas.

1.25 The NPPF at paragraph 185 sets out that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats”. Hartlepool Borough Council has in preparing their Local Plan (2018) set out a highly positive strategy for the conservation of all heritage assets, with specific policy direction provided for conservation areas, historic shopping parades and heritage at risk, all of which have relevance in this case.

1.26 The proposal is not in accordance with Local Plan policy HE1 *Heritage Assets* and HE3 *Conservation Areas*, which seek to preserve and enhance designated heritage assets through resisting unsympathetic works.

1.27 The Seaton Carew conservation area is identified as being “at risk” on the Historic England Heritage at Risk Register, having been first identified in 2012. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. The Seaton Carew SPD 2015 further explains that some of the contributory factors that have resulted in the conservation area being identified as at risk include unsympathetic alterations and an increasing use of modern materials diluting the fine architectural details on buildings. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate uPVC windows is a threat to character and appearance and so the proposal does not accord with the aims of this policy.

1.28 The Council has a Visual Assessment and Management Plan for the Seaton Carew conservation area, which are available on the Council's website. These documents are clear that unsympathetic, inappropriate alterations and loss of traditional architectural details have had an adverse impact upon the character and appearance of the conservation area and are acknowledged as issues requiring action. The Visual Assessment recommends that where consent is required, the Council should resist unsympathetic alterations and loss of traditional architectural details through positive use of existing development control powers. The Management Plan sets out the objective to ensure the preservation of the architectural integrity of properties in the conservation area, with the specific actions:

- The council will discourage any proposals that seek to introduce inappropriate or oversized windows i.e. none sash, Victorian Canted and Edwardian square windows.
- The council will encourage the reinstatement or repair of original doors, windows and any features that reflect the original features of the area.

1.29 There are several reasons why other uPVC windows may exist within the vicinity of the application site. Such examples may have been installed under permitted development; permitted under different national and local policy regimes, before adoption of the Seaton Carew Visual Assessment and Management Plan, and prior to this conservation area's “at risk” status; these examples could also have been installed unlawfully but have become lawful over the passing of time. The key point is that each case must be judged on its own merits, within its own contemporary planning policy and guidance context. As noted above, Hartlepool Borough Council currently have a clear, positive strategy for the conservation of heritage assets, including the protection from and removal of risk.

1.30 Poor quality and harmful development should be treat as examples to move away from, not to emulate. The Council would discourage this course of action. Seaton Carew has many examples of retained traditional windows and good quality replicas that the Council would recommend taking a cue from, including those shown on the submitted photograph of The Front and those that have been removed from this property.

1.31 The submitted Planning Statement notes that the removed windows had become water damaged and rotten. Paragraph 191 of NPPF has relevance here in that the condition of a damaged or deteriorated heritage asset cannot be taken into account in making a decision affecting that asset. I understand it was a condition of the grant funding that contributed to the removed windows that they be maintained appropriately and it is regrettable that any damage may have occurred. In any case, removal of damaged windows would not necessitate the replacement with an inappropriate examples as has been done.

1.32 Planning Policy would advise that the replacement uPVC windows are inappropriate and are harmful to the character and appearance of the conservation area. The harm would be less than substantial. The NPPF in paragraphs 193 and 194 is clear that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Clear and convincing justification of the public benefits has not been provided.

PLANNING CONSIDERATIONS

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

IMPACT ON CHARACTER OF EXISTING BUILDING AND THE CONSERVATION AREA

1.34 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

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

1.36 As identified in the comments received from the Council's Heritage and Countryside Manager and the Planning Policy team above, the Seaton Carew Conservation Area derives its significance from the simple architectural detailing of traditional timber shop fronts and windows, and that the area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

1.37 The works proposed to the ground floor shop front and those already carried out to the windows at first floor do not reflect the character or style of traditional properties within the conservation area, while the windows are also of non-traditional materials. The change in materials, proportions by virtue of the use of uPVC, method of opening, the loss of the traditional form of a timber bay with sash windows within it and the relocation of the central door to the right hand side, all contribute harm to the appearance of the property and wider conservation area.

1.38 The claim within the applicant's supporting statement that the windows installed match the style of those removed is considered to be flawed, while the suggestion that due to the position of the windows being at first floor level they would have no impact on the character and appearance of the property or the wider conservation area is wholly inaccurate. The full front elevation of the property is visible from within the street scene and wider area, particularly given the property's prominent location.

1.39 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused. It should be emphasised that public benefit is a high threshold to satisfy.

1.40 The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in the conservation area be classed as 'at risk' and more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area. Accordingly, no such 'precedent' has been set as suggested by the applicant's supporting statement.

1.41 It has been suggested that the windows that were removed were in a poor state of repair, however no evidence to that effect has been provided. It is also noteworthy that the previous windows were not of a significant age (planning permission having been granted for these works in 2004), had they been appropriately maintained there is no reason to suggest they would have been in urgent need of wholesale replacement.

1.42 The Council recently refused a retrospective application for the replacement of a formerly timber bay and mock sash uPVC windows with an entirely uPVC alternative with casement openings at 32 The Front. An appeal was submitted against that decision, however that has since been dismissed and an enforcement notice upheld (the decision and outcome is within the 'items for information' section of this committee agenda). Those works were arguably for a worsening of an already non-traditional appearance due to the presence of uPVC but the Inspector noted this still caused less than substantial harm that was unjustified. In the case of this application, the works carried out have caused greater harm due to the introduction of uPVC where previously there was traditional style windows of traditional openings and in traditional materials and should therefore be strongly resisted.

1.43 Whilst each application is considered on its own individual merits, in consideration of the impacts of the uPVC window at 32 The Front, the Inspector commented that such works “draw the eye to a degree in what is a prominent location. The development constitutes a harmful change to the overall visual cohesion of the appeal property and the wider CA”. In view of the Inspector’s findings relating to similar unauthorised uPVC windows within close proximity of the current application site, it is considered that this adds further weight to Officers view that the current application proposals are unacceptable and inappropriate to the conservation area.

1.44 In view of the above considerations, the proposals, including the alterations to the shop front, are considered to result in a less than substantial harm to the conservation area to which there is no identified public benefits that would outweigh this identified harm. As such, this harm would warrant a refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

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

1.46 The proposals would not alter the footprint of the property and would not therefore have any implications regarding light or outlook for neighbouring occupiers, the reference to the property being extended forward within the comments received from neighbours is not therefore relevant. With regard to the comments made by a neighbouring occupier in relation to sound proofing to prevent noise, this is not a material consideration in an application of this nature and could not therefore be reasonably required of the applicant. Any further concerns in this respect would need to be considered through separate environmental legislation.

CONCLUSION

1.47 It is considered that the introduction of windows of non-traditional design and materials, and the proposed alterations to the shop front, cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area, contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement first floor windows to front and proposed alterations to the shop front cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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

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

AUTHOR

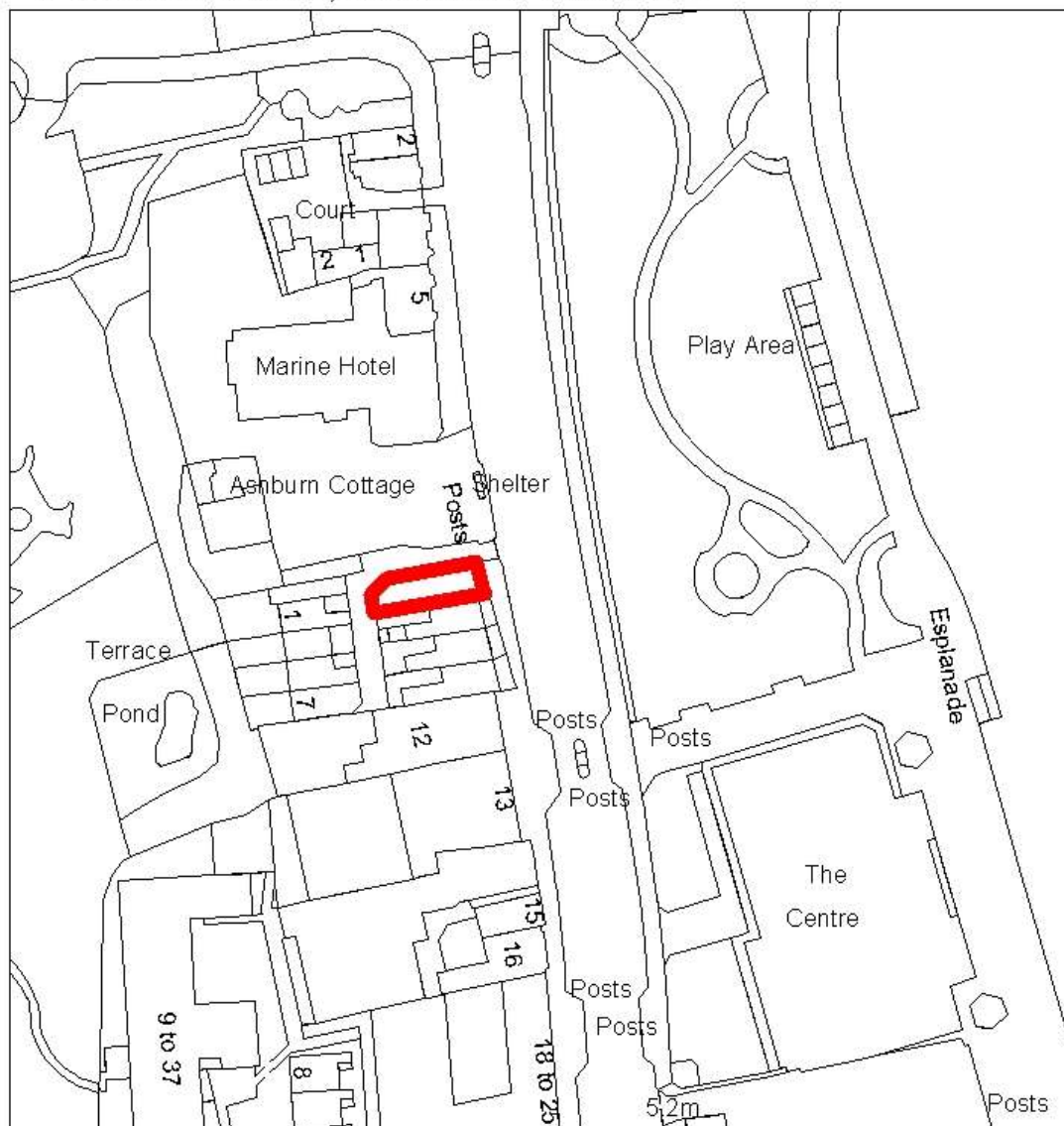
1.54 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273

E-mail: laura.chambers@hartlepool.gov.uk



8 THE FRONT, SEATON CAREW



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0140	REV

No: 2.
Number: H/2019/0191
Applicant: MS G FLETCHER
Agent:
Date valid: 17/05/2019
Development: Installation of replacement windows (Retrospective)
Location: 11 QUEEN STREET 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 This application was deferred at the previous meeting of the Planning Committee (31/07/19) to allow Members to carry out a site visit.

2.3 The following planning applications are associated with the application site and considered relevant to the current proposal:

2.4 HFUL/1999/0251 – Retention of alterations to front door – Approved 26/07/1999;

2.5 H/2005/5490 – Erection of a rear sun lounge – Approved 22/08/2005.

PROPOSAL

2.6 The application seeks planning permission retrospectively for the installation of uPVC replacement windows within the north, east and south elevations of the host property (front, side and rear) at both ground floor and first floor levels. The windows that have been replaced were timber windows including sliding sash windows to the north and east elevations, those now installed are uPVC windows.

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

SITE CONTEXT

2.8 The application site is located on the western side of Queen Street with the highway of Victoria Place to the north. The property is a two-storey end of terrace building (linked via the rear). The site is within the Headland Conservation Area and covered by an article 4 direction, which removes permitted development rights to alter or extend properties.

PUBLICITY

2.9 The application has been advertised by way of five neighbour letters, site notice and a press notice. To date, two responses have been received from neighbouring land users, stating no objection to the application.

2.10 The period for publicity has expired.

2.11 Copy Letters **B**

CONSULTATIONS

2.12 The following consultation responses have been received:

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

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

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

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

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

2.17 The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident

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

2.18 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as at risk' is a priority for the Borough Council.

2.19 The proposal is a retrospective application for uPVC windows to the front, rear and side of the property. Previous to this the house had timber windows including, sliding sashes to the front side and first floor rear of the building.

2.20 The windows that have been installed are uPVC top hung casement windows. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. The shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

2.21 In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

2.22 Further to this uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

2.23 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

2.24 It is considered that the works cause less than substantial harm to the significance of the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

2.26 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, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

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

Hartlepool Local Plan 2018

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

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

HBC Planning Policy Comments:

2.29 It is noted that uPVC windows have been installed at this property, which is located within the Headland conservation area.

2.30 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out under section 72 that local planning authorities shall have special regard to the preservation or enhancement of the character and appearance of conservation areas.

2.31 The relevant policy considerations in this case are Local Plan policies HE1, HE3 and HE7, and NPPF paragraphs 184 and 189-197. Additionally, the Council has a relevant published advice note: “Advice on the Repair and Replacement of Windows”, along with a Character Appraisal for this conservation area that identifies those elements that contribute to and detract from its special character and appearance.

2.32 The windows that have been installed at this historic property are in uPVC with a casement opening method. They have replaced two-over-two timber sliding sash windows. The retention of historic fabric is usually the preferred approach when considering proposals affecting heritage assets, and is in line with Local Plan policy HE3 criterion 3 that encourages the retention of original features of special architectural interest in conservation areas. It is not clear why the timber windows have been removed.

2.33 uPVC is an alien material to historic properties and areas. It cannot match timber terms of detailing and authenticity. Details are rarely produced to the same fine dimensions and finish as could be achieved with timber. The glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows. A casement window lacks the variances of depth between different features of the window. The shiny PVC material often looks incongruous within historic elevations, compared to the natural beauty and historic accuracy of timber. Horn details would be part of a single length of timber whereas those installed appear to be “stuck on”. This is a crude and unattractive approach that is unacceptable.

2.34 The loss of original timber windows and their replacement with uPVC is an acknowledged threat to the significance of conservation areas. The Headland

conservation area is identified as being “at risk” on the Historic England Heritage at Risk Register. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate uPVC windows is a threat to character and appearance and so the proposal does not accord with the aims of this policy.

2.35 Considering all the above, the installed windows are considered to represent harm to the heritage significance of the conservation area. This harm would be less than substantial; nonetheless, the NPPF is clear in paragraphs 193 and 194 that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is not clear why the uPVC windows were installed and there is no evidence of the necessary clear and convincing justification of the public benefits of the installation. The proposal is therefore not in accordance with the NPPF. The proposal also fails to comply with Local Plan policies HE1, HE3 and HE7 by failing to preserve or enhance the character and appearance of the conservation area and by failing to reverse or halt heritage risk.

PLANNING CONSIDERATIONS

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

IMPACT ON CHARACTER OF THE EXISTING BUILDING + CONSERVATION AREA

2.37 The host property comprises a two storey building located in the Headland Conservation Area, which is considered to be designated heritage assets in regard to the determination of the application.

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

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

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

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

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

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

2.44 It is noted that the proposal is a retrospective application for uPVC windows to the front, rear and side of the property (north, east and south elevations). Previously the host property house had timber windows including, sliding sashes to the north and eastern elevations of the building.

2.45 The windows that have been installed are uPVC top hung casement windows. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. The shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

2.46 In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

2.47 Further to this uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little

change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

2.48 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

2.49 It is therefore considered that the works cause less than substantial harm to the significance of the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

2.50 The applicant was made aware of the concerns of the Heritage and Countryside Manager as outline above. The case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the conservation area (i.e. the use of timber instead of uPVC) in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not wish to amend the application. Without these amendments it is considered the proposal is in contrary to policies HE1, HE3 HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196, 197 and 200 of the National Planning Policy Framework 2019. This would therefore warrant refusal of the application in this instance.

AMENITY OF NEIGHBOURING OCCUPIERS

2.51 The proposals would not alter the footprint of the property or introduce any new window openings, and therefore it is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

2.52 It is considered that the introduction of windows of non-traditional design and materials causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.53 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.54 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.

2.55 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the unauthorised uPVC replacement windows installed in No. 11 Queen Street cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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

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

AUTHOR

2.59 James Blythe
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523292

E-mail: James.Blythe@hartlepool.gov.uk



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0191	REV

No: 3.
Number: H/2019/0242
Applicant: MR PAUL PEARCE, MASON PARTNERS LLP
Agent: MRS HELEN HEWARD, PLANNING HOUSE
Date valid: 24/06/2019
Development: Siting of six shipping containers to be used for A1 retail purposes with empty containers stacked above for visual effect and associated lighting
Location: LAND AT TEESBAY RETAIL PARK, BRENDA ROAD, 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 recent planning applications are considered relevant to the current proposals (in the context of the proposed siting and the wider Teesbay Retail Park):

3.3 H/2013/0614 - Approval of reserved matters in relation to planning permission H/2013/0139 for the erection of entrance lobbies to the existing facades, erection of retail pod comprising three retail units in the existing car wash area, and infill extension to form new retail unit (Unit 6), approved 14/04/2014. Whilst the three retail units have been erected, the infill extension (to form Unit 6) has not been built.

3.4 H/2016/0561 – Extension to existing retail park to provide four additional retail units and associated car parking, approved 17/05/17.

3.5 H/2017/0398 – Erection of single storey drive through coffee outlet, approved 21/08/17.

3.6 H/2017/0494 - Variation of Condition No. 2 of planning application H/2016/0561 to allow for minor changes to the elevations, floor and roof plan and site layout area (Unit 11 Lidl), approved 22/11/2017.

3.7 H/2018/0354 – Erection of Burger King drive through retail unit and associated external works and 10.4m2 GIA substation, approved 21/01/19.

3.8 H/2019/0091 – Amendment to planning application H/2018/0354 for the erection of Burger King drive through retail unit and associated external works to vary the cladding material and roof construction, approved 18/04/19.

PROPOSAL

3.9 Planning permission is sought for the erection of a 'box park' retail development consisting of six shipping container units with a combined floor space of 401m² located in the north east corner of the retail park, between the existing Pound Stretcher and The Range units (there was a planning permission for an infill unit(s) in this location, reference H/2013/0614). The four larger units (1 x 39m², 3 x 112m² units) will be linked with a further three containers above for sculptural effect (overall height approx. 8.4m). The two smallest units (2 x 13m²) would be detached and positioned in front of the main structure. The 39m² unit is to include a welfare unit.

3.10 The retail units are to be grey in colour, while the feature units above will be coloured red, blue and green with matching coloured lighting. Although some of the imagery in the supporting documents submitted with the application indicate a range of proposed uses, the applicant has confirmed all of the units are intended for A1 retail use.

SITE CONTEXT

3.11 Teesbay Retail Park is located to the east of Brenda Road, approximately 260m south of the junction with the A689. There are a number of retail parks laid out in an inverted 'C' shape design with a number of smaller retail pods and a car park located centrally within the site. Adjacent to the boundary of the retail park to the west are a bus depot (Stagecoach) and car dealership (Citroen). Land to the north, east and south of the retail park are allocated within the Local Plan as natural and semi-natural green space.

PUBLICITY

3.12 The application has been advertised by way of three neighbour letters and site notice. To date, no responses have been received from neighbouring land users.

3.13 The period for publicity has expired.

CONSULTATIONS

3.14 The following consultation responses have been received:

HBC Traffic & Transport – I have no objections to these proposals. Although no extra parking is being planned, I have visited the site during busy periods and confirm that at present there is sufficient capacity to accommodate these units.

HBC Engineering Consultancy – Can I request the standard Surface Water and Contaminated Land conditions on this application.

HBC Public Protection – Not object.

HBC Building Consultancy – While there are no landscape and visual objections, full details of colour and lighting scheme should be provided. This information can be controlled by condition.

HBC Economic Development – Not object.

HBC Ecology – I have no concerns or requirements.

HBC Building Control – I can confirm that the works as described will require a building regulation application.

Tees Archaeology – I have checked our records and there are no known archaeological sites that will be affected by this development. I have no objection to it.

Northumbrian Water – I can confirm that at this stage we would have no comments to make.

Cleveland Fire Brigade – Cleveland Fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements set out in: Approved Document B Volume 2 Section B5 for buildings other than Dwelling houses. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

Cleveland Police – Police have no objection to this application, I presume the usual security measures will be in place to deter unauthorised entry when businesses are unattended.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

3.16 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural

environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
38	Decision making
47	Determining applications
89	Out of centre retail
91	Healthy and safe communities
124	Well-designed places
127	Well-designed places
130	Design
150	Planning for climate change
153	Energy efficiency

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to Climate Change
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
QP7	Energy Efficiency
RC1	Retail and Commercial Centre Hierarchy
RC15	Teesbay Retail and Leisure Park

Planning Policy Comments:

3.19 The proposal is for the siting of new shipping containers to act as retail units within the retail park of Tees Bay. This location is covered by policy RC15 of the

Local Plan which stipulates that the uses considered appropriate within the retail park are non-food shops (A1), food and drink (A3) and assembly and leisure (D2). However, there is a lack of clarity regarding the proposed use of the development, as the application clearly states that the containers are to be used for A1 retail purposes yet the planning statement makes reference to various other uses such as a hairdressing salon, and a unit to be used to collect online orders. The planning statement states that some businesses have shown an interest however aren't confirmed, therefore there is no certainty that these will be end users of the units. For the sake of clarity and to ensure appropriate uses within Tees Bay, planning policy would seek to ensure that the units would be for A1 use, something to be secured via a condition – as this is what the application has originally been submitted for.

3.20 This location is protected by policy RC15 of the Local Plan which stipulates that the Council will seek to diversify, support and protect Tees Bay. It is considered that the proposal is in accordance with this policy as the proposed units will act as a way of diversifying the offering of the retail park. The units will not be permitted to operate between the hours of 11.30pm and 7am, something to be secured by a condition.

3.21 Policy RC1 specifies that there is a defined hierarchy and sequential preference of the centres for main town uses, which is as follows:

1. The Town Centre
2. Edge of town centre areas and retail and leisure parks
3. Local centres

3.22 As this proposal is situated within a retail park, consideration must be given to the town centre. In this instance, due to the additional floor space proposed, planning policy required the applicant to submit a robust impact assessment. The purpose of this is to consider the impact of a proposal on the vitality and viability of existing, committed and planned public and private investment in the Town Centre and determines whether there would be likely significant adverse impacts of locating certain main town centre uses outside of the Town Centre. The applicant has submitted an impact assessment, which assesses the impact of the development against Belle Vue local centre, due to its proximity to the local centre, and all units under 100m² within the Town Centre. Having studied this assessment, planning policy are satisfied that due to the unique offering of the proposed box park, that Tees Bay is a good location for this type of development and there are no real opportunities for development of this sort within the Town Centre or Belle Vue. The development is also fairly minor in the grand scheme of the town and will support Tees Bay by diversifying its offerings. Therefore it can be concluded that there will be no detrimental impact upon the vitality and viability of the town centre or nearby local centre.

3.23 It is considered that Tees Bay has sufficient parking to deal with any additional footfall brought in by the development, however this is subject to any comments from the Highways team.

3.24 Policy QP4 relates to the layout and design of development, to ensure that all developments are designed to a high quality and positively enhance their location and setting. This policy sets various criteria to which development must adhere to, including;

- Be of an appropriate layout, scale and form that positively contributes to the borough and reflects and enhances the distinctive features, character and history of the local area.
- Respect the surrounding buildings, structures and environment.
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.
- Should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion.

3.25 Planning policy have no concerns with relation to the design of the development, as it is considered to be a unique alternative design which suits the retail park and will not have any detrimental impacts caused by its design.

3.26 One final consideration for the applicant is the energy efficiency of the development. Policies CC1 and QP7 of the Local Plan consider this, and the council seeks to ensure high levels of energy efficiency in all development. Policy QP7 requires development to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation. If by nature of the development it is not possible to satisfy this, then the Council would encourage an attempt to be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations.

3.27 Overall, the assessment of the application has concluded that the proposed development is not contrary to any Local Plan policy, subject to the above comments regarding the A1 use and the opening hours of any future occupiers.

PLANNING CONSIDERATIONS

3.28 The main material planning considerations when considering this application are the principle of development, impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users, impact on highway safety and any other planning matters as considered below.

PRINCIPLE OF DEVELOPMENT

3.29 The application site is allocated as retail and leisure park under policy RC15 of the Local Plan, where non-food retail (A1), food and drink (A3) and leisure uses (D2) are considered appropriate. Teesbay would be considered as the next sequentially preferable location for retail uses outside of the town centre. The proposed development taken as a whole does not fall within the requirement for a sequential test as set out within policy RC1, however it does require an impact assessment to consider how the proposals may affect the town centre.

3.30 The submitted retail impact assessment highlights that the proposed development is intended to support the function and operation of Teesbay, increasing the range of unit sizes available. However it is considered to be a 'package' offer, rather than being assessed as stand-alone units. On this basis, the

proposals could not be accommodated within the town centre or the nearby local centre (Belle Vue). Further consideration is given to the modest scale of the proposals, which are considered to support Teesbay retail park by diversifying its offerings with a 'unique offer'. It is therefore considered that, on balance, the proposal would not result in a detrimental impact upon the vitality and viability of the town centre or nearby local centre. This view is supported by HBC Planning Policy subject to a planning condition limiting the use of the units to A1 retail (non-food) in line with Policy RC15, which can be secured accordingly.

3.31 With regards to Local Plan policies CC1 and QP7, the applicant has provided details of a daylight study and energy efficiency measures for the units, incorporating triple glazed doors. These details are deemed to meet the requirements of policies CC1 and QP7 in relation to energy efficiency. These details can be secured via planning condition. In light of the assessment above, the principle of the proposed development is considered to be acceptable.

IMPACT ON CHARACTER & APPEARANCE OF THE AREA

3.32 The existing character and appearance of Teesbay is reflective of its out of centre retail and leisure function, units are typically of a large scale with cladding providing a similar palette of materials across the park, which creates a cohesive appearance. The proposed development by its nature will be a departure from the typical appearance of a retail unit at the site, however it offers the opportunity to introduce something unique the area.

3.33 The intended colours and lighting are considered to uplift the proposed design and the addition of containers above the retail units for visual impact give a sense of scale reflective of the existing units on the site. The containers will be viewed as a group, repurposed for a retail function. It is not therefore considered the use of former shipping containers in this context would detract from the appearance of the site, a view which is supported by the Council's Landscape Architect. Conditions to secure the colour and lighting details will ensure the development is implemented as intended.

3.34 Although the development will be somewhat of a departure from the current vernacular of the park, it is not considered this would be sufficiently detrimental to warrant refusal of the application. As such, the scheme is considered to be acceptable in this respect.

AMENITY OF NEIGHBOURING OCCUPIERS

3.35 The closest neighbouring residential properties to the site are located to the northwest at Bowness Close. These properties are separated from the site by the intervening A689, the principal route linking the north and south of the town. Given the substantial separation between these properties and the site (approximately 320m) it is not considered there would be an adverse impact in terms of loss of light, privacy or overbearing appearance.

3.36 The retail park is broadly bounded by green open space to the immediate north, east and south, beyond o the north there are industrial uses, this is also true to the

west of the retail park. Beyond the green space to the south there are a range of other commercial, leisure and business uses. As such, the majority of neighbouring land users are not considered to be sensitive and are not therefore considered to be negatively affected in terms of light, overbearing appearance or privacy.

3.37 The immediate neighbouring retail units are of a scale and similar function that reflects the proposed development, as such it is not considered these units would be appreciably affected in terms of light, privacy or overbearing appearance.

3.38 The Council's Public Protection team have confirmed there are no objections to the proposed development and as such the scheme is considered acceptable in this respect.

OTHER PLANNING MATTERS

3.39 The Council's Traffic and Transport team have assessed the application and note that although no additional car parking is proposed, there is sufficient parking available at the site to support the additional retail units proposed. As such, the proposed development is considered to be acceptable in this regard.

3.40 No objections have been received from other technical consultees as detailed above in respect of ecology, public rights of way, drainage, contamination and archaeology subject to planning conditions, where applicable. Cleveland Police have also provided advice in respect of security measures; the applicant's attention can be drawn to this advice by way of an informative on the decision notice.

OTHER MATTERS

3.41 Cleveland Fire Brigade have been consulted on the application and have raised no objections to the proposal and have commented that the scheme will need to comply with the relevant access and water supply guidance, which falls outside of planning legislation and will need to be considered through the appropriate legislation (including Building Regulations). This can be appended as an informative for the applicant's reference.

CONCLUSION

4.42 The proposed development would see the creation of a 'box park' feature within an existing retail and leisure park, offering smaller retail units to the existing offer at Teesbay. The design of the scheme is considered to be unique and taken as a whole, could not be delivered in the town centre and would not therefore significantly affect the vitality and viability of the town centre or nearby local centres. The design of the proposals is considered to complement the existing retail park and is not considered to detrimentally affect the amenity of neighbouring land users. Highway safety is not considered to be significantly affected as sufficient car parking provision is available to serve the site. Taking account of this assessment, all relevant policy tests are considered to have been met and the application is therefore acceptable, subject to the planning conditions identified below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.44 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.

3.45 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number I-AL-00-002 (Proposed Site Plan - Local), drawing number I-AL-20-001 (Proposed GA Plans) and drawing number I-AL-52-003 (Drainage Strategy) received by the Local Planning Authority 28/05/19, drawing number I-AE-20-002 (Proposed Elevations with Context), drawing number I-AE-20-001 (Proposed Elevations), and I-AL-20-002 (Proposed GA Plans) received by the Local Planning Authority 11/06/19, drawing number I-AL-00-101 (Location Plans) and drawing number I-AL-00-102 (Site Plan) received by the Local Planning Authority 13/06/19, drawing number I-AL-00-001 (Location Site Plan) received by the Local Planning Authority 11/07/19 and drawing number I-A3M-99-002 (Daylight and Energy Efficiency Study) received by the Local Planning Authority 05/08/19.
For the avoidance of doubt.
3. The container units hereby approved at ground level and level 1 as shown on drawing number I-AL-20-001 (Proposed GA Plans, date received 28/05/19) shall be finished in RAL 7024 Graphite Grey. One of each of the three containers at level 2 as shown on drawing number I-AL-20-002 (Proposed GA Plans, date received 11/06/2019) shall be finished in each of the following colours: RAL 3024 Red, RAL 5002 Blue and RAL 6038 Green. The Level 2 lighting shall be in the form of LEDs to match the colours of the containers.
In the interests of visual amenity.
4. Notwithstanding the submitted information, the development hereby approved shall not commence until a detailed scheme for the disposal of surface water

from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

5. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

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

6. The premises shall not be open to the public outside the following times 07:00 to 23:30 daily.
In the interests of the amenities of the occupants of neighbouring properties and in accordance with Local Plan Policy RC15.
7. No deliveries to, or from, the premises shall take place between the hours of 23:30 and 07:00 on any days.
In the interests of the amenities of the occupants of neighbouring properties.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the total floor space of the development hereby approved shall be limited to 401 square meters and laid out in accordance with plan drawing number I-AL-20-001 (Proposed GA Plans, received 28/05/19), and shall not be extended or altered in any way

(including through the provision of mezzanine floor space) without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the vitality and viability of Hartlepool town centre.

9. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely for non-food retail purposes within A1 Use Class. To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of Teesbay Retail and Leisure Park, Hartlepool town centre and defined local centres.
10. The development hereby approved shall be carried out in accordance with the information contained within drawing number I-A3M-99-002 (Daylight and Energy Efficiency Study) received by the Local Planning Authority 05/08/19. Prior to the occupation of the building(s), the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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

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

AUTHOR

3.49 Laura Chambers
Senior Planning Officer
Level 1

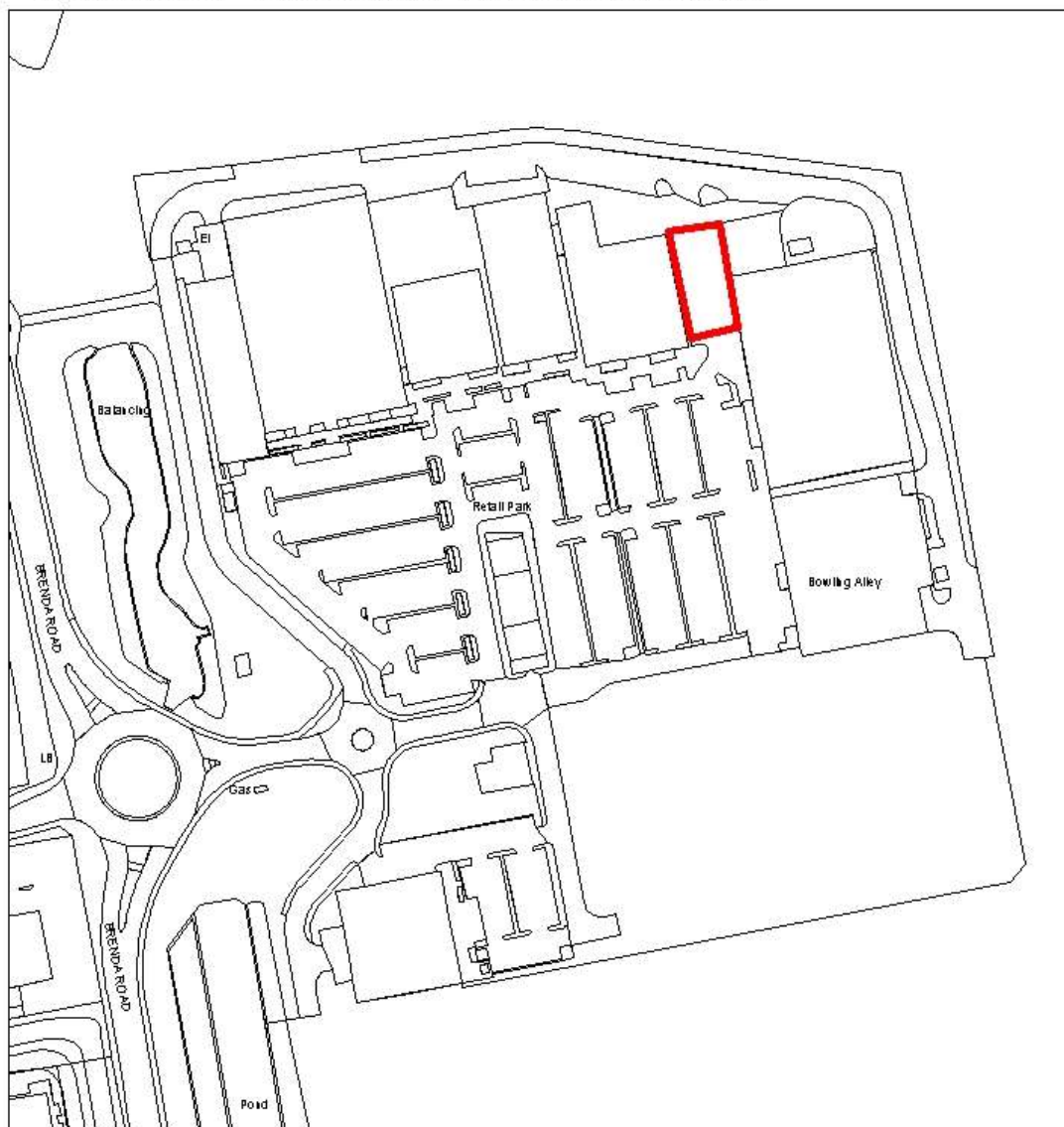
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273

E-mail: laura.chambers@hartlepool.gov.uk



LAND AT TEESBAY RETAIL PARK



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/08/19
	SCALE 1:2,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0242	REV

No: 4.
Number: H/2019/0169
Applicant: FORSO LTD
Agent: PROJECT LINDEN - LYNDSEY WALKER
Date valid: 21/06/2019
Development: Change of use to house in multiple occupation, installation of replacement windows and replacement roof (part retrospective)
Location: 68 GRANGE 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.

PROPOSAL

4.2 This application seeks planning permission for the change of use from a dwelling (C3 Use Class) to a Large House in Multiple Occupation (Sui-generis Use Class) for up to 7 tenants, the installation of replacement windows and retrospective planning permission for a replacement roof. The property would contain:

- Ground Floor: Communal rooms (consisting of a kitchen, utility, hall and boiler room) and 2 No. double bedrooms (with en-suites);
- First Floor: 3 No. double bedrooms (2 No, with en-suites and a separate shower room for bedroom No. 5) and a Laundry room; and
- Second Floor: 2 No. double bedrooms (Room 7 has an incorporated sitting area/room).

4.3 The existing windows to the host property are timber sliding sash windows and the proposed replacement windows would be uPVC casement windows.

4.4 The replacement roof to the property (retrospective) is constructed of composite roof tiles. It is understood that the roof that has been replaced was of natural slate.

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

SITE CONTEXT

4.6 The application site is a traditional mid-terrace two storey property (with living accommodation in the loft space) constructed from red brick, located on the northern side of Grange Road. The site is within the Grange Conservation Area and covered by an article 4 direction, which removes permitted development rights to alter or extend properties. The property is adjoined by No 66 to the east and No 70 to the

west with properties beyond the highway to the front (south) and properties along Milton Road (beyond an alleyway) to the rear (north).

PUBLICITY

4.7 The application has been advertised by way of eleven neighbour letters, site notice and a press notice. To date, no representations have been received from neighbouring properties.

4.8 The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is located within the Grange Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

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

Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The application is for retrospective permission for the replacement of the slate roof on the property with modern tiles and the installation of uPVC windows.

With regard to the roof the character appraisal for the area notes that, 'Most roofs in the conservation area are unaltered and are important historic features.' It goes on to note that, 'Replacement slates on a number of buildings are not natural and have a

sheen that does not match the weathered patina of the traditional Welsh or other natural slate roof coverings in the area.'

The application would introduce a modern roofing material into the conservation area. It is considered that such works would harm the significance of the conservation area, by virtue of introducing a material which is alien to the area altering the appearance of the roof.

Timber windows contribute the character of the conservation area. In particular the Appraisal states; 'windows are key features in the architecture of the area used to enliven elevations.' It goes on to note that, 'Bay windows are a prominent feature within the area, enlivening elevations and highlighting windows as features.' Further to this it states, 'Traditional Victorian, windows are double-hung vertical sliding timber sashes, and this type of window dominates the area. Glazing bar subdivisions are not common...Indeed, the high number of ground floor bay windows that have fixed central windows comprising one large pane of glass may stem from developers wishing to impress potential buyers with the latest fashion.'

In relation to replacement windows it states that, 'Many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area's detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area

The application proposes replacing timber sliding sash windows and a single fixed pane to the ground floor bay with uPVC windows. A brochure has been provided indicating the type of windows which would be preferred and plans show the lower section of the windows will open however there is no information to demonstrate how these would reflect the character of a traditional sash window, nor the finer detail of the proposed windows.

The loss of timber windows, would harm the significance of the conservation area. Such proposals are contrary to policy HE3 of the local plan which states, 'In determining applications...particular regard will be given to...The retention of original features of special architectural interest such as...architectural details'.

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

Hartlepool Civic Society – The applicant intends to replace the existing wooden, sliding sash windows with UPVC, there is no detail other than a generic brochure. More detail of the style and opening, i.e. sash not casement style is needed. The Grange Conservation area is a designated heritage asset and historic timber windows are an important part of the architecture.

The tiles used on the roof are not in keeping with and do not reflect the traditional appearance of Welsh or other natural slate roof coverings in the area.

HBC Public Protection – have no objections to this application subject to the following conditions. The installation of a suitable sound insulation scheme to the party wall with the neighbouring residential premises. The scheme shall ensure adequate protection is afforded against the transmission of noise between the premises on either side.

HBC Traffic & Transport – The site provides no off street parking so there is potential to increase parking demand on Grange Road however a HMO would normally require 1 parking space per 5 beds due to the low car ownership exhibited by residents living in such premises. Therefore I would expect a similar parking demand if the property remained a 5 bed residential property. I therefore have no objections to this application.

Residents with cars would have to obtain resident permits and park in adjacent streets.

Cleveland Police Crime Prevention & Architectural Liaison Officer – These type of premises have the potential to create problems with regard crime and disorder a key factor with regard this is the nature of the tenants who reside at these type of premises.

It is essential that the premises is well managed and that suitable tenants are placed in the premises. Persons who tend to reside at these premises tend be young single people who have a tendency to be more vulnerable to criminal activity. I would also expect the level of security to the building reflects the potential vulnerability of occupants.

Secure access control should be in place to the main entrance to prevent casual intrusion I would also recommend a visitor call system where a visitor can call a dwelling and allow occupants to control who enters the building from their flat. The access control to the building should have the facility to record and identify all users of the system.

All entrance doors including flat doors should deter unauthorised access doors certified to PAS 24:2016 would achieve this, all internal flat doors should have door viewer fitted. All accessible windows are required to deter access and if certified to above standards will achieve this. Secure mail delivery should be provided. Dusk/Dawn lighting provided to all external doors, internal communal areas should have 24 hour lighting using a photoelectric cell. Secure bin storage needs to be provided.

HBC Community Safety and Engagement – No concerns regarding this property/application.

HBC Engineering Consultancy – No objection.

HBC Ecology – I have no concerns or requirements. I note that works to the roof (where bats may have been impacted) have been completed.

HBC Building Control - I can confirm that a Building Regulation application will be required for the above application.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed. Further comments may be made through the building regulation consultation process as required.

Tees Archaeology – I have no comment to make on this application and no objection.

Northumbrian Water – In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Waters network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

HBC Housing Services – Do not have any objections to the proposed development. The property will need to be licensed under part 2 of the Housing Act 2004 if there are 5 or more occupiers. If it is intended to be a licensable HMO, we would determine the actual number of occupiers in consultation with the proposed license holder. There must be adequate provision made for the storage and disposal of refuse.

HBC Waste Management – No comments received.

HBC Landscape – No comments received.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

4.11 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, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural

environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

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

Hartlepool Local Plan 2018

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
HSG1	New Housing Provision
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas

HBC Planning Policy Comments:

4.14 Planning permission is sought for the change of use from residential dwelling to a house in multiple occupation (HMO).

4.15 The application site is within the Grange conservation area. With regards to the conservation area, Local Plan policies HE1 *Heritage Assets* and HE3 *Conservation Areas* apply. The Council has prepared a Character Appraisal that outlines those features that contribute to and detract from the area's special character and appearance.

4.16 The existing windows within the property are one-over-one timber sliding sash, apart from the central window of the bay, which is a single fixed pane – these are defining features of properties in this area, as noted within the Character Appraisal. The submitted materials explain that the intention is to replace the existing original timber sliding sash windows with white uPVC casement windows. No information has been submitted on the appearance of the proposed windows, for example, the thickness of the frames or the glazing bar pattern.

4.17 uPVC is an alien material to historic properties and areas. It cannot match timber in terms of detailing and authenticity. Details are rarely produced to the same fine dimensions and finish as could be achieved with timber. The glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows. A casement window lacks the variances of depth between different features of the window. The shiny uPVC material often looks incongruous within historic elevations, compared to the natural beauty and historic accuracy of timber.

4.18 The Character Appraisal notes that losing original or traditional windows and replacing them with either modern timber casements or uPVC casements is a key problem for the area that significantly harms uniformity and appearance.

4.19 Photographs have been provided to show the previous roof covering that has now been removed. It appears that it was Welsh slate; this is verified by the information in the Character Appraisal. The new roof covering is unnaturally flat, uniform and shiny, and is an incongruous addition to the terrace. The replacement covering does not match the texture, colour and natural beauty of the traditional Welsh slate it has replaced. The Character Appraisal makes note of the harm caused by unnatural new roof coverings.

4.20 Policy HE3 is clear that proposals in conservation areas should have regard to design, materials, and finishes. The retention of original features of special architectural interest is advised.

4.21 It is understood the existing windows and now removed roof covering are/were in poor condition. Paragraph 191 of NPPF has relevance here in that the condition of a damaged or deteriorated heritage asset cannot be taken into account in making a decision affecting that asset. It is regrettable that repair has not been/cannot be pursued as an option. Nonetheless, the removal of damaged features would not necessitate the replacement with an inappropriate examples.

4.22 Considering the above, the proposed windows and now installed roof covering are considered to represent harm to the heritage significance of the conservation area. This harm would be less than substantial; nonetheless, the NPPF is clear in paragraphs 193 and 194 that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This is reflected in Local Plan policy HE1. There is no evidence of the necessary clear and convincing justification of the public benefits of the proposed windows and the new roof covering. It is Planning Policy's opinion that the proposal is therefore not in accordance with the NPPF and Local Plan policies HE1 and HE3 by failing to preserve or enhance the character and appearance of the conservation area. However, the specialist advice of the Heritage and Countryside Manager should be sought to fully understand the impact and acceptability of any harm.

4.23 With regards to the change of use to a HMO, there are no Planning Policy objections to the principle. The Highways team will be able to advise on the implications of any increased car parking demand, having regard to Local Plan policy QP3 *Location, Accessibility, Highway Safety and Parking* and the views of the Public Protection team should be sought on the potential for disturbance, having regard to policy QP6 *Technical Matters*.

PLANNING CONSIDERATIONS

4.24 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the adopted Local Plan and the NPPF including the principle of development, the impact on the character and appearance of the existing building and surrounding area (including the conservation area), the impact upon highways, impact on the amenity and privacy of neighbouring properties, safety and security, and any other planning matters, which are considered as follows;

PRINCIPLE OF DEVELOPMENT

4.25 The primary use in this location is residential, and as such it is necessary to ensure that like or complimentary uses are maintained to protect the character and amenity of the area. The application site is located within the limits to development within walking distance of existing shops and services, and close proximity to local bus services which provides access to the public transport network. Therefore the site is considered to be in a sustainable location.

4.26 The proposed use whilst being defined as a 'sui-generis' use is ultimately a residential use (albeit a higher density use than the surrounding uses) and as such it is considered that the principle of large HMO residential use is within keeping with the general character of the area. Therefore the principle of development is considered to be acceptable subject to the consideration of all other material planning considerations as detailed below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE EXISTING BUILDING AND SURROUNDING AREA (INCLUDING THE CONSERVATION AREA)

4.27 The application site is located within the Grange Conservation Area, a designated heritage asset. When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

4.28 Further to this at a local level, Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. In addition, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.' The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The character of the Conservation Area is detailed within the HBC Heritage and Countryside Manager's comments (above).

4.29 The main external alterations to the building include a retrospective element for the replacement of the former slate roof with modern composite tiles. In response, the Conservation Area Character Appraisal for the area notes that, 'Most roofs in the conservation area are unaltered and are important historic features.' It goes on to note that, 'Replacement slates on a number of buildings are not natural and have a sheen that does not match the weathered patina of the traditional Welsh or other natural slate roof coverings in the area.'

4.30 The scheme has introduced a modern roofing material into the conservation area. Therefore, it is considered that such works would harm the significance of the conservation area, by virtue of introducing a material which is alien to the area altering the appearance of the roof.

4.31 Furthermore, it is considered that timber windows contribute the character of the conservation area as highlighted in the HBC Heritage and Countryside Manager's comments and reference to the Conservation Area Character Appraisal. The application proposes replacing timber sliding sash windows and a single fixed pane to the ground floor bay with uPVC casement windows. It is considered that the loss of timber windows, would harm the significance of the conservation area. Such proposals are contrary to policy HE3 of the local plan which states, 'In determining applications...particular regard will be given to...The retention of original features of special architectural interest such as...architectural details'.

4.32 In view of the above, the Council's Heritage and Countryside Manager concludes that the proposal will cause less than substantial harm to the designated heritage asset of Grange Conservation Area. Concerns are also raised by the Civic Society in this respect.

4.33 Paragraph 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. It is considered that in this instance no information has been provided to demonstrate that the identified harm would be outweighed by any public benefits of the proposal.

4.34 The applicant was made aware of these concerns and the case officer sought to work with the applicant and recommended amendments to the application to a design more in keeping with the conservation area (i.e. the use of timber windows instead of UPVC for the proposed windows and the use of natural slate for the roofing) in accordance with policy guidelines; however, the applicant made the decision to proceed with the original submission and did not wish to amend the application.

4.35 Without these amendments it is considered the proposal is contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019. As such, this would warrant a refusal of the application.

IMPACT ON HIGHWAY SAFETY + CAR PARKING PROVISION

4.36 The site is located with an area consisting primarily of terraced properties reliant on available on-street parking in the vicinity. In common with other dwellings in the neighbourhood, the site lacks in-curtilage parking accessible to the highway and would therefore be unable to provide for any off street parking.

4.37 In respect of HMO developments, the Council's Traffic and Transportation team have indicated that HMO's are usually required to provide a minimum of 1 car parking space per 5 occupants. However, given the location of the property and lack of any potential to provide off-street parking, the HBC Traffic and Transportation team consider that, on balance, that there are no objections to the proposal in relation to parking issues or highway safety. They have advised that residents will need to apply for resident parking permits and this could have been appended to the decision notice as an informative.

4.38 As noted above, consideration is also given the site's location close to public transport links. Therefore, the proposal is not considered to result in a significant detrimental impact on parking and highway safety and is therefore deemed acceptable in this regard.

AMENITY + PRIVACY OF NEIGHBOURING PROPERTIES

4.39 It is not considered that the proposed use will have a detrimental impact of the privacy of any neighbouring property, given that the proposal does not intend to introduce any additional windows nor extend the property to reduce the existing

separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. Furthermore, the existing window openings would primarily, continue to serve rooms of a similar nature i.e. existing habitable room windows (bedrooms, living room etc) continuing to serve habitable room windows and existing non-habitable room windows (bathrooms, landing etc.) serving proposed non-habitable rooms.

4.40 It is acknowledged that the nature and layout of the proposed use has the potential to introduce greater levels of activity to areas of the property than the current use as a single dwelling and as such has the potential to cause noise related nuisance to areas of the neighbouring dwellings (particularly bedrooms) where they could reasonably expect low levels of noise and disturbance. In response, the Council's Public Protection team have been consulted upon the application and their response raises no objections to the application subject to noise insulation measures being conditioned. It is considered that noise insulation measures could have been secured by a planning condition (had the application been acceptable in all respects) and therefore the proposal is acceptable in this regard.

4.41 It is noted that the proposal would retain the small enclosed rear yard to serve future occupiers of the proposed property which is deemed to be acceptable in this instance.

4.42 In conclusion, it is considered that the proposal would not cause any significant detrimental impact on the amenity and privacy of neighbouring properties including noise disturbance (as detailed above) as to warrant a refusal of the application in this instance and therefore, on balance, the proposal is acceptable in this regard.

SAFETY AND SECURITY

4.43 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 91 of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion".

4.44 An established principle in law is that fear of crime can be a material consideration in planning; however that fear has to be objectively justified rather than just perceived.

4.45 The Council's Community Safety and Engagement team have raised no objections to the application. Cleveland Police, whilst not objecting to the proposal, have commented that premises of this nature have the potential to be of concern in relation to increased incidents of crime and disorder, and that measures need to be put in place to reduce this risk and to provide a secure and sustainable premise for tenants that will not have an adverse impact on the local community. In this regard Cleveland Police have made a series of recommendations including management, physical security, access controls, lighting and mail delivery.

4.46 It is understood that the above matters would be controlled under the requirements imposed on any HMO License issued by the Council's Housing Standards Team, who have been consulted upon the application (to which they have raised no objections to the proposals). Notwithstanding the above, Cleveland Police's advice can be secured by an informative.

4.47 Therefore, in light of the above, it is considered that the impact of the proposal is acceptable in this regard subject to the appropriate management and licensing (which falls outside of the controls of planning).

OTHER PLANNING MATTERS

Drainage

4.48 The site is located outside of Flood Zones 2 and 3. No objections have been received from HBC Engineering or Northumbrian Water and therefore the proposal is considered to be acceptable in this respect.

Waste

4.49 The proposed use has the potential to generate a higher level of refuse/waste given the increased number of occupants. It is noted that the property is served by an enclosed rear yard. No objections have been received from HBC Waste Management, Public Protection, and Traffic and Transport. HBC Housing Services have advised that the property will need to be served by appropriate waste facilities. Subject to a planning condition requiring further details/confirmation of waste storage, the proposal would be acceptable in this respect.

Other Planning Matters

4.50 In addition, it is noted that the application was subject to consultation with Tees Archaeology, HBC Ecology and HBC Landscape. In regard to the above mentioned consultations, no objections have been received to the respective matters. It is considered the proposed development would not have a significant adverse impact upon archaeology, landscape or ecology and therefore the proposal is acceptable in regards to the above matters.

Fire Safety

4.51 In accordance with Local Plan Policy QP5 which relates to safety and security and following the instruction from elected Members, it was agreed that HBC Building Control and Cleveland Fire Brigade would be consulted on such proposals.

4.52 Following the consultation and as detailed above, Cleveland Fire Brigade have confirmed that they do not wish to make any representation to the proposal, as such it can be understood that no objection is raised to the proposal, nor is it recommended that sprinkler systems are necessary in relation to this proposal.

4.53 It is noted that fire safety is set out in 'Approved Document B' and will be controlled through Building Regulations regime which is outside the control of

planning legislation. Therefore, the proposal is not considered to cause a safety or security issue and is not considered to be contrary to Policy QP5.

CONCLUSION

4.54 Whilst the principle of the proposed change of use to a large HMO is acceptable, it is considered that the introduction of the unauthorised replacement roof and the proposed uPVC replacement windows of non-traditional design and materials would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of Grange Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.55 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.56 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.

4.57 There are no Section 17 implications as detailed in the report above.

REASON FOR DECISION

4.58 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 replacement composite roof and the proposed uPVC replacement windows at No. 68 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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

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

AUTHOR

4.61 James Blythe
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523292
E-mail: James.Blythe@hartlepool.gov.uk



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0169	REV

No: 5
Number: H/2019/0200
Applicant: HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD
HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR COLIN
BOLTON CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL TS24 8AY
Date valid: 19/06/2019
Development: Installation of 2 No. CCTV columns, 1 x 8m and 1 x 10m,
complete with anti climb attachment and dome camera
and wireless transmission link
Location: ROSSMERE PARK ROSSMERE WAY 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 recent planning applications are considered relevant to the current proposals and the application site:

5.3 H/2015/0426 - Provision of car park (up to 16 spaces) and additional off street parking, new events space comprising hard paved area (SUDS) and steel canopy shelters with electrical supply point, new vehicular access for events and maintenance, alterations to existing access points including provision of new gated entrances, works to pond to improve edge treatment and addition of new floating island habitats, refurbishment of play area including new play equipment, and additional boundary and landscaping works. Outline permission for a future community and cafe building. Approved 22nd December 2015.

5.4 H/2017/0670 - Removal of existing play equipment and replacement with new items including a SUTU interactive ball wall and associated ball fencing and court, a basket swing, climbing net, spinner, zip line, two spinners and six benches. Approved 7th March 2018.

PROPOSAL

5.5 Planning permission is sought for the installation of 2no. CCTV columns complete with dome cameras within Rossmere Park. One will be situated immediately to the east of the pond, in the eastern part of the park. The second will be situated in the western section of the park, on the events playing field, north of the bandstand.

5.6 The proposed CCTV column to be situated near the pond would measure approximately 10m in height x 229mm in diameter, with a 400mm square cabinet base and a 1m outstand bracket. The proposed CCTV 'urban cabinet' column incorporates an additional 2m high transmission antenna (taking the overall height of the structure(s) to 12m).

5.7 The proposed CCTV column to be situated on the events field measures approximately 8m in height x 168mm in diameter, with a 400mm square cabinet base and a 1m outstand bracket. The proposed CCTV 'urban cabinet' column incorporates an additional 2m high transmission antenna (taking the overall height of the structure(s) to 10m).

5.8 The proposed CCTV columns will be painted black in colour. The proposals also include an anti-climb attachment affixed to each column.

5.9 The applicant has advised that the height of each CCTV column has been chosen to provide the necessary field of view for the cameras, to be able to obtain an unobstructed line of sight for the wireless CCTV link that is used to connect the cameras back to the CCTV Control Room, and to be of a height to prevent easy damage to the camera from ground level.

5.10 The application has been referred to the planning committee as more than two objections have been received in line with the Council's scheme of delegation.

SITE CONTEXT

5.11 Rossmere Park is a public park located in the Owton and Rossmere area of Hartlepool and is recognised as a locally listed heritage asset. The park runs along an east-west orientation parallel to Rossmere Way. The park as a whole contains a number of open green areas, play areas, playing fields, public footpaths, tree and shrub planting, a small café/tea room and a small off-street car park. Established mature trees form a buffer along much of the northern, eastern and southern boundaries and additionally separate the eastern and western sections of the park.

5.12 Rossmere Park is bounded by Rossmere Way to the north, beyond which lie properties along streets on Ardrossan Road, Argyll Road, and houses within Ardrossan Court, Alford Court and Alness Grove. Stockton Road abounds the park to the east with Balmoral Road to the west, and Braemar Road to the south, beyond which lie Balcary Court to the west, Balmoral Court, Bramley Court, Beauuly Grove and Barra Grove to the south east.

PUBLICITY

5.13 The application has been advertised by way of neighbour letters and five site notices. To date, there have been eight objections, including a petition of 27 signatories which requests that the height of the CCTV columns be reduced.

5.14 The objections and concerns can be summarised as follows:

- the height of the camera would result in potential loss of privacy including overlooking into the rear gardens and properties of neighbouring residents
- the proposals would result in property devaluation
- the extent of the proposed surveillance is unnecessary and unacceptable, resulting in an invasion of privacy into garden areas and rooms such as bedrooms and bathrooms
- objectors (including within the petition) have requested that the height of the CCTV structures be reduced to an adequate scale that would not overlook neighbouring properties
- the information supplied within the planning application is incorrect in respect of the stated coverage on the CCTV
- the height of the cameras would only enable the monitoring of rooftops due to their height and this would therefore not provide coverage of any antisocial behaviour
- concerns over the sustainability of the cameras as there is one already at the top of Braemar Road which has not worked for several years due to lack of funding
- the money spent on the cameras without sustainable ways of monitoring and funding them would be a waste of council tax and other funding
- it is 'illegal' for the cameras to be at 8m and 10m in height and to be pointing at and recording private properties without permission
- Lack of information including a plan of the location of the cameras. Query as to whether this was a deliberate attempt to hide information and that the application has had a lack of public consultation/resident engagement

5.15 Copy Letters C

5.16 The period for publicity has expired.

CONSULTATIONS

5.17 The following consultation replies have been received:

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

HBC Parks and Countryside: This looks fine to me.

HBC Ecology: I have no concerns or requirements.

HBC Heritage and Conservation: The application site is located in Rossmere Park which is recognised as a locally listed heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

significance of the heritage asset (para. 197, NPPF).

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

The application is for the installation of two CCTV Cameras on columns located to the centre and western end of the park.

The park has received grant assistance to enhance the area with works recently completed on phase 1 of the project including:

- Creation of an events area with associated access.
- Creation of a new car park with associated access.
- Pedestrian access from Balmoral Road to the park.
- Installation of a toddler play facility and junior play area and associated enclosures to both.
- Planting in and around the café, play area and car park.

A second phase of the works will begin later in the year which will be centred around enhancements to the lake.

The park has been the subject of anti-social behaviour, in particular the events area and play sites. The installation of the cameras will provide a level of protection to the site and therefore the heritage asset.

The significance of the site is described as: "Linear park located off Stockton Road between Rossmere Road and Braemar Road. Formerly the site of a brick factory with associated clay pit, the site was acquired by the then local authority in the early 1950s when the surrounding housing was largely being built to create a public park. The factory buildings were cleared and the clay pit partly filled in to create a small lake with an island.

The park is orientated east/west with the lake located at the east end near the main entrance (with other entrances on the north and south sides). The park provides informal lake side and woodland walks. The west end of the park is occupied by more formal play areas. The Park has the feel of a late 19th century park similar to Ward Jackson Park in Hartlepool with extensive bird life."

From this it can be concluded that the significance of the park lies in the historic and amenity value derived from the space.

It is considered that the proposal will not impact on the significance of the non-designated heritage asset; no objections.

HBC Building Control: I can confirm that the works as described will require a building regulation application.

HBC Engineering Consultancy: No objections.

Cleveland Police: Police have no objections to this application.

I presume an operational requirement has been carried out and that aspects of Data Protection will be applied to.

HBC Public Protection: No objections.

HBC Traffic and Transport: No objections.

HBC Community Safety and Engagement: (summarised): CCTV camera design has been chosen to have a clear 360 degree view of the surroundings. The height is necessary to obtain a wireless link with the node and to prevent easily being damaged from the ground level. CCTV operators are subject to strict vetting and operational procedures.

HBC Arboricultural Officer (Landscape): There will be a need in the case of some trees, West of the pond, to have some branches cut back for visibility splay but I have no concerns about this and the trees will not be detrimentally affected. There were trees on the island that blocked the view from camera on plan 420/51/E/001B that obscured the visibility splay along the South boundary of the park which both myself and the ecologist felt should be left undisturbed and an alternative solution sought if this was thought necessary.

HBC Landscape Architect (Building Consultancy): No comments received.

PLANNING POLICY

5.18 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

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

CC1: Minimising and Adapting To Climate Change
INF4: Community Facilities
LS1: Locational Strategy
NE2: Green Infrastructure
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

HE1: Heritage Assets

HE5: Locally Listed Buildings and Structures

National Policy

5.20 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

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for climate change

PARA 153: Planning for climate change

PARA 197: Considering potential impacts

PARA 200: Considering potential impacts

PLANNING CONSIDERATIONS

5.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact upon the visual amenity of the area (and non-designated heritage assets), impacts to neighbour amenity, community safety and highway safety. These and any other matters are considered below.

PRINCIPLE OF DEVELOPMENT

5.22 It is considered that the provision of 2no. CCTV columns is in line with Local Plan policies INF4 and QP5, which support the provision of appropriate community facilities that are designed to promote safety and security. It is considered that the installation of the proposed CCTV cameras would increase surveillance within the park and therefore potentially help deter incidences of crime and disorder, particularly anti-social behaviour and acts of vandalism. The proposal is therefore considered to be compliant with this policy, a view supported by HBC Planning Policy. Furthermore no objections have been received from Cleveland Police in this respect.

5.23 As such the principle of development is considered to be acceptable subject to the scheme satisfying other material planning considerations as set out below.

VISUAL AMENITY (+ IMPACT ON NON-DESIGNATED HERITAGE ASSETS)

5.24 Rossmere Park is recognised by Hartlepool Borough Council as a locally listed heritage asset. Policy HE1 of the Local Plan states that the Council will seek to preserve, protect and positively enhance all heritage assets. Paragraph 197 of the NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

5.25 Policy HE5 of the Local Plan states that the Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal. In this instance, the Council's Heritage and Countryside Manager concludes that the proposal will not impact upon the significance of the non-designated heritage asset and has therefore raised no objections. As such the 'balancing' exercise of the application is not required in this instance. Nonetheless, the park has been the subject of anti-social behaviour and the installation of the cameras will provide a level of protection to the site and therefore the heritage asset. As such, it is clear that the proposal would have identified public benefits.

5.26 The 2no. proposed CCTV columns are to be of an 'ornate' design, painted black and are to feature a small dome camera with an outstand bracket. There is a further 2m high slim antenna to be affixed to the top of the main column of both structures. The proposal is for one of the structures to be located in the eastern section of the park, near to the pond, while the other structure is to be located in the western section of the park, near the large playing field and bandstand. The proposed design and siting is considered to be less visually intrusive than a standard camera design, and this is considered to further assist in reducing their visual impact.

5.27 Furthermore, it is noted that there are silver coloured and black coloured street lighting columns and standard telegraph poles of a similar design and scale (albeit some are lower in height) that are visible within the park itself and within immediate vicinity of the proposed site, and in this context, it is not considered that the

proposals would result in a significant incongruous feature in the area. From outside the park, it is considered that the proposed CCTV columns will be partially obscured from views by the expanse of trees which provide a vertical element that contains both the park perimeter, and other paraphernalia and buildings throughout Rossmere Park. No objections have been received from either the Council's Landscape Architect. A planning condition is necessary to ensure that the proposed CCTV columns are painted black. Furthermore, no objections have been received from the Arboricultural Officer in respect of the design and siting of the CCTV column and in respect to any adverse impact upon trees. An informative can be secured for the applicant's attention in respect to any works required to trees.

5.28 On balance, and owing to the above considerations, it is considered that the addition the proposed CCTV columns would not introduce significant incongruous features into the established park setting or adversely affect the visual amenity of the area as to warrant a refusal of the application. The proposal is therefore considered acceptable in terms of the impacts on the character and appearance of the locally listed asset and the visual amenity of the wider area.

IMPACT ON NEIGHBOUR AMENITY + PRIVACY

5.29 With respect to the proposed CCTV column near to the pond (east of the park), the proposal would be approximately 55m from the rear elevation of the nearest neighbouring residential properties along Stockton Road (No's 278-288, evens), with a distance of approximately 44m between the proposal and the rear garden boundary of No. 278 Stockton Road. The proposal would be approximately 100m from the closest properties to the south (Barra Grove), approximately 75m from the nearest properties (Rossmere Lodge) to the north west, and approximately 84m from the nearest properties to the north (Alness Grove). The western side of the park contains a large pond and an abundance of trees, many of which are in the region of 10m in height (approximately). Furthermore, there is a toilet block to the north. It is considered that these buildings and trees and any other structures in the park would partially screen the proposals from the aforementioned residential properties.

5.30 With respect to the proposed CCTV column near towards the centre of the park/northern boundary, the proposal would be approximately 30m from the rear elevations of the nearest neighbouring residential properties to the north of the site, beyond the park boundary, to properties on Rossmere Way (including Glenmore, Park View, Rosall, Oasis, Orchard End, Rossmere Tea Garden and Rossmere Lodge). Beyond these properties, the proposal is approximately 75m from the nearest properties beyond the main public highway of Rossmere Way to those on Ardrossan Court. The proposal would be approximately 102m from the closest properties to the south (Bramley Court) and approximately 165m from the western boundary with the park. It is noted that there are a number of buildings and structures in the western section of the park, including the café, shop, tennis courts and children's playgrounds, serving non-habitable/non-residential buildings and areas. These buildings/structures in the park would partially screen the proposals from the aforementioned residential properties.

5.31 Given the scale and siting of the proposed structures with consideration given to the slimline design of the proposed CCTV columns and the aforementioned

separation distances and relationships, the proposals are not, on balance, considered to result in any significant adverse impacts on the amenity of neighbouring properties in terms of outlook, overbearing, overshadowing on any of the neighbouring properties or land users.

5.32 With regard to the privacy and overlooking concerns raised by objectors, the Council's Community Safety team has confirmed that the installation, operation, and management of a CCTV system places a number of legal obligations and responsibilities on a CCTV system owner, data controller, and end users. These come from a combination of regulators including:

1. The Surveillance Camera Commissioner whose role is to encourage compliance of the Surveillance Camera Code of Practice, which is mandatory for all Public Bodies operating CCTV systems;
2. The Information Commissioner who is responsible for the regulation and enforcement of the Data Protection Act 2018 and who has produced a Data Protection Code of Practice for Surveillance Cameras and Personal Data 2015 which is also mandatory for all Organisations operating CCTV systems);
3. The Investigatory Powers Commissioner's Office (which is responsible for the regulation and enforcement of the Regulation of Investigatory Powers Act 2000 (RIPA) and has produced a Covert Surveillance and Property Interference Code of Practice 2018 and compliance with the code is mandatory for all Public Bodies operating CCTV systems); and
4. Security Industry Authority (which is responsible for regulating the private security industry through licenses to undertake the activity by the Security Industry Authority).

5.33 The applicant (Hartlepool Borough Council) also has a number of identified policies relevant to the installation, operation, and management of a CCTV system that they have confirmed will be complied with. These include:

1. HBC CCTV Service Operational Code of Practice; this gives guidance on the operation and management of the CCTV system and explains the CCTV system Audit, Complaint and Data Protection processes.
2. HBC Surveillance Camera Privacy Impact Assessments; this identifies any potential risks to data protection and privacy through the use of the CCTV system; and sets out the protective and mitigation measures put in place by the Council to ensure that the CCTV system use is justified and proportionate.
3. HBC Regulation of Investigatory Powers Act 2000 Policy and Procedure on the use of Covert Surveillance; identifies any potential risks to data protection and privacy through the use of the CCTV system; and sets out the protective and mitigation measures put in place by the Council to ensure that the CCTV system use is justified and proportionate.

5.34 Ultimately, the installation, operation, and management of a CCTV system falls outside of planning legislation and to which the applicant will need comply with the aforementioned legislation and regulations. Subject to this, the proposal is considered to be acceptable in respect of privacy and overlooking matters.

5.35 No objections have been received from HBC Public Protection.

5.36 In view of the above considerations, it is considered that the proposal would not result in an adverse loss of amenity and privacy for neighbouring in terms of outlook, overbearing, overshadowing and overlooking. The proposal is therefore acceptable in this respect.

COMMUNITY SAFETY

5.37 Policy QP5 of the Hartlepool Local Plan (2018) seeks to provide development that protects or enhances safety and security in the Borough. As detailed above, it is considered that the installation of the proposed CCTV cameras is compliant with this policy.

5.38 Furthermore, it is crucial that the operator requirements are in strict accordance with the relevant safeguarding and data protection procedures. The Council's Community Safety and Engagement team has advised that the necessary regulations will be adhered to in the provision and operation of the CCTV. Furthermore, Cleveland Police have been consulted and have raised no objections to the proposal.

HIGHWAY SAFETY

5.39 The Council's Traffic and Transport section have raised no objections (or comments) and the proposal which is therefore considered to be acceptable in terms of highway safety. Furthermore, no objections have been received from HBC Countryside Access Officer. The proposal is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

5.40 The application was subject to consultation with HBC Engineering Consultancy and Ecology, who offered no objections to the proposal in regards to drainage and ecology matters respectively. The proposal is therefore considered to be acceptable in regards to the above matters.

RESIDUAL MATTERS

5.41 One objection states that insufficient information was received in respect of the application. It is of note that the appropriate plans and documents were made available to be viewable via the internet or by appointment at the Civic Centre, as per the usual practice with regard to consulting the public on planning applications, which meets statutory regulation and guidance.

5.42 It is acknowledged that a number of the objections raise concerns regarding the "saleability" of their house. Property devaluation is not a material planning consideration and therefore no weight can be given to objections in respect of this.

5.43 With regard to the representations surrounding the 'legality', 'need', cost, height (that they should be reduced) and 'sustainability' for the siting and the installation of

the CCTV columns, it is noted from the supporting information that the sites and equipment (including proposed heights) have been identified by the applicant (HBC) as being appropriate and necessary for their locations. The development is considered to be compliant with the relevant identified national and local planning policies and is considered to constitute 'sustainable development' within the meaning of the NPPF. Notwithstanding this, the 'need' for the provision of CCTV and associated costs are not material planning considerations and therefore do not form any basis in the determination of the report. As set out above, in legal terms, a number of regulations and policies provide the legislative framework that the CCTV operator will need to comply with.

5.44 The 'Right to Light' and 'Right to a view' operate separately from the planning system and are not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

5.45 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

5.46 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

5.47 On balance, it is considered that the proposed development is acceptable in terms of visual amenity (and the impact on heritage assets), neighbouring amenity, community safety and highway safety and other planning matters, and therefore accords with the requirements of policies CC1, HE1, HE5, INF4 and QP5 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF. Therefore the proposal is considered acceptable subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.50 The programme is likely to contribute to reductions in crime and anti-social behaviour.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the following 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 Drwg. No. 420/51/E/001A (Block Plan - 'Additional CCTV Sites Rossmere Park Events Location', scale 1:500), Drwg. No. 420/51/E/001B (Block Plan - 'Additional CCTV Sites Rossmere Park Lake Location', scale 1:500), Drwg. No. 420/51/E/001C (Block Plan - 'Additional CCTV Sites Rossmere Park Location Plan Lake Area', scale 1:100), Drwg. No. 420/51/E/1E (Elevation - Rossmere Park Column Elevations'), 'HIKVISION' technical details (dome camera) and 'Altron' details of 'ornate poles', 'ornate poles technical specification', 'ornate brackets' and 'embellishment details' all date received by the Local Planning Authority on 16th April 2019; and Drwg No. 420/51/E/001E (Site Location Plan 'Additional CCTV Sites Rossmere Park', scale 1:1500), date received by the Local Planning Authority on 8th May 2019; and Drwg No. 420/51/E/001E REV A (Site Location Plan 'Additional CCTV Sites Rossmere Park ', scale 1:2000) date received by the Local Planning Authority on 11th June 2019.
For the avoidance of doubt.
3. The 2no. CCTV cameras and all other associated apparatus and equipment hereby approved shall be painted black and finished in accordance with the approved specification details and plan Drwg. 420/51/E/1E (Elevation - Rossmere Park Column Elevations', date received by the Local Planning Authority on 16th April 2019) unless alternative similar materials are agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the surrounding area and to ensure a satisfactory form of development.
4. The 2no. CCTV cameras and all other associated apparatus and equipment hereby approved shall be removed from the land on which they are situated within three months of the date that the camera is no longer required for CCTV purposes and has ceased to operate or to any condition as may be agreed in writing between the Local Planning Authority and the developer.

In the interests of visual amenity.

BACKGROUND PAPERS

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

CONTACT OFFICER

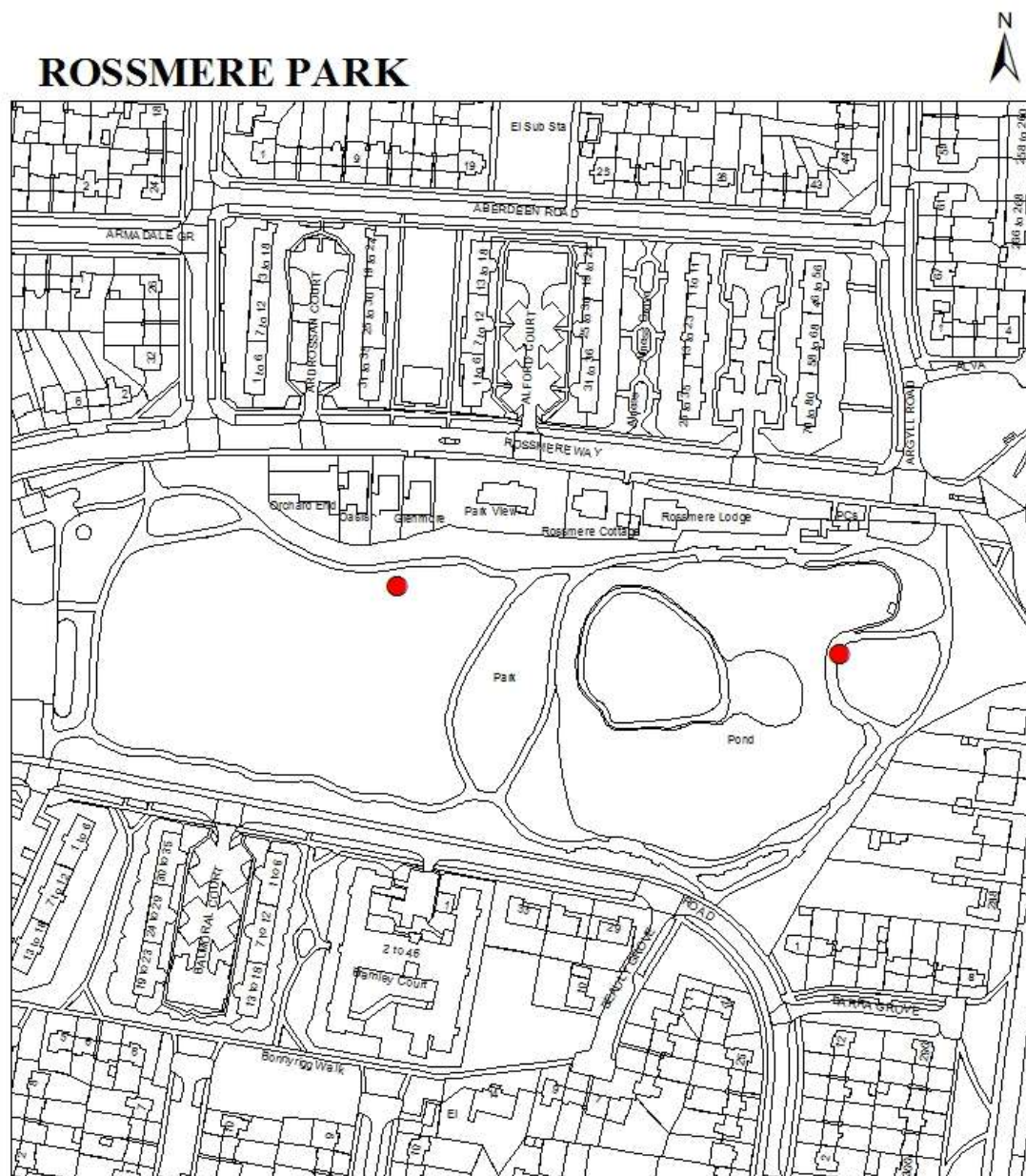
5.53 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

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

AUTHOR

5.54 Stephanie Bell
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 20/08/19
	SCALE 1:2,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0200	REV

POLICY NOTE

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

[https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156 -
_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
_and_waste_development_plan_documents_for_the_tees_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 11 MOOR PARADE, THE HEADLAND,
HARTLEPOOL, TS24 0NN
APPEAL REF: APP/H0724/C/19/3223549
SUB-DIVISION OF A SINGLE DWELLINGHOUSE
TO CREATE TWO SEPARATE FLATS

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against an enforcement notice served by the Local Planning Authority in respect of the unauthorised sub-division of a single dwellinghouse to create two separate flats at 11 Moor Parade.
- 1.2 On the 19th December 2018 Planning Committee authorised enforcement action to secure (i) the removal of all partitions/doors that physically separate the property into two separate flats, (ii) cease the use of the property as two separate flats and to (iii) not allow the property to be used other than as a single dwellinghouse.
- 1.3 The submitted appeal is on the grounds that at the time the enforcement notice was issued, the Appellant considers that it was too late to take enforcement action against the breach.

2. RECOMMENDATIONS

- 2.1 That Members note the report.

3. CONTACT OFFICER

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

Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

- 4.1 Daniel James
Planning Team Leader (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284319
E-mail: daniel.james@hartlepool.gov.uk

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT AMIGOS BAR, 1-3 VICTORIA ROAD,
HARTLEPOOL, TS24 7SE
APPEAL REF: APP/H0724/C/19/3219886
CHANGE OF USE FROM RESTAURANT/FAST
FOOD OUTLET (A3 USE CLASS) TO DRINKING
ESTABLISHMENT (A4 USE CLASS)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against an enforcement notice served by the Local Planning Authority in respect of the unauthorised change of use at 1-3 Victoria Road, Hartlepool.
- 1.2 On the 31st October 2018 Planning Committee authorised enforcement action to secure removal of timber panels from the shopfront and restore to its original condition, and that the premises shall be closed to the public and for any deliveries between the hours of 2330hrs and 0700hrs.
- 1.3 The submitted appeal is on the grounds that the Appellant considers that planning permission should be granted for the retention of the development, that lesser steps are available to remedy the breach and that the time given to comply with the notice is too short.

2. RECOMMENDATIONS

- 2.1 That Members note the report

3. CONTACT OFFICER

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

Tel: (01429) 284271

E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 Jane Tindall
Senior Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523284
E-mail: jane.tindall@hartlepool.gov.uk

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 1 ARNCLIFFE GARDENS,
HARTLEPOOL, TS26 9JG
APPEAL REF: APP/H0724/W/19/3231726
ERECTION OF A CLOSE BOARDED TIMBER
FENCE AND TIMBER GATE AT THE FRONT OF
THE PROPERTY

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against an enforcement notice served by the Local Planning Authority in respect of the unauthorised erection of a close boarded timber fence and timber gate at the front of 1 Arncliffe Gardens, Hartlepool.
- 1.2 On the 31st October 2018 Planning Committee authorised enforcement action to secure the reduction in height of the timber fence and gate so that it does not exceed 1m in height above adjacent ground level as measured from the adjacent public footway.
- 1.3 The submitted appeal is on the grounds that the Appellant considers the steps required to remedy the breach (set out in para 1.2 above) are excessive and that the fence in situ “is in keeping with the area and fits in well in the street not causing offence or obstruction”.

2. RECOMMENDATIONS

- 2.1 That Members note the report

3. CONTACT OFFICER

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

Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

- 4.1 Stephanie Bell
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523246
E-mail: stephanie.bell@hartlepool.gov.uk

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 193 RABY ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/W/19/3234392
Change of use to A5 (hot food takeaway), installation of replacement doors and windows to the front and installation of a flue to the rear. (Retrospective Application) (H/2019/0008).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of a retrospective change of use to A5 (hot food takeaway), installation of replacement doors and windows to front and installation of flue to the rear (H/2019/0008).
- 1.2 The application was refused by Planning Committee at the meeting of 03/07/19 on three grounds including i) the site is not within a designated retail centre, ii) the use would be detrimental to the health of local residents and iii) the flue is of a poor quality design. (Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

- 4.1 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
S24 8AY
Tel: (01429) 523273
E-mail: : laura.chambers@hartlepool.gov.uk

APPENDIX 1

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 for 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

- 1.41 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
- Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

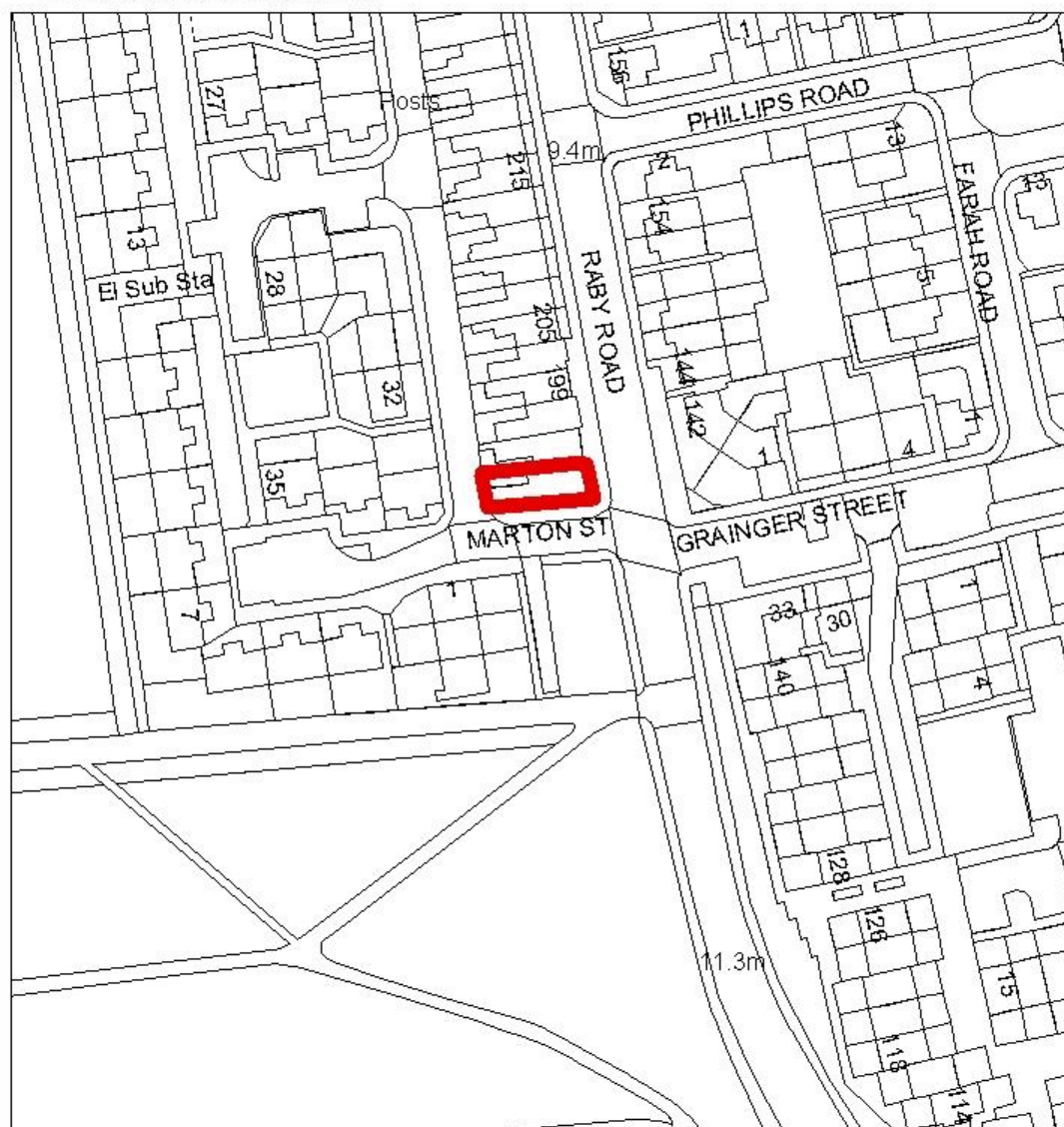
AUTHOR

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

Tel: 01429 523273

E-mail: laura.chambers@hartlepool.gov.uk

193 RABY ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	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

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 458 WEST VIEW ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/D/19/3230675
Erection of a two storey extension at the rear
(H/2019/0132).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of a proposed erection of a two storey extension at the rear (H/2019/0132).
- 1.2 The application was refused under delegated powers as it was considered that the proposed two storey side extension, would by virtue of its size and position along the shared boundary would result in an overbearing appearance and loss of light that would be detrimental to the amenity of the neighbouring occupier to the west (456 West View Road). (Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 Laura Chambers
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
S24 8AY
Tel: (01429) 523273
E-mail: : laura.chambers@hartlepool.gov.uk

APPENDIX 1

DELEGATED REPORT

Application No H/2019/0132

Proposal Erection of a two storey extension at the rear

Location 458 WEST VIEW ROAD HARTLEPOOL

PS Code: 21

DELEGATION ISSUES 1) Publicity Expiry	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	22/04/2019 N/A N/A 28/04/2019 20/05/2019
2) Publicity/Consultations PUBLICITY The application was advertised by way of 4 neighbour letters, to date two objections have been received from the adjacent neighbouring properties with respect to concerns over the impact on the amenity and privacy of these properties as a result of the proposal. This is considered in further detail below. CONSULTS HBC Traffic & Transport – No comments received.		
3) Neighbour letters needed	Y	
4) Parish letter needed	N	

5) Policy

Planning Policy

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 47: Primacy of the Development Plan

PARA 124: Ensuring good design

Relevant Planning Policies

Hartlepool Local Plan 2018

QP4: Layout and Design of Development

HSG11: Extensions to Existing Dwellings

6) Planning Consideration

RELEVANT PLANNING HISTORY

There are no relevant planning applications associated with the site.

SITE AND SURROUNDINGS

The applicant property is a detached two-storey dwelling on the north side of West View Road, approximately 30m west of the junction with Dickens Street. There are other residential properties to the east and west of the site, St Hild's School site to the north and West View Cemetery to the south.

PROPOSAL

Permission is sought for a two-storey extension to the rear of the property, this would project 4m in length at its furthest extent to the eastern side of the property, but would be stepped down to 2.5m at the western side to take account of the existing detached garage which it is proposed will be retained.

The extension would have a dual pitched roof hipped at the rear with a catslide roof extending over the section of the extension that is stepped back. The proposed eaves height of the main body of the roof would be 4.7m, this would drop down to 4.1m for the eaves of the catslide element. The overall ridge height of the extension would be 6.3m. The proposed extension would be rendered with roof tiles to match the existing house.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the impact on the character and appearance of the existing dwelling and surrounding area and the impact on the amenity of neighbouring occupiers.

IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

The area is characterised by residential properties, however there are a mix of types and styles, including bungalows, two-storey properties, pairs of semi-detached dwellings and others that are detached. As such, it is not considered that the proposed development would disrupt a prevailing uniform character, particularly given it is located to the rear and would therefore have no impact on the primary public views of the property on West View Road.

The design of the scheme, although large, is considered to be subservient to the host property. Although the main house is of a brick finish and the extension is to be rendered, this is not considered to have an adverse effect given there are examples of rendered properties in the area and the extension is to be located to the rear in any event. The proposed roof tiles would match the existing house and this is considered to unify the proposals with the main part of the property. On this basis the scheme is considered to be acceptable with respect to the character of the existing dwelling and surrounding area.

IMPACT ON AMENITY + PRIVACY OF NEIGHBOURING OCCUPIERS

The neighbouring property to the east (No 456) has raised concerns about the potential loss of light to a bedroom window to the rear as a result of the proposed extension, which is located immediately alongside the shared boundary with that property. The neighbouring property has extended at ground floor and this would extend approximately the same distance as this proposal seeks to extend. As such, at ground floor level the two extensions would be approximately the same length and there would not be an adverse impact in terms of light, privacy or overbearing appearance to the ground floor windows in the neighbouring property's rear windows.

The window at first floor level within the neighbouring property alongside the shared boundary serves a bedroom, given its position in relation to the proposed extension it will be affected to some degree by the development and it is necessary to consider whether that impact is sufficiently detrimental to warrant refusal. The extension has a pitched roof, hipped at the end, which limits the bulk of the extension somewhat; however the length of the extension (and resultant mass of

facing brickwork) is substantial and it is considered this would result in an overbearing appearance and a loss of light to the first floor habitable room window (bedroom) that would be detrimental to the amenity of the neighbouring occupier. It has been requested of the applicant that the extension is reduced in scale to address this concern; however they have declined to do so and asked that the application is considered as submitted.

The neighbouring property to the west (a bungalow, No 460) has objected to the application due to concerns regarding loss of privacy as there are windows located in the side of the proposed extension. The windows to side would serve a utility room at ground floor level and a bathroom at first floor. The utility room is not considered to be a primary habitable room, though the intervening fence at ground floor would substantially screen any views between this window and those in the neighbouring property. The bathroom window at first floor is not a primary habitable room and is likely to be opaque glazed in any event.

As such, it is not considered the proposed development would have a significant adverse impact on the privacy of the neighbouring occupier, notwithstanding that, a condition could be imposed if the scheme was considered acceptable in all other respects to ensure windows to the rooms in the proposed side elevation were opaque glazed and therefore prevent an adverse overlooking issue. It is further considered that no direct views could be achievable from the main rear elevation of the proposal and windows in the rear of No 460.

There would be a separation between the proposed extension and the neighbouring property of approximately 4.5m due to the intervening driveways, this separation will assist in limiting the impact of the extension in terms of light and appearance. Although the only window serving the neighbouring property's kitchen is in the side elevation (due to a conservatory being erected to the rear), it is understood to be a galley kitchen and not therefore considered a primary habitable room that would be unduly impacted by loss of light or overbearing appearance to such windows or windows in the rear elevation of this property as a result of the above distance/layout of the properties.

To the north of the site are the playing fields of St Hild's School, the main buildings of the school are approximately 60m from the rear boundary of the applicant property. Given this separation is it considered there would not be an adverse impact on the amenity of neighbouring land users to the north of the site.

Properties on the northern side of West View Road are served by a service road and there is a substantial verge between that and the main highway, beyond that to the south is the West View Cemetery. Given the property's location and that the proposed development is to the rear, it is not considered any neighbouring properties to the south would be adversely affected by the proposed scheme.

OTHER PLANNING MATTERS.

The property is currently served by a driveway to front/side that would not be altered by the proposed extension, as such the parking arrangements would be retained and there is nothing to suggest the development would adversely impact highway

safety or parking in the area. Furthermore, no objections or comments have been received from the Council's Traffic and Transport section. As such, the proposals are considered to be acceptable in this respect.

CONCLUSION

The proposed extension to rear is considered to be of a scale that would adversely affect the amenity of neighbouring occupiers with respect to creating an overbearing outlook and reducing light due to its size and position along the shared boundary with the adjacent neighbour. It is anticipated that an extension of sorts could be achieved without significantly adversely affecting the amenity of neighbouring occupiers, however the applicant is not willing to amend the scheme and therefore on balance the scheme as currently proposed is considered to be unacceptable.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

Yes (as per report)

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

N

12) Recommendation

REFUSE for the following reason:

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its size and position along the shared boundary would result in an overbearing appearance and loss of light that would be detrimental to the amenity of the neighbouring occupier to the west (456 West View Road), contrary to the requirements of Local Plan policy HSG11 and paragraph 124 of the NPPF.

INFORMATIVES

1. Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant

in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.

PLANNING COMMITTEE

4th September 2019



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT UNIT 4 THE SAXON, HARTLEPOOL
APPEAL REF: APP/H0724/W/19/3234665
Change of use from A1 to A5 hot food takeaway
(H/2019/0155).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of a change of use from A1 to A5 hot food takeaway (H/2019/0155).
- 1.2 The application was refused under delegated powers on 15/07/2019 as it was considered that the proposed development, by virtue of introducing an additional A5 use would result in an unacceptable concentration of hot food takeaways in a small Local Centre which would be harmful to the vitality and viability of its retail character and function, contrary Policies RC16 and RC18 of the Hartlepool Local Plan (2018). In addition, it was considered that the proposed development 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 Policy RC18 of the Hartlepool Local Plan (2018) and paragraph 91 of the National Planning Policy Framework. (Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 James Blythe
Planning Officer
Level 1
Civic Centre
Hartlepool
S24 8AY
Tel: (01429) 523292
E-mail: : james.blythe@hartlepool.gov.uk

APPENDIX 1

DELEGATED REPORT

Application No H/2019/0155

Proposal Change of use from A1 to A5 hot food takeaway

Location UNIT 4 THE SAXON EASINGTON ROAD HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters:	18/06/2019
	Site notice:	26/06/2019
1) Publicity Expiry	Advert:	N/A
	Weekly list:	23/06/2019
	Expiry date:	24/06/2019
	Extended date:	15/07/2019
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of neighbour letters (18 in total), a site notice and letters to local ward members. To date, four representations have been received from neighbouring properties objecting to the application for the following reasons:</p> <ul style="list-style-type: none"> - The number of hot food takeaways in Hartlepool; - Increase intensification of hot food takeaways within this local centre (the representation stated '<i>the area is already very well serviced by takeaways – within 10 minutes' walk there are Indian, Chinese, Fish and Chips, Kebab Shop and Pizza</i>') - impacts upon the health of the community; - exacerbation of existing litter problems; - impacts in regards to anti-social behaviour; and - Increased odour from an additional hot-food takeaway unit. 		
CONSULTATIONS		
<p>The following consultation responses were received;</p> <p>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</p>		

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.

The most recent data from Public Health England (at 30/12/2017) 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 Unit 4, The Saxon, sits within the De Bruce ward. It is therefore important to consider the potential health impact on this area.

Childhood obesity is of particular concern to Public Health and Hartlepool Borough Council and partners and this is reflected in our Healthy Weight Strategy. The most recent ward based statistics from the National Childhood Measurement Programme (NCMP) (2015/16 to 2017/18) shows that 30.0% of reception children (age 4-5) from schools in De Bruce are classified as having excess weight (13.1% obese). However, once children reach Year 6 (age 10-11), 40.9% of children in De Bruce are classified as having excess weight (24.2% 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.

The percentage of adults (aged 18+) classified as overweight or obese is much higher in Hartlepool (71.0%) than the England average (61.3%).

Obesity is linked to an increased risk of stroke and cardiovascular disease. Emergency hospital admissions in De Bruce for CHD are 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 De Bruce ward. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease. Public Health, therefore, object to this planning application being approved.

HBC Public Protection – This site is located close to residential properties and an additional A5 Hot Food Takeaway would result in intensification on this site with the potential of odour nuisance resulting from the combination of the kitchen extract

systems from two hot food outlets in such close proximity. It should be noted that it is impossible to guarantee that there will be no odour emissions from the extract system and this can be dependent on the type of food being cooked.

I would have no objections to this application subject to the following conditions;

- We would ask that the flue reach a height equivalent to a two storey building. Failure to meet this we would ask for a low level extraction system to be implemented, however we would require the specification of the extraction unit.
- An hours' restriction in accordance with the submitted application form.

Cleveland Police Crime Prevention & Architectural Liaison Officer – These type of premises have the potential to create a location where youths congregate which can result in incidents of anti-social behaviour.

If this application is approved I would expect that the premises is well managed and measures are put in place to deter incidents of ant-social behaviour which would include installation of CCTV both internally and externally this will need to comply with requirements of Data Protection and any images provided be of a quality that can be used in a court of law.

Internally no fixtures should be present that be a risk of misuse or used as a means to cause damage or injury.

In relation to staff safety it would be advisable for the serving counter of to be of a height and width to provide a suitable barrier between customers and staff.

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

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

HBC Engineering Consultancy – No Objection.

Northumbrian Water – No comments.

HBC Ecology – No ecology concerns or requirements.

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

<u>Planning Policy</u>

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 002: Permission determined in accordance with development plan; PARA 007: Achieving sustainable development; PARA 008: Achieving sustainable development; PARA 009: Achieving sustainable development; PARA 010: Achieving sustainable development; PARA 011: The presumption in favour of sustainable development; PARA 012: The presumption in favour of sustainable development; PARA 038: Decision-Making; PARA 047: Determining Applications; PARA 091: Promoting healthy and safe communities; PARA 092: Promoting healthy and safe communities; and PARA 180: Ground conditions and pollution.

Relevant Planning Policies

SUS1: The Presumption in Favour of Sustainable Development;
LS1: Locational Strategy; QP6: Technical Matters; RC16: The Local Centres;
and RC18: Hot food takeaways.

HBC Planning Policy Comments: - The application site is within the Former Saxon Pub Local Centre, as defined on the Local Plan Policies Map. Local Plan policy RC16 *The Local Centres* applies in this case. Policy RC16 states that hot food takeaways will only be permitted in Local Centres where they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. It also sets out that applications for hot food takeaways will be determined in accordance with policy RC18 *Hot food takeaways*.

Policy RC18 seeks to protect the vitality and viability of the Borough's retail and commercial centres and the residential amenity of nearby residents. Furthermore, the policy supports Hartlepool residents in having the best possible opportunities to live a healthy lifestyle. To ensure this, the policy sets out floorspace thresholds for each retail and commercial centre. At the Former Saxon Pub, the amount of A5 floorspace should not exceed 15%. The applicant has advised that, when added to the existing A5 floorspace at the Centre's Fish and Chip Shop, the proposed A5 use would result in an overall A5 floorspace of 24.2% at the Centre.

Policy RC18 advises that in applying the criteria within the policy, the Council will have regard to the length of time that a unit has been vacant and will seek to strike a balance between economic development, vitality and viability and residents health.

Should the application be approved, approximately 24.2% of the Centre's overall floorspace (including the first floor) and approximately 50% of the ground floor units would be in A5 use. This would represent an excessive amount of A5 use at this small Local Centre that would harm its retail function and have an unacceptable impact upon its character and vitality.

Whilst acknowledging the adverse impact that vacancy can have upon vitality and viability, when weighing this up against the proposed excessive concentration of hot food takeaways at this location and their potential resultant impact upon retail function, character, vitality and health, the correct balance cannot be struck.

Planning Policy object to this proposal, which conflicts with Local Plan policies RC16 and RC18.

Further comments received in response to vacancy query from applicant's agent;

The comments are noted however the Planning Policy view remains the same in that whilst acknowledging the adverse impact that vacancy can have upon vitality and viability, when weighing this up against the proposed excessive concentration of hot food takeaways at this location and their potential resultant impact upon retail function, character, vitality and health, the correct balance cannot be struck.

It is noted that the unit has been vacant for 2.5 years (except a three months period when the unit operated as a florist). It is noted that unit one and two have been occupied since completion of development, unit three has been occupied since March 2019 and that unit five the first floor restaurant is vacant.

Planning Policy note that it has taken some time to occupy unit three, but that eventually a suitable business did show interest and is trading.

With regard to unit four (application premises) it is noted that the unit has been marketed since March 2018 with a rental discount through the owners property agency and through an estate agent who state that the interest they have had has been for A5 uses, but that they are aware planning consent is limited to A1.

When considering the length of time a unit has been vacant and weighing up whether or not to allow an A5 use, it is not as simple as setting out a prescribed time frame i.e. 12 months or 24 months. When deciding whether or not to allow an A5 use above what the policy would allow there are many factors to consider.

Planning Policy have to take into account the impact (+ or -) that the vacant unit is currently having on the vitality and viability of the local centre and then the impact that allowing an additional A5 use would have on vitality and viability, economic development and residents health.

Across the borough many local centres operate at a healthy level but do not have 100% occupancy, a local centre does not need all of the units to be in use to be

healthy and to serve visitors well. The Saxon Local centre is on a through road into Hartlepool, opposite Clavering Park. It is considered that the local centre is viewed as a healthy local centre, the centre appears well maintained and serves locals well. Additionally in the comments received by the Cleveland Police Crime Prevention & Architectural Liaison Officer there is no indication that the centre suffers from crime and anti-social behaviour. There appears to be no pressing need to go against evidence and policy and allow the unit to be converted into an A5 use.

There is in fact a pressing need to help improve the health of residents. The threshold of 15% was established at the time of policy formation due to the fact that the amount of A5 floor space that existed at the time of policy formation was 15%. The health statistics of the nearby schools were not factored in at time of policy formation as what existed was already higher than the borough wide desired threshold of 10%.

If health statistics were taken into account then the following primary school along with the 2015/2016 overweight/obesity statistics would have been considered.

- Barnard Grove, 3 /4 negative statistics
- Clavering 4 /4 negative statistics
- West View 3 /4 negative statistics

The surrounding schools overweight and obesity levels for 2015/2016 (time of policy formation) are significantly high for all three schools. More recent data provided by the public health team sets out a negative set of data for the De Bruce ward. Since policy formation and the use of the data from 2015/2016 the health statistics within the De Bruce ward have not improved and thus this has to be taken into account when weighing up the need to bring a vacant unit into use and the need to avoid exacerbating the health inequalities within the borough.

Planning Policy note the comment that “retailing is going through a period of considerable turmoil at present”, however Planning Policy are of the view that this does not mean that HBC should sacrifice resident’s health, just because the retail sector is in “period of considerable turmoil”. It is noted that shopping habits have changed etc. and it is unfortunate that the florist did not succeed, however the Council has a duty to consider the health and wellbeing of its residents and the Council has to strike a balance between ensuring residents have the chance to remain healthy or improve their health and if an additional A5 unit is approved, in this location, it is considered that the additional use is likely to exacerbate the health inequalities of residents.

It is not possible to set out a time frame as to how long the unit should remain empty before an A5 application would be approved. There are numerous factors to take into account such as the condition of the unit and the local centre’s vitality along with the health statistics in the ward and in particular the surrounding primary schools.

6) Planning Consideration

RELEVANT PLANNING HISTORY

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

H/2014/0159 – Change of use to A1 and A5 (Units 1 & 2) including erection of two A1 units (Units 3 & 4)– Approved 19/04/2014;

H/2017/0281 – Change of use of live in accommodation for the former public house (C3) to hairdresser (A1) – Approved 03/07/2017;

H/2017/0325 – Change of Use from A1 to A5 Hot Food Takeaway (Unit 4)– Appeal Dismissed 09/03/2018 (reference: APP/H0724/W/17/3190602);

H/2018/0075 – Change of use of 1st floor residential accommodation to licensed restaurant (A3) – Appeal Allowed – 11/07/2018; and

H/2018/0250 – Change of use from vacant retail unit (A1) to Dentists Surgery (D1) (Unit 3) – Approved 20/09/2018.

SITE LOCATION

The application site is Unit 4 of the former Saxon Public House which was given planning consent for the conversion of the existing pub to create a hot food takeaway unit and retail unit. Additional planning permissions were approved (and allowed at appeal) for the erection of a further two single storey units for retail (A1) use and the use of the first floor of the former public house as a licensed restaurant (A3). The application site relates to the newly extended single storey extension. The site is designated within the Hartlepool Local Plan (2018) as a Local Centre with the area surrounding this local centre predominately of residential use. The newly created located centre has a large car park and is enclosed by a 2m acoustic boundary fence.

PROPOSAL

Planning permission is sought for a change of use to a vacant A1 retail unit to A5 hot food takeaway at Unit 4. The proposed unit would be open to the public between the hours of 11am and 11pm, 7 days a week throughout the year. No external alterations are proposed to the unit.

The submitted planning statement indicates that *‘the applicant is happy to make the offer that the shutters of the unit be painted/powder coated in a colour or design (possibly incorporating the name and/or logo of the takeaway business)’* however, no details in regards to the above have been submitted. Notwithstanding the above, the indicated signage would be governed by separate Advertisement Regulations and separate application.

MATERIAL CONSIDERATIONS

As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the

development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The material planning considerations in regard to the above proposal are the principle of development and the impacts on the vitality and viability of the local centre, public health, visual amenity, neighbour amenity and highway and pedestrian safety. These and all other planning and residual matters are set out in detail below.

PRINICPLE OF DEVELOPMENT

The proposal involves the change of use from a retail unit (A1) to a hot food takeaway (A5) use. The application site is located within the Former Saxon Pub Local Centre as defined in the Hartlepool Local Plan (2018) Policies Map.

Policy RC16 states that hot food takeaways will only be permitted in Local Centres where they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. It also sets out that applications for hot food takeaways will be determined in accordance with policy RC18 *Hot food takeaways*.

Policy RC18 seeks to protect the vitality and viability of the Borough's retail and commercial centres and the residential amenity of nearby residents. Furthermore, the policy supports Hartlepool residents in having the best possible opportunities to live a healthy lifestyle. To ensure this, the policy sets out floorspace thresholds for each retail and commercial centre. At the Former Saxon Pub, the amount of A5 floorspace should not exceed 15%.

The applicant has advised that, when added to the existing A5 floorspace at the Centre's Fish and Chip Shop, the proposed A5 use would result in an overall A5 floorspace of 24.2% at the Centre.

It should also be noted that Policy RC18 advises that in applying the criteria within the policy, the Council will have regard to the length of time that a unit has been vacant and will seek to strike a balance between economic development, vitality and viability and residents health. It is acknowledged that the submitted Planning Statement states that the unit is currently vacant and last occupied by a florists in March 2018.

It is considered that should the application be approved, approximately 24.2% of the Centre's overall floorspace (including the first floor) and approximately 50% of the ground floor units would be in A5 use. This type of use (A5) by their nature tend to cater for, and generate their main activity during the evening and night time hours, with historically the units being closed and 'shuttered' or long period during daytime hours when facilities within a local centre could be expected to be available to the general public. Whilst the applicant has requested opening hours of 11:00 – 23:00, it is on balance highly unlikely that a hot food takeaway would be operational for this whole period with activity concentrated to towards the later hours.

Therefore, it is considered on balance that the proposed use would represent an excessive amount of A5 use at this relatively small Local Centre that would have a significant detrimentally impact upon the vitality, viability, character and retail function of the local centre due to the proliferation of A5 uses within the Local Centre and the likelihood that the proposed use would lead to a non-active frontage during daytime hours. It is therefore considered that the proposal will be detrimental to the provisions of Policy RC16.

In regards to the considerations of RC18, this policy sets out the floor space threshold considered acceptable for A5 uses within this location (15%) to protect the vitality and viability of the Local Centre, whilst also allowing the residents of Hartlepool the best opportunity to live a healthy lifestyle. The proposal to introduce an additional hot food takeaway use within this local centre would take the total floor space to beyond the defined threshold limit.

The applicant's agent has queried how long the unit would need to be vacant for the LPA to consider the proposal to be acceptable. In response, detailed comments on this are set out within the HBC Planning Policy section above and in summary it is not possible to set out a time frame as to how long the unit should remain empty before an A5 application could be supported. There are numerous factors to take into account such as the condition of the unit and the local centres vitality along with the health statistics in the ward and in particular the surrounding primary schools.

Whilst acknowledging the impact that vacant units and closed shutters can also have an adverse impact on the vitality and viability of an area, and that there are economic benefits as a result of the unit being operational, when weighing this up against the proposed excessive concentration of hot food takeaways at this location and their potential resultant impact upon retail function, character, vitality and health, the correct balance cannot be struck. Given that the proposal would exceed the thresholds set within RC18 for A5 floor space within this local centre, it is considered that the principle of development in this location is not acceptable and that this would warrant a reason for the refusal of the application.

PUBLIC HEALTH

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.

The site is within De Bruce 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 De Bruce 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.

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.

NEIGHBOUR AMENITY

It is acknowledged that objections have been received in relation to the application and the impact of proposal in regards to increased litter and odour from an additional hot food takeaway.

The LPA has previously raised concerns that an additional A5 use at the site would result in a potential odour nuisance resulting from the combination of the kitchen extract systems from two hot food takeaways (taking account the existing fish and chip shop) in such close proximity and this previously formed a third reason for refusal of an A5 use at this site (reference H/2017/0325). As part of the dismissed appeal decision (reference APP/H0724/W/17/3190602), the Inspector considered that any extraction unit serving the proposal would be on the opposite side of the building to the existing system and that there did not appear to be residential accommodation in the upper floors of the building and therefore the closest properties would be those on the adjacent estate (which remains the case at the time of writing).

Furthermore, the Inspector considered that “given the intervening distance to the nearest properties, I am satisfied that this matter could be dealt with by the imposition of conditions relating to the siting and specifications of the extraction plant and equipment, should the appeal have succeeded. If properly installed and maintained, which can also be controlled by condition, cooking fumes and odours can be limited to an acceptable level. Furthermore, there is no evidence before me to suggest that the existing HFT has given rise to any complaints regarding odour nuisance”. The Inspector therefore did not dismiss the appeal on this ground.

The Council’s Public Protection team have not objected to the current application however, the response received indicates that due to the nature of the application site and surrounding residential properties, the required flue height would usually need to be equivalent to a two storey building. Notwithstanding this they have confirmed that in some instances a low level extraction system may be acceptable however, specification details of the extraction unit would be required for consideration. Therefore HBC Public Protection have requested that a prior to occupation condition in relation to final details of the flue and extraction details should be attached to any potential grant of planning permission to ensure it is fit for purpose, in the interests of the amenity of neighbouring occupiers.

The application form indicates the intention to open between 11am and 11pm, and the response from HBC Public Protection further advises it would be necessary to secure this via conditions on any approval, given the residential nature of the

surrounding area and in order to protect amenity. This time also accords with the Local Plan Policy RC16 for local centres.

Whilst the above matters are of concern, in view of the previous appeal decision at the site, it is considered that any adverse impact on the amenity of neighbouring occupiers in terms odour controls and opening hours could be suitably addressed via planning conditions and therefore this matter would not warrant refusal of the application.

In view of the above and subject to the above conditions (had the application been considered acceptable in all respects), the application is considered on balance to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policy QP6 of the adopted Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019).

VISUAL AMENITY

Whilst there are no external alterations proposed to the existing building, as set out above, there is a likely requirement for an external flue, had the application been acceptable in all respects. Whilst a flue at a two storey height is unlikely to be acceptable, HBC Public Protection have confirmed that a single storey height flue could be achievable subject to specification details being agreed. This is considered to be more appropriate and in keeping with the single storey nature of the unit in question.

It is not considered that the change of use to use from a retail unit (A1) to a hot food takeaway (A5) use and given the existing appearance of the unit and the context in terms of surrounding units, the proposal will not have a detrimental impact upon the existing street scene or the character of the area as to warrant a refusal of the application.

In view of the above, it is considered that the proposal is in accordance with the requirements of policy QP4 of the Hartlepool Local Plan (2018) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

HIGHWAY AND PEDESTRIAN SAFETY

It is acknowledged that the proposal is in relation to the change of use from a retail unit (A1) to a hot food takeaway (A5) use. The Council's Highways, Traffic and Transport section have been consulted on the application and have no raised any objection to the application. It is considered that the Former Saxon Pub Local Centre is served by a large car park which would remain unaltered by the proposal therefore it is considered the proposed development would have access to adequate off-street parking and therefore will not have a significant adverse impact upon highways safety or parking provision therefore the proposed development is acceptable in this regard.

OTHER PLANNING MATTERS

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.

It is noted that the application was subject to consultation with Northumbrian Water, HBC Engineering Consultancy, HBC Ecology and HBC Countryside Access Officer. In regard to the above mentioned consultations, no objections have been received to the respective matters. It is considered the proposed development would not have a significant adverse impact upon drainage, ecology, public rights of way the and therefore the proposal is acceptable in regards to the above matters.

PLANNING BALANCE AND OVERALL CONCLUSION

In relation to the material planning considerations examined above and while acknowledging the proposals could bring a vacant unit back into use, it is considered that the principle of development in this location is not acceptable in relation Policy RC16 and RC18 of the Hartlepool Local Plan (2018) by virtue of the proposal introducing an additional A5 use that would result in an unacceptable concentration of hot food takeaways in a small Local Centre which would be harmful to the vitality and viability of its retail character and function, contrary Policies RC16 and RC18 of the Hartlepool Local Plan (2018). It is further considered that the that the proposal could result in a detrimental impact on the health and wellbeing of the population, contrary to Policy RC18 and paragraph 91 of the NPPF for the reasons set out in the main report. The proposal is therefore recommended for refusal for the reasons outlined below.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered – No (No alternative considered appropriate or possible)

10) Any Declared Register of Interest – No

11) Chair's Consent Necessary – Yes

12) Recommendation

REFUSE for the following reasons;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of introducing an additional A5 use would result in an unacceptable concentration of hot food takeaways in a small Local Centre which would be harmful to the vitality and viability of its retail character and function, contrary Policies RC16 and RC18 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the proposed development 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 Policy RC18 of the Hartlepool Local Plan (2018) and paragraph 91 of the National Planning Policy Framework.

INFORMATIVE

1. Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to address the impact of the proposal and the policy constraints of the application site.

PLANNING COMMITTEE

4 September 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. Investigations have commenced in response to the following complaints:

1. The erection of a single storey rear extension at a residential property in Darvel Road.
2. Non-compliance with the approved plans relating to the internal layout of a cabin, and the sale of food and drinks at a recreational development at The Cliff, Seaton Carew.
3. Non-compliance with a condition relating to the design of a window at a residential development in Egerton Road.
4. Non-compliance with a condition relating to working hours at a residential development site in Worset Lane.
5. Car and campervan repairs and sales at a residential property in Queensland Road.
6. Building works involving the removal of a link structure and the installation of patio doors at a residential property in Coniscliffe Road.

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

1. The erection of a single storey extension at the rear of a residential property in Salcombe Drive. A retrospective planning application seeking to regularise the development has since been approved.
2. Non-compliance with a condition relating to parking restrictions at a commercial premises in Southburn Terrace. It was found that no parking restrictions were required by condition in this case.

3. Operating a hair dressing business at a residential property in Grange Road. It was found that the hair dressing activity was low-level and domestic in scale did not lead to a material change of use at the property.
4. Non-compliance with a condition relating to construction working times at a commercial redevelopment site on Jesmond Road. It was found that no working times restrictions were required by condition. The complaint was re-directed to the Council's Public Protection section.
5. Non-compliance with the approved plans at a residential development on Coniscliffe Road. It was found that the development is being carried out in accordance with the approved plans.
6. Erection of a single storey extension to an existing garage at the rear of a residential property in Moor Terrace. A retrospective planning application seeking to regularise the development has since been approved.
7. Non-compliance with the approved plans and a condition relating to the installation of obscure glazing at a residential development at Manorside, Wynyard. It was found that the development has been carried out in accordance with the approved plans, and the obscure glazing as required by condition has since been installed.
8. The erection of a high fence at the rear of a residential property in Hayfield Close. The height of the fence has since been reduced in order to comply with permitted development rights.
9. The use of beach huts as retail premises at The Front, Seaton Carew. The complaint has been redirected to the Council's Property Services section for action as appropriate.
10. The provision of outside seating to the front of a licensed premises on Warrior Drive. It was found that the outside seating benefitted from an existing consent and therefore no breach of planning control had occurred.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523596
E-mail andrew.carter@hartlepool.gov.uk

AUTHOR

- 3.2 Tony Dixon
Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523277
E-mail: tony.dixon@hartlepool.gov.uk