

PLEASE NOTE CHANGE OF START TIME

# PLANNING COMMITTEE

## AGENDA



Wednesday 20 November 2019

at 10.15am

in the Council Chamber,  
Civic Centre, Hartlepool.

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, A Richardson, 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 23 October 2019

#### 4. ITEMS REQUIRING DECISION

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

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|----|-------------|--|
| 1. | H/2019/0208 | Land to the East of Worset Lane (page 1)   |
| 2. | H/2019/0289 | St Mark's Church, Clavering Road (page 25)   |
| 3. | H/2019/0306 | 9 Roseberry Road (page 35)   |
| 4. | H/2018/0005 | Pulse Bar, 25-26 Church Street and 1 <sup>st</sup> floor of 27 Church Street (page 47) |

#### 5. ITEMS FOR INFORMATION

- 5.1 The Wynyard Masterplan - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Appeal at Unit 70-71 The Front - *Assistant Director (Economic Growth and Regeneration)*
- 5.3 Appeal at Unit 4, The Saxon - *Assistant Director (Economic Growth and Regeneration)*



## PLEASE NOTE CHANGE OF START TIME

- 5.4 Appeal at 11 Moor Parade - *Assistant Director (Economic Growth and Regeneration)*
- 5.5 Appeal at 1 Arncliffe Gardens - *Assistant Director (Economic Growth and Regeneration)*
- 5.6 Appeal at 8 The Front, Seaton Carew - *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 Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Notice (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)*

### 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 18 December 2019.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **23<sup>rd</sup> October 2019**

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

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, James Brewer, Paddy Brown,  
Tim Fleming, Marjorie James, Jim Lindridge and  
Carl Richardson

In accordance with Council Procedure Rule 4.2 Councillor Moore was in attendance as substitute for Councillor Buchan and Councillor A Richardson was in attendance as substitute for Councillor Mincher

Also Present: Councillors Lesley Hamilton, Dave Hunter and Sue Little

Officers: Jim Ferguson, Planning and Development Manager  
Kieran Bostock, Transport and Infrastructure Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Daniel James, Planning (DC) Team Leader  
Laura Chamber, Senior Planning Officer  
Ryan Cowley, Senior Planning Officer  
Stephanie Bell, Planning Officer  
Derek Wardle, Arboricultural Officer  
Paul Simpson, Principal Property, Planning and Commercial Solicitor  
Jo Stubbs, Democratic Services Officer

### **73. Apologies for Absence**

Apologies were submitted by Councillors Bob Buchan, Brenda Loynes and David Mincher.

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

Councillor Jim Lindridge declared a prejudicial interest in application H/2019/0296 (24 Northwold Close) and confirmed he would leave the meeting during consideration of this item.

## **75. Confirmation of the minutes of the meeting held on 25<sup>th</sup> September 2019**

Minutes approved.

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

**Councillor Jim Lindridge left the meeting during consideration of this item**

<b>Number:</b>	H/2019/0296
<b>Applicant:</b>	MR B ANDERSON NORTHWOLD CLOSE HARTLEPOOL
<b>Agent:</b>	MR B ANDERSON 24 NORTHWOLD CLOSE HARTLEPOOL
<b>Date received:</b>	27/06/2019
<b>Development:</b>	Erection of a single storey extension to front
<b>Location:</b>	24 NORTHWOLD CLOSE HARTLEPOOL

This item had been deferred at the previous meeting to allow members to undertake a site visit. Photographs in support of their position had been submitted by the objectors however members were asked to give them no weight as the scale provided on them could not be confirmed.

The applicant advised members that the proposed extension was designed to make the property more appropriate for elderly inhabitants. Bathroom facilities had already been erected on the ground floor and this would allow him and his wife to live on the ground floor in their later years

An objector urged members to reject the application which would severely impact on their property. This was not a modest extension, would cause severe loss of light and would not be in keeping with other properties in the neighbourhood. He had also received confirmation of a restrictive covenant on the property.

Members noted the following reasons for departing from the planning officers' recommendation

- Loss of daylight
- Visual impact
- Overpowering scale of development
- Visual intrusion

Members voted to refuse the application by a majority.

**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 loss of light and overshadowing, to the detriment of the amenity of existing and future occupiers of the adjacent neighbouring residential property at 26 Northwold Close, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraph 127 of the National Planning Policy Framework (2019).
2. In the opinion of the Local Planning Authority, the proposed development by virtue of its overbearing scale, siting and design, would constitute an inappropriate form of development for its location and appear visually intrusive, resulting in a detrimental visual impact on the character of the area, contrary to Policy QP4 of the Hartlepool Local Plan (2018).

The Committee considered representations in relation to this matter.

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### **Councillor Jim Lindridge returned to the meeting**

**Number:** H/2019/0208

**Applicant:** HARTMOOR GENERATION LTD 17 SLINGSBY PLACE LONDON

**Agent:** CLIVE FAGG 9 DAIRY LANE HOSE LEICESTERSHIRE GREENOCK

**Date received:** 29/07/2019

**Development:** Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works

**Location:** LAND TO THE EAST OF WORSET LANE HARTLEPOOL

A site visit was proposed by members and voted for by a majority.

**Decision:** **Deferred for a site visit**

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**Number:** H/2019/0348

**Applicant:** ENGIE MR STUART NEWHAM MERCHANT  
COURT MONKTON BUSINESS PARK HEBBURN

**Agent:** PRISM PLANNING LTD MR ROD HEPPLWHITE  
MILBURN HOUSE 17 WOODLAND ROAD  
DARLINGTON

**Date received:** 09/08/2019

**Development:** Residential development comprising 31 No. two  
and three bedroomed residential properties with  
associated internal road layout and parking  
(resubmitted application)

**Location:** LAND AT NEWHOLM COURT AND LEALHOLM  
ROAD HARTLEPOOL

**Councillor Jim Lindridge declared a non-prejudicial interest in this item.**

Councillor Stephen Akers-Belcher noted that he had previously declared an interest in this item due to his membership of the Thirteen Delivery Group. However as he was no longer a member of that organisation he would not declare an interest at this time.

A representative of Thirteen Group spoke in support of the application. This was a £5 million housing investment which would help meet housing demand in Hartlepool and regenerate the Seaton Lane area. It would be spread over 2 cul-de-sacs which would be entirely separate and would provide no through route between Jutland Road and Stockton Road. She made reference to the work previously carried out by the Thirteen Group to tackle anti-social behaviour in the area such as tenancy records and checks and prioritising people in employment. Following queries by members she confirmed that during the construction period CCTV would be in place onsite and security could be brought in if required. The Neighbourhood Co-ordinator for that area would also be available. Members also referred to a dividing wall which had recently been removed and queried whether a physical barrier would be put in place to prevent any cut-through, something which had been requested by residents via petition. The representative for the Thirteen Group advised that there was currently a high wall in place with a high metal gate.

An objector urged members to reject this application which she felt would lead to an increase in anti-social behaviour in the area. Since the removal of the dividing wall a 20 year hiatus in crime on the estate had ended leading to the police describing Newholm Court as the worst street in Hartlepool during the summer months. When residents had previously raised concerns they had been assured that Thirteen had the means to bring anti-social behaviour under control but so far this had not been demonstrated and they had shown themselves to be more interested in erecting new houses. A member

suggested that development might lead to natural security and prevent people using the existing wasteland to gain access to properties. However the objector felt this was not the case and erecting new houses was just providing a new playground for criminals and new properties to steal from.

The Ward Councillor also referred to anti-social behaviour issues which had previously been endured by Newholm Court residents. It appeared that those responsible were gaining access via the wasteland and it was felt that by developing said wasteland these issues would be reduced. Residents on Jutland Road and Seaton Lane were also in favour of the development for the same reasons

Members acknowledged residents' concerns around anti-social behaviour and expressed sympathy for the plight of residents but felt that closing the wasteland off for development was not the answer. By developing a cohesive and improved neighbourhood would be created. In order to do this however senior representatives of the Thirteen Group must engage with residents and take their concerns seriously. Consideration should also be given to the replacement of the dividing wall and there should be more support from the police. Another member commented that they felt unable to support the application unless agreement was reached that the dividing wall be reinstated.

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

**Decision:** **Planning Permission Approved subject to the completion of a legal agreement securing contributions towards built sports (£7,750), green infrastructure (£7,750), play facilities (£7,750), playing pitches (£7,231.99), tennis courts (£1,767.62) and bowling greens (£154.07), securing on-site affordable housing, off-site ecological mitigation (£7,750); the provision, maintenance and long-term management of on-site open spaces and landscaping; maintenance and long term management of surface water drainage, and a local labour agreement, and subject to the following planning conditions:**

## **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 050-00, revision 2 (Site

Location Plan), drawing number 050-50, revision 9 (Proposed Site Block Plan), drawing number 200-01, revision C4 (Proposed Site Plan), drawing number 200-10, revision C2 (Proposed Site Plan with Surface Treatment), drawing number 300-20, revision 3 (Proposed Typical Plot Layout), drawing number 300-01, revision 7 (Proposed Dalby HT plans and elevations), drawing number 300-10, revision 6 (Proposed Holt HT plans and elevations), drawing number 126104/2004, revision B (Proposed Construction Details Sheet 1), drawing number 126104/2005, revision B (Proposed Construction Details Sheet 2), drawing number 126104/2006, revision B (Proposed Construction Details Sheet 3), drawing number ASD-SL-180122, revision R2 (Street Lighting), and drawing number N755-ONE-ZZ-XX-DR-L-0201 revision P05 (Landscape Proposals), drawing number AMSTPP (Arboricultural Method Statement Tree Protection Plan), drawing number AIATPP, revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 26/07/19; drawing number 200-20, revision C4 (Proposed Site Plan with Boundary Treatment), and Construction Method Statement (CMS) received by the Local Planning Authority 09/08/19; drawing number 126104/2003, revision C (Proposed Surface Finishes and Kerb Types), drawing number 126104/2010, revision B (Proposed Surface Water Manhole Schedule), drawing number 126104/2002, revision F (Proposed Spot Levels and Contours), drawing number 200-40, revision 6 (Proposed Site Section), drawing number 126104/2007, revision C (Proposed Construction Details Sheet 4), drawing number 126104/2008, revision C (Proposed Construction Details Sheet 5), and drawing number 126104/2001, revision F (Drainage Layout), received by the Local Planning Authority 26/09/19.

For the avoidance of doubt.

3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and a detailed scheme for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley Authorities Local Standards for Sustainable Drainage (or any subsequent update or replacement for that document).

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



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

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

5. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in drawing number AIATPP, Revision A (Arboricultural Impact Assessment Tree Protection Plan), received by the Local Planning Authority 26/07/19 shall be in place and thereafter retained until

completion 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 interest of tree protection.

6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

7. All planting, seeding or turfing comprised in the approved details of landscaping shown in drawing number N755-ONE-ZZ-XX-DR-L-0201, revision P05 (landscape proposals), received by the Local Planning Authority 26/07/19 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 proposals detailed in the submitted plans and prior to the implementation on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwellings. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

9. The development hereby approved shall be carried out in accordance with 'Briary Energy Consultants Regulations Compliance Report, Version 1.0.4.10', date received by the Local Planning Authority 26th July 2019. Prior to the occupation of the dwellings hereby approved, a compliance report to confirm that the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate) has been reduced in line with the approved details shall be submitted to and agreed in writing with the Local Planning Authority.

- In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.
10. Prior to first occupation of the development hereby approved details of 14 bat boxes and 17 bird boxes identified on drawing number 200-01, Revision C4 (Proposed Site Plan) received by the Local Planning Authority 26/07/19, to be incorporated into the dwellings hereby approved along with a timetable for provision shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.  
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
  11. No part of the residential development shall be occupied until details of the electric vehicle charging apparatus to serve the properties identified on drawing number 200-01, Revision C4 (Proposed Site Plan), received by the Local Planning Authority 26/07/19 have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site.  
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
  12. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
  13. Prior to occupation of the development hereby approved, the boundary means of enclosure shall be implemented on site in accordance with drawing number 200-20, revision C4 (Proposed Site Plan with Boundary Treatment), received by the Local Planning Authority 09/08/19.  
In the interests of a satisfactory form of development, in the interests of the amenities of future occupiers and in the interests of biodiversity enhancement.
  14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
  15. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could

be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

16. The development hereby approved shall be used as C3 Use dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected without the prior written consent of the Local Planning Authority.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no 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 with the exception of those enclosures approved as part of this permission and shown on drawing number 200-20, revision C4, received by the Local Planning Authority 09/08/19.

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

20. The development hereby approved shall be carried out in accordance with the measures identified in the Engie 'Technical Standard - Waste management on site' document, received by the Local Planning Authority 26/07/19.

In the interests of a satisfactory form of development and in accordance with policy MWP1 of the Tees Valley Minerals and Waste DPD.

21. The development hereby approved shall solely operate in full accordance with the Construction Method Statement (received by the Local Planning Authority 09/08/19) throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority.  
In the interests of highway safety and the amenities of the area.
22. The development hereby approved shall be carried out in accordance with the proposed levels detailed in drawing number 126104/2002, revision F (Proposed Spot Levels and Contours), drawing number 200-40, revision 6 (Proposed Site Section), received by the Local Planning Authority 26/09/19.  
For the avoidance of doubt.
23. Prior to the occupation of the development hereby approved the bin storage areas shown on drawing number RES/656, revision C4 (Proposed Site Plan) shall be implemented and thereafter retained for the lifetime of the development.  
In the interests of highway safety and amenities of the area.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2019/0340
<b>Applicant:</b>	FAMILIES FIRST (NORTH EAST) MR P THOMPSON 175-177 YORK ROAD HARTLEPOOL
<b>Agent:</b>	S J R ARCHITECTURAL & INTERIOR DESIGNERS W2 THE INNOVATION CENTRE VENTURE COURT HARTLEPOOL
<b>Date received:</b>	23/07/2019
<b>Development:</b>	Change of use from hotel to provision of supported living and learning centre for young adults
<b>Location:</b>	MELBOURNE HOTEL 16 STOCKTON ROAD HARTLEPOOL

The Applicant spoke in support of this application which would offer support to those who really needed it by providing them the opportunity to live independently albeit with support. Social media allegations that this would house ex-offenders and drug addicts were absolutely untrue and only adults with special needs and young adults under Local Authority corporate responsibility would reside there. He also noted that this development would contribute to the economy by reducing the number of failed tenancies and providing employment for 14 people who would be paid above the living wage.

A Ward Councillor spoke in support of the 'visionary' proposal which was 'really positive'.

The Chair of Adults and Community Based Services Committee expressed her support for the development which would offer those in corporate care the opportunity to go on to the next level in their lives.

Members were supportive of the proposal in general but felt that the Melbourne Hotel may not be the location for this to be based citing issues with drugs and crime in the area. However they acknowledged that they must consider what was put before them and felt that while this would not be their preferred locale the benefits that the development would provide outweighed these concerns. They trusted that the services would be managed appropriately based on previous work by the organisation

The Chair noted that as Councillor Tony Richardson had left the meeting during consideration of this item he was ineligible to vote.

Members voted for the application by a majority.

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

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 04 (Location Plan), drawing number 03 (Existing & Proposed Site Plan) and drawing number SJR19:11/02 (Proposed Floor Plans), received by the Local Planning Authority 23/07/19.  
For the avoidance of doubt.
3. The development hereby approved shall be used as a C2 supported living accommodation and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.

The Committee considered representations in relation to this matter.

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**Number:** H/2019/0321

**Applicant:** MR G REDHEAD THE GREEN ELWICK  
HARTLEPOOL

**Agent:** PLANNING HOUSE MRS H HEWARD 4  
MAYNARD GROVE WYNYARD

**Date received:** 25/07/2019

**Development:** Erection of two storey dwellinghouse with  
detached double garage (resubmitted application)

**Location:** LAND ADJACENT TO ELWICK HOUSE THE  
GREEN ELWICK HARTLEPOOL

The Agent referred to members' previous refusal of this application, saying that since then amendments had been made, reducing the overall size and making changes to the roof designs meaning that there were now no objections from highways, landscaping or the neighbours. This development was outside the conservation area and was an effective use of land for housing. Regarding planning concerns around the boundary wall the developers were happy to accept more detailed conditions on this and also on access points. She asked that members go against the officer recommendations and approve the application.

While members acknowledged the professional advice their officers had given in this case some were happy to approve the application provided the developers would accept any conditions relating to access. However others felt that the building would be too substantial and the impact on a locally listed building too great. The Planning (DC) Team Leader commented that officers were recommending refusal as they felt the impact on the setting of the locally listed building was unacceptable

Members voted to refuse the application by a majority.

**Decision:** Planning Permission Refused

## REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its scale and design would detract from the setting of the adjacent locally listed building, Elwick House, causing less than substantial harm to a non-designated heritage asset without any identifiable public benefit to outweigh that harm. This is in conflict with paragraphs 196 and 197 of the NPPF, Local Plan policies QP4, HE1 and HE5, and Rural Neighbourhood Plan policies HA1 and HA4.
2. In the opinion of the Local Planning Authority, insufficient detail of the proposed alterations to the southern boundary wall of the application site to form a new vehicle access has been provided. It is not therefore possible to determine whether further harm would be caused to the character and appearance of the wider street scene and the setting of the locally listed building. This is in conflict with paragraphs 196 and



197 of the NPPF, Local Plan policies QP4, HE1 and HE5, and Rural Neighbourhood Plan policies HA1 and HA4.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2019/0302
<b>Applicant:</b>	MR/MRS K & J PEART UNIT A, NAVIGATION POINT MIDDLETON ROAD
<b>Agent:</b>	MR/MRS K & J PEART LOCK GATES LTD UNIT A, NAVIGATION POINT MIDDLETON ROAD
<b>Date received:</b>	08/08/2019
<b>Development:</b>	Provision of outside seating to front (under canopy) and side of site
<b>Location:</b>	UNIT A NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL

The Planning (DC) Team Leader referred to the officer recommendation to refuse, saying this was mainly based on the application to place tables and seating at the side of the property, rather than just at the front.

The Applicant spoke in support of the development which was about maximising profitability. The current opening hours of the premises (which there were no plans to extend) meant that there would be no risk of late night disturbance to residents. The side of the premises did not lead anywhere and was not used by anyone and all furniture would be brought into the premises at closing time. There was CCTV coverage on all areas inside and outside. The premises was predominantly a bistro used by an older clientele with alcohol only a small part of the business. She also advised that an objection which had been placed on the planning portal late on the previous day was erroneous and called for it to be dismissed as the organisation it had been attributed to (Hartlepool Marina Ltd) had denied all knowledge of it.

Members were broadly supportive of the proposals provided limits could be placed on the opening hours and the placement of chairs and tables outside. The Planning and Development Manager confirmed that any permission given would be in relation to a specific area and the owners would need permission to encroach further. A member raised concern at the health and safety implications of placing furniture at the side of the property, indicating they would support refusal, however another felt approval was important from a business growth perspective and that all businesses in the area should be given encouragement to grow in light of the current decline in customer support for the Navigation Point area. They also noted that the adjoining premises had outside seating.

Members recorded the following reasons for departing from the officer recommendation.

- The development would support regeneration
- The development would support economic development.
- The relationship with nearby uses was considered acceptable
- The proposed hours of use were acceptable and could be controlled by condition.

Members voted to approve the application by a majority. The final conditions to be delegated to officers in consultation with the Chair and Vice-Chair of the Committee.

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

**Conditions and Reasons delegated to the Planning and Development Manager in consultation with the Chair/Vice Chair.**

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2019/0289
<b>Applicant:</b>	MISS APRIL WOOD CLAVERING ROAD HARTLEPOOL
<b>Agent:</b>	MR M FORD NELSON FARM HART STATION HARTLEPOOL
<b>Date received:</b>	19/08/2019
<b>Development:</b>	Change of use to salon and training centre for make up, hair and beauty
<b>Location:</b>	ST MARKS CHURCH CLAVERING ROAD HARTLEPOOL

Councillor James Brewer noted that this application was located in his Ward. However as he had not been approached by anyone he would not be declaring an interest.

An objector spoke against the application. This was not based on the business plan but due to concerns around parking in the area which was already problematic. Members requested a site visit to allow them to see the area for themselves. They also asked that the highways department look into the issues and the possibility of enforcement action for illegal parking. They

suggested that it would be helpful for the developer to attend when this matter came back to the Committee.

It was noted that the objector had not spoken for their fully allotted time before being interrupted by the request for a site visit. Given the circumstances the Chair agreed that the objector would be allowed to speak for a full 4 minutes when this matter came back to committee, something not usually permitted by the Planning Code of Conduct.

**Decision:** **Deferred for a site visit**

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**No:** 8.  
**Subject:** TO CONFIRM TREE PRESERVATION ORDER NO. 261  
**Location:** THE WHITE HOUSE WOOLER ROAD  
HARTLEPOOL

A member referred to the current tree policy that each removed tree should be replaced by 2 new trees in the same vicinity as the replaced tree. The Planning and Development Manager indicated that as the tree under discussion was diseased there was no mechanism to require its replacement by 2 new trees. The Arborist confirmed the position. The concerns raised by the White House were acknowledged but the wall was now rebuilt and members were asked to agree the tree preservation order.

A member expressed his support for the proposed tree preservation order but asked that a referral be made to the Regeneration Services Committee to look at the current tree strategy, specifically the requirement to replace removed trees.

Members supported the tree preservation order by a majority.

**Decision:** **TPO Confirmed**

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**No:** 9.  
**Number:** H/2013/0573  
**Subject:** Deed of Variation to s106 legal agreement associated with planning permission H/2013/0573  
**Location:** BRITMAG LTD OLD CEMETERY ROAD  
HARTLEPOOL

Members asked that the developers be obligated to maintain the sand dunes. The Planning (DC) team leader confirmed that such obligations were included in the 106 agreement. Members also expressed a wish that any monies paid by the developer be spent in Hartlepool and not neighbouring authorities. In terms of the proposed bus shelter a member asked whether these could be

set back on either side to allow more room for pedestrians. The Planning (DC) Team Leader to feed these comments back to the transport and neighbourhoods department and developer.

Members approved the application by a majority.

**Decision:** **The amendments to the s106 Legal Agreement are Agreed**

**77. Appeal at 34 Rillston Close** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal in respect of the refusal of planning permission for the erection of an extension at the property had been allowed. A copy of the Inspector's decision letter was appended to the report.

**Decision**

That the outcome of the appeal be noted.

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

Members were given updates on 10 ongoing complaint investigations and 9 which had been completed. A member queried whether an investigation which had been judged as requiring no further action could be reopened in future. The Planning and Development Manager confirmed that it could if it was felt expedient and providing the development had not become immune from enforcement.

**Decision**

That the report be noted.

The meeting concluded at 12:20pm

CHAIR

**No:** 1.  
**Number:** H/2019/0208  
**Applicant:** HARTMOOR GENERATION LTD 17 SLINGSBY PLACE  
 LONDON WC2E 9AB  
**Agent:** CLIVE FAGG 9 DAIRY LANE HOSE LEICESTERSHIRE  
 GREENOCK LE14 4JW  
**Date valid:** 29/07/2019  
**Development:** Erection of gas metering kiosk, 66kv electrical  
 transformer, electricity metering kiosk, security fencing,  
 acoustic fencing, mounding, hard and soft landscaping  
 and associated works  
**Location:** LAND TO THE EAST OF WORSET LANE  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 This application was deferred at the last Planning Committee (23/10/19) for a site visit to take place before this meeting (20/11/2019) to allow members to appraise the site and to consider the impacts of the proposals.

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

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

H/2017/0287 – Planning permission was granted on 21<sup>st</sup> December 2017 for a gas powered electricity generator and related infrastructure on land immediately adjacent the current application site, following majority approval by members of the planning committee on 4<sup>th</sup> October 2017, and the subsequent signing of a legal agreement to secure appropriate landscaping screening.

H/2018/0330 – Planning permission was granted by the planning committee on 28<sup>th</sup> November 2018 for a Section 73 amendment ('minor material amendment') for the variation of condition no.2 (approved plans) of the above planning permission to amend the approved layout including amendment to size and position of main building, amendment to position of dump radiators, reorientation of transformer, relocation of oil bulk tanks, shortening of access road, omission of 2no. parking bays and additional access details.

## PROPOSAL

1.4 Planning permission is sought for the erection of a gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works.

1.5 The proposed 66kv electrical transformer and associated infrastructure sit centrally in the application site, albeit towards the western boundary, and cover an area measuring approximately 12 metres x 20 metres, with the equipment having a maximum height of approximately 5.7 metres.

1.6 The proposed gas metering kiosk sits to the north of the proposed electrical transformer and measures approximately 2.65 metre x 5.8 metres in area and has a height of approximately 2.3 metres. The kiosk has the appearance and scale of a small pre-fabricated building/unit, and features a flat roof design with double access doors on the north facing elevation.

1.7 The proposed electricity metering kiosk is brick built and measures approximately 1.2 metres x 0.8 metres in area and has a height of approximately 1.1 metres. The kiosk features double access doors on the south facing elevation.

1.8 The proposed transformer and associated infrastructure and the proposed electricity metering kiosk sit within a compound measuring approximately 16 metres x 26 metres in area and enclosed by an approximately 2.4 metre high metal palisade security fence, to prevent unauthorised entry into the 66kV switchyard. A 66kV cable will run from this compound to Northern Powergrid's existing 66kV substation at Hartmoor.

1.9 All of the above elements of the scheme also sit within a wider compound measuring approximately 20 metres x 50 metres in area and enclosed on three side by a 4 metres high acoustic fence and retaining wall. The proposed compound constitutes an eastward extension to the approved site (as amended) immediately to the west, granted planning permission by virtue of applications H/2017/0287 and H/2018/0330, as set out above. The proposed compound is bounded to the east by mounding and to the south and east by proposed planting/landscaping.

1.10 The applicant's supporting Planning Statement indicates that following consent of the adjacent approved scheme, further design work was carried out and the requirements for the connection of the site to the adjacent Hartmoor substation was agreed with Northern Powergrid. This has necessitated this change to the layout of the original scheme and due to the nature of these changes a new planning application was required.

1.11 The application has been referred to the planning committee as more than 2 objections have been received, in line with the Council's scheme of delegation for planning applications.

## SITE CONTEXT

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

1.13 Directly to the south-west of the site is an enclosed electrical substation compound, beyond which is High Volts Farm. To the west is agricultural land currently benefitting from planning permission for a gas powered electricity generator (as set out above) and to the east is agricultural land.

1.14 The site is located outside the development limits as defined by the adopted Hartlepool Local Plan 2018 and also the Hartlepool Rural Neighbourhood Plan. The surrounding area is predominantly rural in nature. The topography of the land is such that the site slopes up from the A179 with the application site being higher, and the substation to the south situated at a higher level again.

1.15 The site is proposed to be accessed from a single access taken from Worset Lane through the site of the adjacent approved gas powered electricity generator.

## PUBLICITY

1.16 The application has been advertised by way of neighbour letters (29), site notice and a press notice. To date, there have been no representations received from neighbouring land users.

1.17 The period for publicity has expired.

## CONSULTATIONS

1.18 The following consultation replies have been received:

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

**HBC Landscape Architect** – The proposed development seek to extend the area of the site eastwards to allow the provision of additional required infrastructure. Details of the proposed mounding and planting along with its relationship to the previously consented scheme should be provided. This information can be controlled by condition.

**HBC Economic Development** – No representation received.

**HBC Engineering Consultancy** – In response to the above planning application consultation, the application form states that surface water will be disposed of by means of sustainable drainage system. No further details are present and as such I will be grateful if you can require detailed design of surface water drainage proposals prior to development by means of the standard surface water condition on any decision notice issued.

**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 Heritage and Countryside Manager** – No representation received.

**HBC Ecology** – The submitted plans show a proposed mound, with ‘tree screen planting’ around it. The tree mix should be a native species one, including Wych elm - which will benefit white-letter hairstreak (a Section 41 Priority Species which occurs in the borough). A landscaping plan showing the species mix, etc., should be conditioned.

**HBC Arboricultural Officer** – No representation received.

**HBC Public Protection** – Do not object.

**HBC Parks and Countryside** – No representation received.

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

**Hartlepool Rural Neighbourhood Plan Group** – Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The group are registering our very strong objection to the construction of a yet more additional energy infrastructure at this rural location, which is the third application of this nature. What is particularly alarming is this site is on the village side of the complex and features 6m high industrial infrastructure and a 4m high solid acoustic wall. This will increase the visual size and impact on the landscape of an already large and growing industrial complex located in a rural area. More development around it will only increase the industrial look to the detriment of the area.

- There has recently been planning permission here for a new gas power plant H/2017/0287 and Energy Storage Facility H/2018/0508 which was granted despite the strong opposition of Hart and Elwick parish councils and against the advice of the officers of the local planning authority.
- An Industrial installation of this type of building in a rural environment will have significant impact on the landscape with 6m high infrastructure on the Village side of the development with a 4m acoustic fence.
- No jobs created for local area.
- Environmental concerns regarding the loss of a further 0.9ha of agricultural land.
- This development would add to a cumulative effect and would make this rural area industrial in nature rather than a countryside area.
- This has been a succession of industrial type development in this location. This latest proposal will be another addition which will jut out from the



existing industrial complex in an incongruous fashion westward into the open countryside.

- The applicant mentions a lack of brownfield sites, but Hartlepool has dozens of large brownfield sites across the Borough, many specifically allocated for new industry in the new Local Plan. How can yet another greenfield and rural site be viewed as a sustainable location?
- It is very disappointing that there is such a limited planting scheme to mitigate the effects. A more detailed proposal for screening/planting is needed – the current indication is vague and sketchy.

### Planning Specific Objections

For the reasons listed above the development is contrary to policies contained in the Hartlepool Rural Neighbourhood Plan (HRNP) which was 'Made' (adopted) by Hartlepool Borough Council on the 20<sup>th</sup> December 2018 following a substantial positive vote at Public Referendum on 4<sup>th</sup> October 2018 and six years of consultations.

These are:

Policy GEN1 – Development Limits - The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village

Policy GEN2 - Design Principles – contrary to clauses 3, 4 and 5 of the policy

Policy EC1 - Development of the Rural Economy – Contrary to policy in that the development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation

Policy NE1 - Natural Environment – contrary to policy clauses 4a, b & c in terms of the detrimental impact on the landscape and the inadequate planting schemes proposed. The group would suggest a significant tree belt around the scheme.

Policy NE2 - Renewable and Low Carbon Energy contrary to clauses 1a and 2 in terms of the impact on landscape and the inadequate planting schemes proposed.

### Local Plan 2018

Additionally the following Hartlepool Local Plan Policies are also relevant:

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:  
LS1 Locational Strategy (Village envelope of Hart)

RUR1 Development in the rural area.

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside. The development this storage facility of this size and capacity is a major industrial plant. The development will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area and also being located adjacent to a main approach road the A179 that is the main access into the northern half of Hartlepool. Therefore, it is contrary to the following local plan policies

RUR1: Development in the Countryside

NE7: Landscaping along main transport corridors

3) There is more than adequate industrial sites allocated in the Hartlepool local plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including

EMP 2 Queens Meadow Business Park

EMP3 General Employment Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorp.

EMP4 – Specialist Industries

Though even the above industrial areas seem to have requirements regarding quality of design, landscaping and protection for surrounding areas which appear lacking when considering this proposal in the rural area.

#### Summary

In summary this is a totally unsuitable and unsustainable location for this industrial type and scale of development which;

- a) Would cause a significant industrialisation of the rural area
- b) Have a major detrimental impact of the open landscape of the area.
- c) Introduce another major industrial plant into the rural area and the cumulative effects of this growing complex in the countryside near to Hart Village and the A179.
- d) That only a limited planting scheme has been included to screen the development from the A179 and Hart Village.
- e) Be unjustifiable in terms of the council's Locational Strategy when there are hectares of more suitable industrial land allocated and available at various locations in the Borough.
- f) Against the policies of the Hartlepool Rural Plan which has a mandate from the people of the rural area.

**Northern Powergrid** – No representation received.

**Cleveland Fire Brigade** – Cleveland fire Brigade offers no representations regarding the development as proposed. However Access and Water Supplies should meet the requirements as set out in:

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

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

**DEFRA** – No representation received.

**Cleveland Emergency Planning Officer** – No representation received.

**Environment Agency** – Thank you for referring this application. Having reviewed the proposals we have no comments to make.

**Elwick Parish Council** – Elwick Parish Council strongly objects to this application.

This is the third application over a period of three years for this site - the previous two (H/2017/0087 and H/2018/0508) we also strongly objected to, as this is making a rural, farming area into an industrial site. It is in breach of the Local Plan as well as the Rural Neighbourhood Plan which has now been "made" and forms an integral

part of the Local Plan. (Rural Plan: GEN1. GEN2. EC1. NE1 (particularly clauses 4b and 4c) and NE2; Local Plan: LS1, Rur1).

This planned extension to the current site is right on the edge of the A179 and no matter what “screening” is put in place, will be visible to everyone using the A179 to access both Hart Village and Hartlepool Town not a great encouragement for tourists.

No jobs have been created, nor saved as a result of the development, and there is no discernible gain for the Borough in allowing this gas-fired electricity sub-station to continue growing. It should have been placed on the Tioxide/Nuclear Power station side of the town, where there is plenty of brownfield land and good access to mains gas and electricity infrastructures.

The environmental impact of this cumulative development is not negligible - for the Environmental Officer to require only a single sparrow box be installed is derisory. No mention is made of potential noise disturbance, nor has any notice been paid to the Rural Plan requirement for new developments to be low carbon, renewable energy.

We are deeply concerned that the development is planned for the Hart village side of the complex and would urge the Borough Council to insist, as a minimum requirement for planning approval, that this development is placed to the south of the current complex, out of sight from the A179 and Hart Village. We would also request the “welfare building” be given a “green roof” and that more substantial planting be required to screen the whole complex.

Finally, we expect the Borough Council to make clear, to this applicant and other developers, that no future planning applications of an industrial nature will be considered within the rural area of Hartlepool before all available brownfield sites have been utilised.

**Highways England** – Referring to the planning application referenced above, dated 17 July 2019, Re A19, Erection of gas metering kiosk, 66kv electrical transformer, electricity metering kiosk, security fencing, acoustic fencing, mounding, hard and soft landscaping and associated works, LAND TO THE EAST OF WORSET LANE, HARTLEPOOL, TS27 3BQ, notice is hereby given that Highways England’s formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is not relevant to this application.

**National Grid** – No representation received.

**Natural England** – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess

impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

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

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

**Northumbrian Water** – 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.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re-consultation.

**Cleveland Police** – No representation received.

**Ramblers Association** – No representation received.

**RSPB** – No representation received.

**Tees Archaeology** – I have looked at this application, the area involved has had a geophysical survey carried out on it in the past. This revealed no evidence of archaeological activity. I therefore have no objection to this application and there is no requirement for further archaeological work.

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

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

**Hartlepool Civic Society** – No representation received.

**Hart Parish Council** - Hart Parish Council is registering our very strong objection to the construction of a yet more Energy infrastructure at this rural location, which is the third application of this nature. What is particularly alarming is this site is on the village side of the complex and has 6m infrastructure and a 4m high solid acoustic wall.

- This will increase the visual size of an already large and growing industrial complex located in a rural area. More development around it will only increase the industrial look to the detriment of the area.
- There has recently been planning permission here for a new gas power plant H/2017/0287 and Energy Storage Facility H/2018/0508 both of which were granted despite the strong opposition of Hart and Elwick parish councils and against the advice of the officers of the local planning authority.
- An Industrial installation of this type of building in a rural environment will have significant impact on the landscape with 6m high infrastructure on the village side of the development with a 4m acoustic fence.
- We note that no jobs have been created for the local area.
- We have concerns about the environmental impact of the loss of a further 0.9ha of agricultural land.
- There are other already industrial type structures within this part of the landscape including wind turbines at High Volts Farm, an anemometer, two

electrical sub-stations, telecommunication towers, telegraph poles, pylons and overhead cables; this development would add to this in a cumulative effect making this rural area industrial in nature rather than a countryside area.

- This latest proposal will be another addition which will jut out from the existing industrial complex in an incongruous fashion westward into the open countryside.
- The applicant mentions a lack of brownfield sites but Hartlepool has dozens of large brownfield sites across the Borough many specifically allocated for new industry in the new Local Plan and with good access to both gas and electricity mains supply. With this in mind how can yet another greenfield and rural site be seen as a sustainable location?
- We are very disappointed that there is such a limited planting scheme to mitigate the effects.

## Planning Specific Objections

### Local Plan 2018

1) The proposed development is outside the limits to development demonstrated in the village envelope of Hart Village and therefore contrary to the following policies:

LS1 Locational Strategy (Village envelope of Hart)

Rur1 Development in the rural area.

2) The proposed development is also contrary to the local plan in terms of its effect on the landscape and countryside. The development of this storage facility of this size and capacity is a major industrial plant. The development will have an adverse effect on the landscape by introducing this industrial scale and type of development into the rural area and also being located adjacent to a main approach road the A179 which is the main access into the northern half of Hartlepool. Therefore, it is contrary to the following local plan policies

Rur1: Development in the Countryside

Policy NE7: Landscaping along main transport corridors

3) There are more than adequate industrial sites allocated in the Hartlepool Local Plan which would be more suitable for this kind of development and there are adequate amounts of land available at these sites including

IND3 Queens Meadow Business Park

IND5 Industrial Areas - Oakesway, Brenda Road East, South Works, Tofts Farm/Hunter House, Brenda Road west and Graythorpe

## Summary

In summary this is a totally unsuitable and unsustainable location for this industrial type and scale of development which;

- a) Would cause a significant industrialisation of the rural area
- b) Have a major detrimental impact of the open landscape of the area.
- c) Introduce another major industrial plant into the rural area and the cumulative effects of this growing complex in the countryside near to Hart Village and the A179.
- d) Be unjustifiable in terms of the council's Locational Strategy when there are hectares of more suitable industrial land allocated and available at various locations in the Borough.
- e) Is against the policies of the Hartlepool Rural Plan and
- f) Has only a limited planting scheme included to screen the development from the A179 and Hart village.

Whilst we are totally opposed to this development, we recognise that a case will be made for the completion of this energy infrastructure. If Planners are minded to approve the application on these grounds, we would request that the following conditions are made:

- 1. The development is placed on the opposite side of the current complex, further away from Hart village and the A179 and
- 2. The level of proposed planting of screening trees and shrubs be substantially increased to provide some compensatory element for local wildlife.

## PLANNING POLICY

1.19 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

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

LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 RUR1: Development in the Rural Area  
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

1.21 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

GEN1 Development Limits  
 GEN2 Design Principles  
 NE1 Natural Environment  
 NE2 Renewable and Low Carbon Energy  
 EC1 Development of the Rural Economy

National Policy

1.22 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 001: Introduction  
 PARA 002: Permission determined in accordance with development plan  
 PARA003: Introduction  
 PARA 007: Achieving sustainable development  
 PARA 008: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA038: Decision-Making  
 PARA047: Determining Applications  
 PARA080: Building a strong, competitive economy  
 PARA124: Achieving well-designed places  
 PARA127: Achieving well-designed places  
 PARA 130: Achieving well-designed places  
 PARA 148: Meeting the challenge of climate change, flooding and coastal change

**HBC Planning Policy comments** - There are no planning policy concerns regarding this proposal.



## PLANNING CONSIDERATIONS

1.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety, ecology and nature conservation, and flood risk & drainage. These and any other planning and residual matters are considered in detail below.

### PRINCIPLE OF DEVELOPMENT

1.24 Since the original approval for the erection of a gas powered electricity generator on the adjacent site (ref H/2017/0287), the NPPF has been revised (in both November 2018 and February 2019) and the Hartlepool Local Plan and Rural Neighbourhood Plan have been adopted (May 2018 and December 2018 respectively). Notwithstanding this, approval H/2017/0287 and subsequent approval H/2018/0330 remain extant permissions.

1.25 Objections have been received from both the Elwick and Hart Parish Councils and the Hartlepool Rural Neighbourhood Plan Group including concerns that the proposal will result in industrialisation of the rural area and the loss of agricultural land which is contrary to planning policy within the adopted Hartlepool Local Plan and Rural Neighbourhood Plan.

1.26 The main policy of the adopted Hartlepool Local Plan in relation to this site is policy RUR1 (Development in the Rural Area). The main aim of this policy is to ensure that the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. It states that development outside the development limits will be strictly controlled.

1.27 Proposals must be considered necessary for the efficient or continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land based businesses including the diversification of activities on existing farm units which do not prejudice continued agricultural use and are of a scale and nature that is suitable to a rural location. The policy sets a number of other criteria that any development should meet, where relevant, including:

- Be in accordance with the Hartlepool Rural Neighbourhood Plan
- Not have a significant detrimental impact on neighbouring users or surrounding area by way of amenity, noise, access, light pollution or visual intrusion
- Through good design, enhance the quality, character and distinctiveness of the immediate area, villages and landscapes.
- Be in keeping with other buildings in terms of siting, size, materials and colour
- Ensure access is appropriate and there is not a detrimental impact on the highway safety
- Where possible create and improve sustainable connectivity
- Not have a detrimental impact on the landscape character or heritage assets

- Avoid areas of best and most versatile agricultural land, those classified as grades 1, 2 and 3a in the Agricultural Land Classification.

1.28 The applicant has indicated that the current application is as a result of previously undisclosed electricity cable running under the approved site adjacent. Following its identification Northern Powergrid have advised that no building of equipment can be placed on the cable route. The applicant has advised that it was considered expedient to both parties to move the transformer and gas kiosk thereby avoiding significant works for Northern Powergrid, potential disruption to the local power network and sterilisation of a tranche of agricultural land.

1.29 The applicant has advised that alternatively, Northern Powergrid will be required to divert the electricity cable which currently runs through the site, and it is likely this would be diverted to the east and sterilise more agricultural land than the current proposal. Northern Powergrid would not require planning permission for such work by virtue of their permitted development rights as a statutory undertaker.

1.30 Whilst it is noted that the proposals do not relate to the efficient or continued viable operation of agriculture, horticulture, forestry or equine businesses, the proposal does relate to an extant planning permission (ref H/2018/0330) for energy related development in this location, and whilst the adjacent site has not yet been constructed, this application constitutes a proportionately modest extension to that approved scheme to accommodate ancillary infrastructure, required to support the operation of the approved development adjacent.

1.31 With respect to compliance with the Neighbourhood Plan, it is noted that policy GEN1 stipulates that in the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Given that the proposals will contribute to the provision of electricity to the national grid, the proposal could be considered public infrastructure. However, this policy, as well as a number of other policies within the Rural Plan, namely GEN1, GEN2, EC1, NE1 and NE2 require careful consideration be given to a number of other material planning considerations (similar to the above Local Plan requirements) and these are considered in greater detail below.

1.32 With respect to the considerations of the impact of the proposals on neighbouring land users, the character of the area and landscape character, heritage assets, highway safety, access and connectivity, and the overall design of the proposals, as required by policy RUR1 of the Local Plan, and all other relevant planning matters, as may be required by other relevant policies of the Hartlepool Local Plan and Rural Neighbourhood Plan, these are set out in detail below.

1.33 With respect to avoiding areas of best and most versatile agricultural land, it is noted that the proposal will result in the loss of agricultural land, however it is not defined as best and most versatile land and that such a loss would not warrant a refusal of the application.

1.34 Ultimately, the Council's Planning Policy section has advised that there are no planning policy concerns regarding this proposal.

1.35 In view of the above, whilst it is noted that there is some divergence from the development plan when considering the application proposal in isolation (in terms of the principle of this type of operation in this location), given that the proposal, in effect, relates to an extension to an approved facility adjacent and therefore this use has previously been approved in this area, and in the context of the other energy related infrastructure in the immediate vicinity and planning history of the immediate area, it is considered on balance that the principle of the development in this instance is acceptable, subject to the consideration of all other relevant material planning considerations, as set out below.

#### VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (INCL. LANDSCAPING)

1.36 The proposed development consists of an electricity transformer and associated infrastructure adjacent to the A179, which is a main approach road from the A19 trunk road into the town. The proposed development constitutes an extension to the approved scheme adjacent for the erection of a gas powered electricity generator. The field is currently enclosed, adjacent to the highway, by mature trees and hedges.

1.37 Objections have been received from the Hartlepool Rural Neighbourhood Plan Group, Elwick Parish Council and Hart Parish Council citing concerns including the impact on the landscape, industrialisation of the countryside, and lack of sufficient landscaping screening.

1.38 Whilst it is acknowledged that the proposal represents further non-agricultural development in this location, the proposed structures are situated adjacent to existing energy related infrastructure in this area, including a number of transformer structures that are similar in appearance, as well as a telecommunications mast and electricity pylons. Furthermore, as above, the proposal constitutes an extension to an approved scheme for a gas powered electricity generator that is significantly larger in size, and given that the proposed site and the adjacent site would be enclosed within the same acoustic fencing, these would appear as a single (albeit slightly larger than previously approved) compound.

1.39 In addition to the above, the proposals include screening of the development in the form of a 4 metre high acoustic fence, mounding to the eastern side of the site and landscaping to the south and east. The proposals will be largely screened from the west by the approved generator building, whilst to the north there is an existing belt of trees and hedgerow that will substantially screen the application site when viewed from the A179 road adjacent.

1.40 The Council's Landscape Architect has been consulted on the application and has advised that details of the proposed mounding and planting along with its relationship to the previously consented scheme should be provided by virtue of a planning condition, and this is recommended accordingly. No further concerns have

been received from the Council's Landscape Architect or from the Council's Arboricultural Officer.

1.41 In view of the above, it is considered on balance that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding rural area, subject to the identified planning condition, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.42 To the north of the site lies the A179 road with agricultural land beyond. There are therefore no sensitive land users due north and it is therefore considered there would be no appreciable impact on the amenity or privacy of neighbouring land users to the north.

1.43 To the north-east, there are residential properties located within Hart Village and it is noted that there has been a recent planning application minded for approval (subject to a section 106 agreement) at Glebe Farm for residential development (ref: H/2017/0028) which will be closer to the application site. However there is still a large separation distance in excess of 700 metres (approx.) between the application site and the development limits of Hart Village and 500 metres (approx.) between the application site and the nearest residential properties to the north-east at Nine Acres. Taking into account the separation distance and screening provided by existing landscaping which will be further supplemented by the proposed acoustic fencing, it is not considered that the proposed development would result in a detrimental impact upon residential properties within Hart Village in terms of loss of privacy or amenity.

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

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

1.46 To the west, the site is bounded and screened by the approved electricity generator site and therefore it is considered there would be no appreciable impact on the amenity or privacy of neighbouring land users to the west.

1.47 Impact on the amenity of neighbouring properties through noise disturbance has been raised as a concern by Elwick Parish Council, however the Council's Public Protection section has been consulted and has confirmed that they do not object. In view of this and given the proposed acoustic fencing, landscape screening and significant separation distance to neighbouring properties, and in the context of

the existing and approved infrastructure in this location, it is not considered the proposal would result in undue noise and disturbance to neighbouring land users.

1.48 In view of the above, it is considered that the proposal would not have a significant detrimental impact on the amenity and privacy of neighbouring land users and the application is therefore considered to be acceptable in this respect, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

#### HIGHWAY AND PEDESTRIAN SAFETY

1.49 The site is proposed to be accessed from a single access taken from Worset Lane through the site of the adjacent approved gas powered electricity generator.

1.50 The Council's Highways, Traffic & Transport section and Highways England have been consulted on the application and have confirmed that they have no highway or traffic concerns and no objections to the application.

1.51 The application is therefore considered to be acceptable with respect to the impact on highway and pedestrian safety, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

#### ECOLOGY AND NATURE CONSERVATION

1.52 The proposals include landscape screening to the south and east of the site with proposed mounding along the eastern boundary to further screen the development. Only limited details of the landscaping scheme have been provided as part of this application.

1.53 Objections have been received from the Hartlepool Rural Neighbourhood Plan Group, Elwick Parish Council and Hart Parish Council with respect to the impact of the proposal on the natural environment through loss of agricultural land and a limited planting scheme.

1.54 The Council's Ecologist has been consulted on the application and has raised no concerns however has advised that the tree mix comprising the 'tree screen planting' to the proposed mound shown on the submitted plans should be a native species, including Wych Elm - which will benefit white-letter hairstreak (a Section 41 Priority Species which occurs in the Borough). The Council's Ecologist has therefore requested that a landscaping scheme showing the species mix etc. should be conditioned, and this is recommended accordingly.

1.55 Natural England has been consulted on the application has confirmed that they have no comments to make.

1.56 Subject to the abovementioned condition, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

## FLOOD RISK & DRAINAGE

1.57 The submitted application form states that surface water will be disposed of by means of sustainable drainage system. The site boundary extends to the south of the wider compound, to which the applicant has indicated that this area is likely to be utilised for surface water drainage (an attenuation basin).

1.58 The Council's Flood Risk Officer has been consulted on the application and has advised that the detailed design of surface water drainage proposals must be provided prior to development by means of the standard surface water condition, and this is recommended accordingly.

1.59 Northumbrian Water has also been consulted on the application and has advised that they would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Northumbrian Water has however provided advice for the applicant with respect to consideration to the presence of sewers on site prior and during construction work, and an informative note is therefore recommended to make the applicant aware of this.

1.60 The Environment Agency has advised that they have no comments to make on this application.

1.61 In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned condition and informative, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

## OTHER PLANNING MATTERS

1.62 The Council's Countryside Access Officer has advised that 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. The application is therefore considered to be acceptable with respect to the impact on public rights of way.

1.63 Tees Archaeology has advised that the area involved has had a geophysical survey carried out on it in the past. This revealed no evidence of archaeological activity. Tees Archaeology therefore have no objection to this application and there is no requirement for further archaeological work. No concerns or objections have been received by the Council's Heritage and Countryside Manager. The application is therefore considered to be acceptable with respect to the impact on heritage assets and archaeology.

1.64 No concerns or objections have been received from Cleveland Police. The application is therefore considered to be acceptable with respect to matters of safety and security.

## RESIDUAL MATTERS

1.65 Both Northern Powergrid and the National Grid have been consulted on the application and no concerns or objections have been received.

1.66 Northern Gas Networks has been consulted and has confirmed that they have no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then Northern Gas Networks require the promoter of the works to contact them directly to discuss their requirements in detail. An informative note is therefore recommended to make the applicant aware of this advice.

1.67 Cleveland Fire Brigade has confirmed that they offer no representations regarding the development as proposed. However, Cleveland Fire Brigade has advised that access and water supplies should meet the requirements as set out in the relevant Building Regulations and it should be noted that Cleveland Fire Brigade now utilise an appliance with a weight greater than the specified weight in the Building Regulations. An informative note is therefore recommended to make the applicant aware of this advice.

1.68 Objections from Hart and Elwick Parish Councils and the Hartlepool Rural Neighbourhood Plan Group cite concerns that the proposals do not create any jobs for the local area. The applicant has advised that during construction, local contractors would be used wherever possible and practicable. During operation there would be no fulltime permanent on-site employment but the plant will require maintenance, operations & business management. Maintenance in particular will, wherever possible, be regionally based. The Council's Economic Development section has not commented on the application.

1.69 Objections from Hart and Elwick Parish Councils and the Hartlepool Rural Neighbourhood Plan Group have also suggested the proposals should be located elsewhere in the Borough. However, the Local Planning Authority can only consider applications that are before it. It is noted that this current proposal for ancillary infrastructure relates to an extant approval for a gas generator in this area and the site is located adjacent to an existing large electrical substation. Whilst the applicant acknowledges there are a number of brownfield sites in the Borough, they have advised that this is not the only consideration when choosing a site, with other factors including availability of land, minimising adverse environmental impacts, access to available and viable electricity grid and access to available and viable gas networks. Ultimately, the availability of alternative sites is not a material planning consideration, and the application must be determined on the basis of the information provided and the potential impacts resulting from the proposal on the site and surrounding area in question, as set out in detail above.

## CONCLUSION

1.70 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and

relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.71 There is no evidence of equality or diversity implications.

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

1.72 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.

1.73 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

C4055-GA-004 TC (LOCATION PLAN)  
received 17th June 2019 by the Local Planning Authority;

C4055-GA-009 TD (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING (FENCES OMITTED)),  
C4055-GA-005 TE (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING),  
received 22nd July 2019 by the Local Planning Authority;

C4055-GA-009 TD (GENERAL ARRANGEMENT OF SWITCHYARD & BUILDING FOR GENERATOR BUILDING (FENCES OMITTED) with internal security fence removed)  
received 29th July 2019 by the Local Planning Authority.  
For the avoidance of doubt.

3. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.



4. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Notwithstanding the submitted information, a detailed scheme of landscaping, mounding and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation, for the lifetime of the development hereby approved. In the interests of visual amenity.
6. Notwithstanding the submitted information and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing access, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to commencement of the use of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
7. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and the impact on the visual amenity of the area.
8. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGV movements associated with the construction phases, and to effectively control dust emissions from the site remediation, demolition and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking

for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

9. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

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

10. Prior to commencement of the development hereby approved, details of a 4 metre high acoustic fence to be erected around the boundary of the site as indicated on plan C4055-GA-005 TE, received 22nd July 2019 by the Local Planning Authority, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development.

In the interests of visual amenity and the amenity of the occupiers of adjacent land

11. Notwithstanding the requirements of condition 10, details of means of all other boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

12. When the land ceases to be used for the purposes stated in the proposal or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, acoustic fencing, hardstanding and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommission works taking place. The application has been assessed in accordance with the details submitted by the applicant therefore at the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

13. In the event that planning permission H/2017/0287 (decision dated 21st December 2017) or planning permission H/2018/0330 (decision dated 28th November 2018) (or any subsequent amendment to these permissions is granted) are not implemented on the adjacent site, the planning permission hereby approved (H/2019/0208) shall not be implemented on the application site.

In order to protect the visual amenity and character of the surrounding countryside.

## **BACKGROUND PAPERS**

1.75 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**

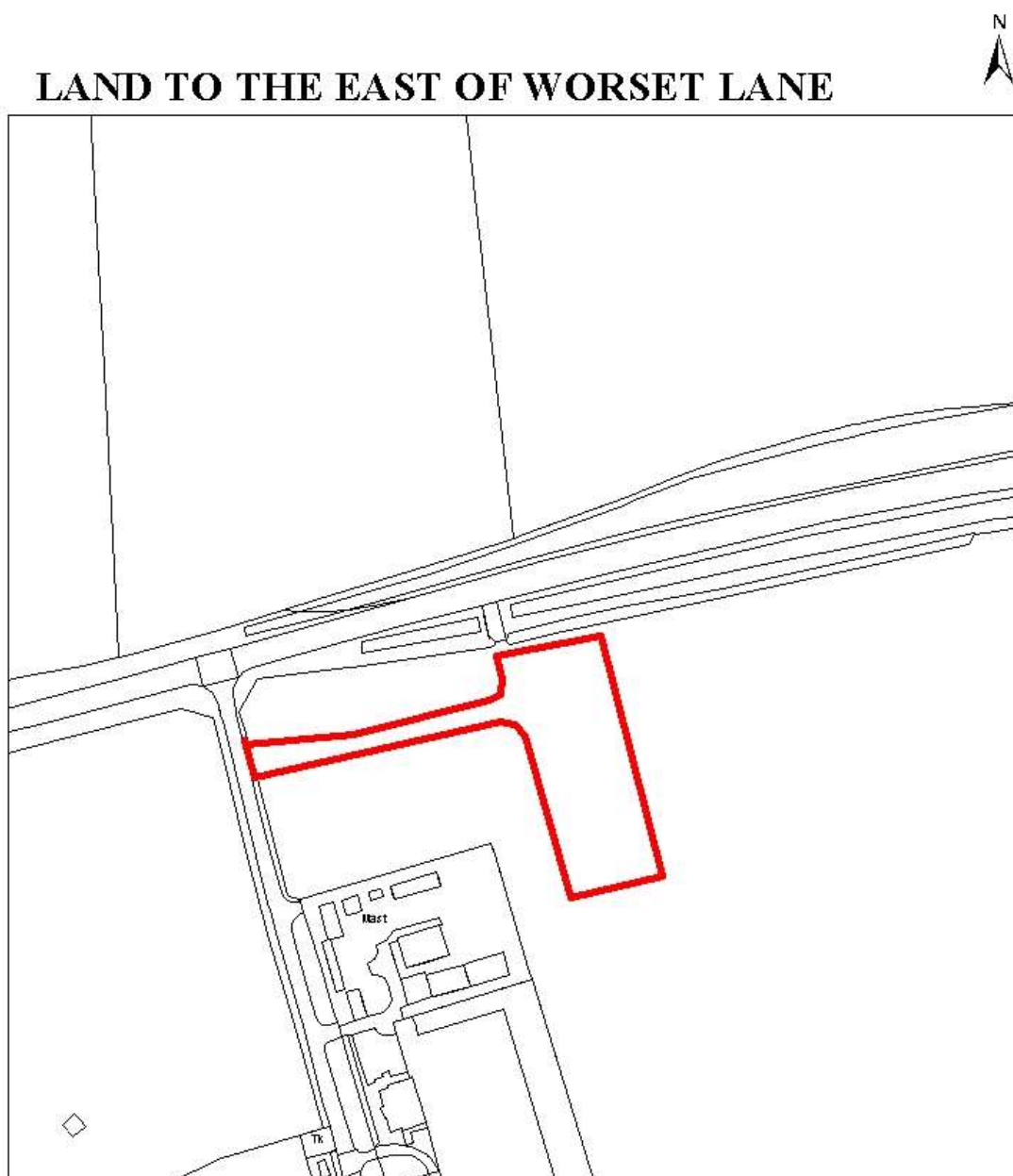
1.76 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

1.77 Ryan Cowley  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523279  
E-mail: [Ryan.Cowley@Hartlepool.gov.uk](mailto:Ryan.Cowley@Hartlepool.gov.uk)



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>08/10/2019</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0208</b>	REV

**No:** 2.  
**Number:** H/2019/0289  
**Applicant:** MISS APRIL WOOD CLAVERING ROAD HARTLEPOOL  
TS27 3PZ  
**Agent:** MR M FORD NELSON FARM HART STATION  
HARTLEPOOL TS27 3AE  
**Date valid:** 19/08/2019  
**Development:** Change of use to salon and training centre for make up,  
hair and beauty  
**Location:** ST MARKS CHURCH CLAVERING ROAD  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The application was deferred at the Planning Committee of 23<sup>rd</sup> October 2019 to allow a site visit to be carried out to consider the proposal in terms of the site context.

2.3 Members also requested that further dialogue be undertaken with the Council's Traffic and Transport Section with regards to objections/concerns from residents over car parking issues (indiscriminate car parking on footpaths/blocking access for emergency vehicles etc). The Council's Traffic and Transport section's additional comments in relation to the above have been duly incorporated and thereafter considered as part of the updated committee report below.

## SITE CONTEXT

2.4 The application site is a vacant unit previously known as St Marks Church on Clavering Road. The site is within a designated local centre which serves the residents of the Clavering area. The local centre comprises a public house, hot food takeaway and convenience store. The area is predominately residential in character, with good transport links. The centre is served by a public car park (south of the application site) whilst it is understood that the application site is served by its own separate car park to the north of the site.

## PROPOSAL

2.5 The proposal seeks the change of use from a Church and Community Centre to a hairdressers', beauty and make up salon and training centre, including a photography room (Sui Generis Use). The proposal includes the change of a double exterior door to a single door with internal partitions separating the various areas. The interior is on the main to be kept open plan. It is understood that works to facilitate the proposal commenced and therefore the application will be considered as part-retrospective (although it is understood the proposed is not operating at the time of writing).

2.6 The applicant has confirmed that the training element of the proposal is for make-up courses, which will be provided following the owner completing the relevant training course before offering this element. The proposed hours of operation are indicated as being 0900-1700 hours Monday to Friday, 0700-1800 on Saturdays.

2.7 The application has been referred to Planning Committee owing to the number of objections received, in line with the Council's Scheme of Delegation.

## PUBLICITY

2.8 The application has been advertised by way of site notice and neighbour letters (11). To date, there have been 3 letters of support and 4 letters of objection.

2.9 The objections can be summarised as follows:

- Object to the training facility as it is a non accredited provider without Ofsted accreditation
- There are already a number of accredited facilities within Hartlepool
- In order to be a training centre the correct insurance must be in place
- Traffic and parking will be a problem
- Getting our bins emptied will be an issue, due to parking
- Access to residential properties will be obstructed by vehicles parking and dropping people off
- Razor wire has been erected and attached to a neighbouring properties fence

The support letters can be summarised as follows:

- The proposal is a welcome addition to the area, offering an alternative training venue and providing a service to local residents
- The proposal will improve the area

2.10 Copy Letters A

2.11 The period for publicity has expired.

## CONSULTATIONS

2.12 The following consultation replies have been received:

**HBC Public Protection** – No objections.

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

Updated comments received 25.10.19 (following the request by Members at the previous Planning Committee meeting of 23/10/19);

I'm not aware of any parking issues in this area and to my knowledge have not received any complaints.

There are existing double yellow lines at the junction of the access road, the road is sufficiently wide enough to accommodate parking on one side of the carriageway, vehicles would need to park partially on the footway in order to double park and maintain access. I would not consider it necessary to extend the restrictions further, there are sufficient parking opportunities in the area to support this business, however if the Committee requires restrictions to be implemented, I would recommend that the existing restrictions on the southern side of the junction are extended up to the access for the bungalows. The cost of the restrictions would be £2250 and this should be paid for by the developer.

The Council's enforcement team can only issue PCN's (parking tickets) if a vehicle is parked on a parking restriction or across a recognised pedestrian crossing point. If there are issues with double parked vehicles blocking the carriageway or the footway then it would be up to the Police to enforce this as they would need to consider whether they are obstructing the highway.

The carriageway fronting the new bungalows is a private road, therefore if parking occurred in this area it would be a matter for the land owners to deal with.

**Cleveland Fire Brigade** – Just a couple of questions.

- Is the owner going to be submitting a Building Regulations Application, I would expect that a change of use would require this and certainly if any means of escape changes are being made- If one is to be submitted Cleveland Fire Brigade will comment regarding the internal layout and fire safety measures when that consultation is received.
- The only element we would comment on regarding planning is to ensure that the access for fire appliances and water supplies meets B5 of Approved Document. If this was previously a shop then it is unlikely that this will be an issue. What was its prior use?

*(In response, the case officer confirmed the previous use of the building as a church and that the Council's Building Control team were pursuing the requisite Building Regulations application. Following this, the Fire Officer confirmed 'we would have no further grounds to comment on the planning application at this stage').*

## **PLANNING POLICY**

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

National Planning Policy Framework (NPPF)

2.14 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the 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:

2.15 The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan  
 PARA 007: Achieving sustainable development  
 PARA 008: 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 212: Implementation

Hartlepool Local Policy

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

CC1: Minimising and adapting to climate change  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 RC1: Retail and Commercial Centre Hierarchy



RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy Comments

2.17 The site is within a Local Centre, as designated in Policy RC16 and this policy states that this site is a sequentially preferable location for the proposed uses. Planning Policy have no objections to the proposed development.

## **PLANNING CONSIDERATIONS**

2.18 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.

2.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impacts on the visual amenity of the area, impacts on residential amenity and highway safety and car parking. These and any residual matters are considered as follows.

## **PRINCIPLE OF DEVELOPMENT**

2.20 The application site is within a local centre as identified within policy RC16 of the adopted Hartlepool Local Plan 2018. The policy states that this site is a sequentially preferred location for this form of development and use. Furthermore, the proposal would bring a vacant unit back into use which would support the viability and viability of the local centre. The principle of the development is therefore considered to be acceptable, subject to the consideration of all other relevant material planning considerations, as set out below.

## **VISUAL AMENITY**

2.21 Whilst there are minimal external alterations to the property, with the reduction of a double doorway to a single doorway on the side of the building, it is not considered that this alteration would have a significant impact upon the character and appearance of the existing building, street scene or visual amenity of the area in general. The proposed development is therefore considered to be acceptable in terms of its impact on visual amenity and to be in accordance with Policies within the Hartlepool Local Plan.

## **AMENITY**

2.22 Policy RC16 of the Hartlepool Local Plan relates to commercial development within identified Local Centres. The proposal includes a modest external alteration to the access door and would not adversely affect or reduce separation distances to surrounding properties. Furthermore, the proposal would be located within an established unit within the local centre with satisfactory separation distances and relationships remaining to surrounding residential properties. Furthermore, the Council's Public Protection team have been consulted and raised no objection,

confirming that the hours proposed are acceptable, which can be secured by a planning condition.

2.23 In view of the above, it is not considered that the proposed use would have a significant impact upon neighbouring properties in terms of poor outlook, overlooking or noise disturbance and is therefore acceptable in this respect.

## HIGHWAY AND CAR PARKING

2.24 A number of concerns and objections have been received from neighbouring residents with regard to the parking and impact upon the local properties.

2.25 There is a large carpark at the southern end of the local centre and an area for approximately 4 vehicles to the north of the site in clavering Road opposite the application site. The Applicant has indicated that these parking bays are within their control. Access to the residential properties at Bartram Court is taken from the public highway which runs at the northern end of the local centre.

2.26 The Council's Traffic and Transport section had previously confirmed no objections or requirements for the proposed change of use. Notwithstanding this, Members requested that further discussions take place with the Council's Traffic and Transport (and highway enforcement) team to consider residents' concerns further. In response to this request, the Council's Traffic and Transport section have confirmed that there are existing double yellow lines at the junction of the access road (to Bartram Court), that the road is sufficiently wide enough to accommodate parking on one side of the carriageway and therefore do not consider it necessary to extend the restrictions further, given that there are sufficient parking opportunities in the area to support this business.

2.27 As set out in the additional comments received from the Council's Traffic and Transport section, they have advised that should Members still consider car parking restrictions to be necessary, the Council's Traffic and Transport section would recommend that the existing restrictions on the southern side of the junction are extended up to the access for the bungalows. The cost of these works (approx. £2,250) would need to be covered by the business/developer and secured by an appropriate planning condition and/or planning obligation in a legal agreement.

2.28 However and fundamentally, such mitigation measures are not considered to be necessary in this instance by the HBC Traffic and Transport section and therefore the imposition of such a planning condition/obligation (requiring such measures) would, in Officers view, fail the tests of paragraph 55 of the National Planning Policy Framework, namely that planning conditions should only be applied to planning permissions where they are 'necessary' and 'reasonable' to enable the development to come forward.

2.29 The Council's Traffic and Transport section have provided further advice regarding the enforcement of parking restrictions, to which the matter is ultimately either controlled by the Council's enforcement section (where applicable), the Police or they would be a civil matter. As such, it would not be a material planning consideration in the consideration of this application.

2.30 Concerns have been raised with regard to the refuse vehicles getting access to empty the bins for the properties at Bartram Court; access to these properties will not change and collection points remain as existing. It is therefore considered that the proposal is acceptable in this instance.

2.31 In view of the above, it is considered that the proposal would be acceptable in highway safety and car parking terms in this instance and would not warrant a refusal of the application.

## RESIDUAL MATTERS

2.32 Objections have been received citing concerns with the number of training facilities within the borough and accreditation to Ofsted not being applied for, it is also suggested that insurance needs to be in place. However, these matters, including competition, are not within the remit of the Local Planning Authority in exercising its duty to consider planning application, and therefore are not material planning considerations

2.33 Cleveland Fire Brigade has advised that any changes to access to the until will be considered through the Building Regulations and Cleveland Fire Brigade will comment regarding the internal layout and fire safety measures as part of the required Building Regulations process/consultation.

2.34 Concerns have been raised with regard to the installation of razor wire along the rear boundary of the premises and attached to a neighbour's rear fence. This element is not under consideration as part of the application as it falls below the 2m threshold of a boundary enclosure requiring planning permission. The issue of the razor wire being attached to the neighbour's property is a civil matter, however the applicant and agent have agreed to remove the razor wire, and would look to provide an alternative form of enhanced security protection to stop people climbing onto the roof.

## PLANNING BALANCE & OVERALL CONCLUSION

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.36 There is no evidence of equality or diversity implications.

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

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

2.38 There are no Section 17 implications.

## REASON FOR DECISION

2.39 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 conditions below:

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 (location plan, floor plans and elevations) and details received by the Local Planning Authority on 12 August 2019.  
For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 9:00 and 17:00 Mondays to Fridays and 07:00 and 18:00 Saturdays and at no other time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as a mixed use salon and training centre (Sui Generis) and not for any other use including any other use within the use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.

## BACKGROUND PAPERS

2.40 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**

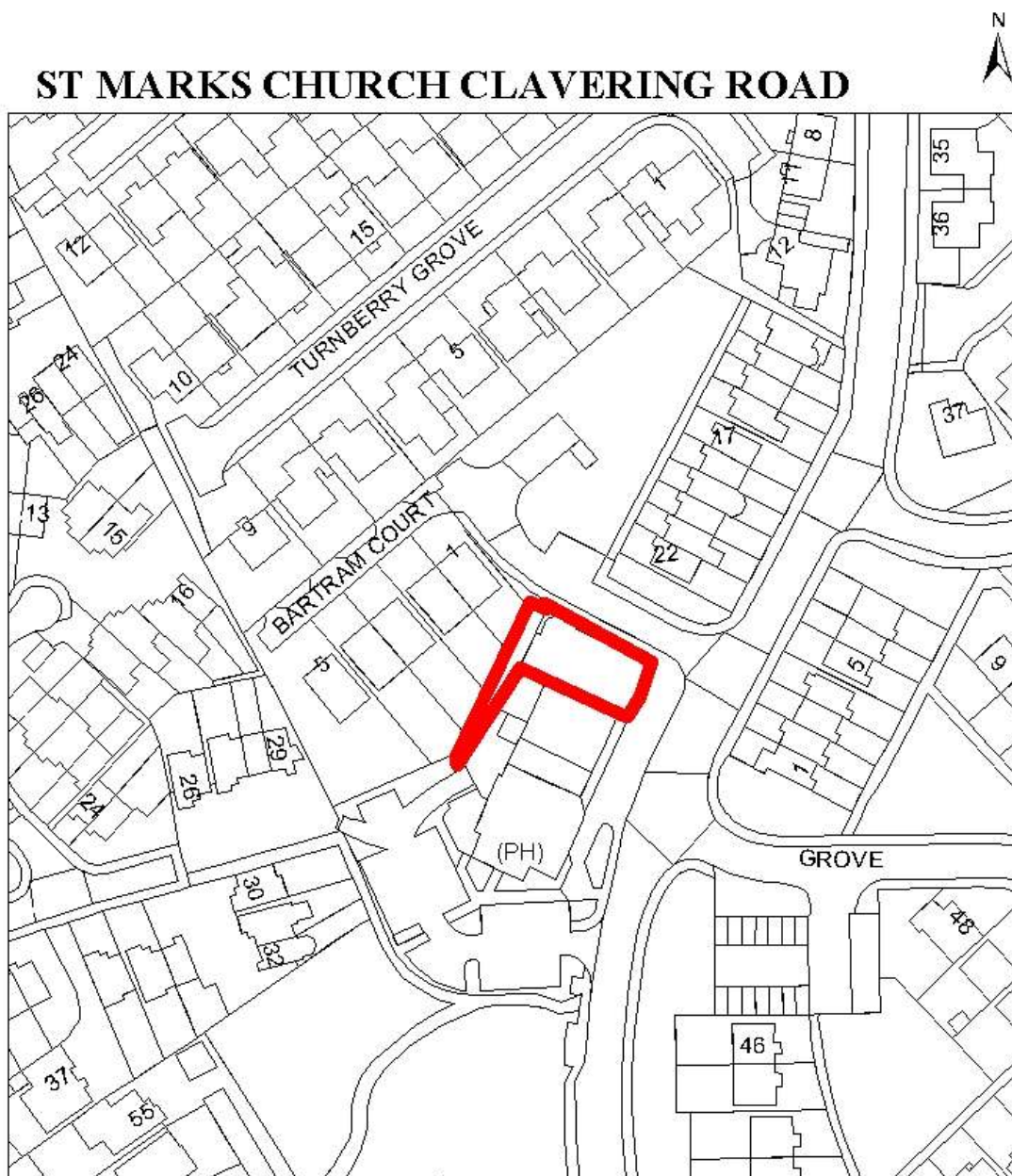
2.41 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

2.42 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>08/10/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0289</b>	REV

**No:** 3.  
**Number:** H/2019/0306  
**Applicant:** MR R BARR ROSEBERY ROAD HARTLEPOOL TS26  
8JZ  
**Agent:** MR R BARR 9 ROSEBERY ROAD HARTLEPOOL TS26  
8JZ  
**Date valid:** 29/08/2019  
**Development:** Erection of a single storey extension at the rear and  
erection of a boundary wall (retrospective application)  
**Location:** 9 ROSEBERY ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 P/2019/0002 - A prior notification process was undertaken for the larger homes extension scheme, a process whereby an extension can be erected without the need for full planning permission, subject to the consultation with adjoining land users, and subject to provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.3 As no objections were received, the application (P/2019/0002) was determined as being 'prior approval not required' on 01/05/2019. One of the conditions of the above referenced Order for this process is that the extension must be constructed using materials to match the existing property. As the materials used in the construction of the extension were not in accordance with this requirement (i.e. they clearly do not match those of the original dwelling), full planning permission is therefore necessary, hence the current, retrospective planning application.

## PROPOSAL

3.4 Retrospective planning permission is sought for the erection of a single storey extension to rear and the erection of a boundary wall at the rear/side of 9 Rosebery Road.

3.5 The single storey extension measures approximately 6.05 metres in width by approximately 3.2 metres in projection and partly replaces the existing single storey extension on the rear of the host property. The roof is a lean to design with a height of approximately 3.5 metres at ridge level, dropping to approximately 2.3 metres at the eaves.

3.6 At the time of the case officer's site visit (26/09/2019) it was noted that the single storey extension was unfinished with no fenestration being installed at the time and the roof was unfinished, with a timber and membrane structure in place. The main part of the extension that has been built has been erected from 'blue' engineering bricks on the western and southern elevations and red brick on its northern side.

3.7 It was also noted from the site visit that the erected boundary wall was approximately 2.2 metres in height on the street side of the wall (with the ground level in the garden area of 9 Rosebery Road being lower therefore the boundary wall measures approximately 2.35 metres on the side of the host property). The boundary wall measures approximately 9.3 metres along the southern elevation and includes a gate with a height of approximately 2.2 metres on the street side (south). The wall consists of blockwork with a timber gate in between.

3.8 Although not included in the current application, the case officer also observed that an unauthorised shipping container has been positioned at the rear of the site, forming a boundary between the garden of the host property and the entrance to the back lane of Bright Street (west). The boundary wall mentioned above has been erected along the southern boundary and up to the western point to adjoin with the shipping container. The container measures approximately 6.1 metres in width x 2.5 metres in depth x approximately 2.5 metres in height.

3.9 It remains the case (as of 04/11/2019) that the applicant has neither removed the shipping container nor submitted revised plans to include this element within the planning application, as requested by the case officer as the container requires planning permission in its own right. Notwithstanding this and separate to this planning application, the unauthorised container will need to be investigated further with respect to any necessary planning enforcement action, if considered expedient.

3.10 The works also include the bricking up of a window in the upper floor of the rear (western) elevation. This is not considered to require planning permission and therefore will not be detailed further in the report.

3.11 The application has been referred to the Committee due to the retrospective nature of the works and the Officer recommendation, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

3.12 The application site relates to 9 Rosebery Road, a semi-detached property on the western side of Rosebery Road, on a corner plot with Bright Street to the south. The host property includes a modest garden to the front and a larger garden space to the rear. The street and surrounding streets are predominately residential in nature and comprise two storey semi-detached and terraced properties.

3.13 The host property is bounded by the adjoining neighbour 11 Rosebery Road to the north, while the back lane of Bright Street is beyond the rear garden to the west, beyond which is 40 Bright Street. The main public highway of Bright Street is to the south, beyond which are 7 Rosebery Road and 47 Bright Street. To the front (east) lies the main public highway of Rosebery Road, beyond which is 10 Rosebery Road.



3.14 The boundary treatment comprises a wall to the south and part of the west boundaries with an approximate height of 2.2 metres (part of the proposal), the aforementioned shipping container to the rear (west) with an approximate total height of 2.65 metres, and a fence between the host property and the adjoining neighbour to the north at 11 Bright Street, with an approximate height of 1.2 metres.

## **PUBLICITY**

3.15 The application has been advertised by way of eight neighbour letters. To date, there have been no objections from members of the public.

3.16 The period for publicity has expired.

## **CONSULTATIONS**

3.17 The following consultation replies have been received:

**HBC Flood Risk Officer:** No objections to proposals with respect to surface water management or contaminated land.

**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 and Transport:** There are no highway or traffic concerns.

## **PLANNING POLICY**

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

### Local Planning Policy

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4: Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

### National Planning Policy

3.20 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 007: Purpose of the planning system

PARA 011: Presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications in accordance with the development plan

PARA 054: Can unacceptable development be made acceptable

PARA 055: Planning conditions

PARA 056: Planning obligations

PARA 124: High quality buildings and places

PARA 127: Design principles

## **PLANNING CONSIDERATIONS**

3.21 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 impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users, impact on highway safety and any other planning matters as detailed below.

### **IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING AND THE SURROUNDING AREA**

3.22 Paragraph 127 of the National Planning Policy Framework (2019) (NPPF) sets out the Government's commitment to good design and to contribute positively to making places better for people. The Hartlepool Local Plan (2018) policy QP4 advises that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant adverse impact on the occupiers of adjoining or nearby properties, or the environment generally.

3.23 As noted above, the host dwelling is an end of terrace property on a prominent corner plot with the principal elevation onto Rosebery Road and the side elevation adjacent to Bright Street. The surrounding area is distinguished by terraced and semi-detached properties, which feature brickwork, pebble dash and rendered frontages. It is a consideration that some of these properties have benefited from additions or alterations to the properties, which are considered to be generally modest in scale and form and to retain much of the space beyond the buildings to the site boundaries.

3.24 Views of the single storey rear extension are achievable from the main street of Bright Street and on approach along Rosebery Road (eastward) toward No. 9. In

terms of scale, the extension remains relatively modest and as such, it is considered that had it been constructed from materials to match the existing dwelling (or those otherwise considered suitable, for example a render finish to reflect similar materials in the street scene), it would not have had a significant detrimental impact on the street scene or visual amenity of the surrounding area. Furthermore, whilst every application is considered on its own merits, it is noted that a number of properties in the street and surrounding streets feature extensions to the rear of a similar scale, thus it is considered that extensions of this nature and scale are characteristic of the street scene.

3.25 Notwithstanding the above, the erection of the single storey extension in 'blue' bricks is considered to have a detrimental visual impact on the existing property and the wider street scene as a result of the use of unsympathetic materials that contrast to those of the main dwelling (pebble dash and red brickwork). This effect is emphasised by the absence of windows in the side elevation of the extension which results in large, expanse of brickwork in the southern elevation. Furthermore and with regard to the northern elevation, although not visible directly from the main street scene, the extension is constructed from red bricks on the northern side facing the adjoining neighbour at No. 11, contrasting with the blue bricks on its southern and western elevations. As such, the blue and red bricks interlock at the north western edge, further resulting in a poor appearance.

3.26 In view of the above, the development by virtue of the choice of unsympathetic materials and prominent position, is considered to result in an adverse effect on the character and appearance of the host dwelling and street scene.

3.27 It is acknowledged that prior to the erection of the wall along its southern boundary, the host property benefited from a boundary fence of approximately 1.5 metres in height. It is further acknowledged that the surrounding area includes garden areas with a mixture of boundary treatments, including brick walls with a height of approximately 2 metres. Notwithstanding this, the construction of a wall from un-rendered breeze blocks is not considered to be sympathetic in design (or use of materials) to that of the host dwelling or street scene and would unduly dominate the appearance of the property. It is for this reason that it was requested that the applicant amend the plans to render the boundary wall as well as the single storey extension to soften the impacts of the developments. However, the applicant was unwilling to/has not been forthcoming to submit such a scheme.

3.28 On balance it is considered that the erection of the boundary wall, being approximately 2.2 metres in height (on the street side) and constructed from breeze blocks, creates a significant incongruous feature in the street scene to the detriment of the visual amenity of the street scene. This impact is exacerbated by the unstained timber gate, the current position with the siting of the shipping container along part of the rear boundary and the backdrop of the blue brickwork of the erected single storey extension, forming a visually jarring, and incongruous set of features (and materials) within the street scene.

3.29 Overall, it is considered that the developments (extension and boundary wall) result in an adverse impact on the character and appearance of the host dwelling and surrounding area and that this detrimental impact is so significant that it would

warrant a refusal of the application in this instance contrary to Policy HGS11 and QP4 of the Hartlepool Local Plan (2018), and the provision of paragraphs 124 and 127 of the NPPF (2019) which states that all new developments should be of high quality design and should not adversely affect the character of the surrounding area.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

### Impact on No. 11 Rosebery Road (North)

#### *Single storey extension to the rear*

3.30 The proposed single storey extension to the rear runs along the adjacent boundary (north) with the neighbour at No. 11 for approximately 3.2 metres in length. A fence with an approximate height of 1.2 metres is present along the boundary between the two neighbours.

3.31 It is noted that there is a single storey extension to the rear of the neighbour at No. 11 on its northern side (away from the boundary), with windows and a door facing the host property (which the occupier of the property has confirmed to the case officer serves the galley kitchen), and a living room window (again confirmed by the neighbouring occupier to the case officer) is present between this off-shoot on the neighbouring property and the extension at the host property.

3.32 In light of this relationship, it is considered that the single storey extension has the potential to result in a 'tunnelling' effect on these windows, primarily in the main ground floor rear elevation of the neighbouring property at No. 11, resulting in a degree of overshadowing, loss of outlook and an overbearing impact.

3.33 However, taking into account the relatively modest scale of the proposal that would feature a lean to roof with a maximum height of approximately 3.5 metres sloping down to the eaves of approximately 2.3 metres, and in view of the previous 'fall back' position of the prior approval process (had the materials been matching) as well as being 20cm longer than an extension 'permitted' under householder permitted development rights, it is considered that the extension does not, on balance, result in a significant adverse loss of amenity in terms of loss of outlook, overbearing and overshadowing for No. 11 as to warrant a refusal of the application.

3.34 There are no windows in the northern side elevation of the proposed extension with an aspect toward this neighbour and it is not considered that there would be any achievable views from the patio doors of the proposed extension element of the extension towards windows in the rear elevation of the neighbour at No. 11. Had the application been deemed acceptable in all respects, a planning condition could have ensured that an appropriate fence height (approx. 1.8m high) be erected along the adjoining boundary to prevent any views into the immediate garden area of No 11. Subject to this, it is considered there would be no adverse impact on the privacy of this neighbour in terms of overlooking, as a result of the proposed extension.

*Boundary wall (to south and west)*

3.35 The boundary wall is on the side elevation furthest away from the adjoining neighbour at No. 11 with a separation distance of approximately 6.9 metres. It is also separated by the boundary treatment between the host property and the neighbouring property comprising a fence with an approximate height of 1.4 metres. Owing to this, it is not considered that this element creates any adverse impacts on the amenity or privacy of this neighbour in terms of overshadowing, being overbearing, loss of outlook or overlooking.

Impact on 40 Bright Street (west)*Single storey extension to the rear*

3.36 There is a distance of approximately 12 metres between the single storey extension to the rear of the host property and the eastern side elevation of the neighbour to the rear, at 40 Bright Street. It is noted that there are no windows present in this side elevation of 40 Bright Street and there would be no direct views from the extension toward the two storey extension to the rear of the neighbour (north). The shipping container currently assists in screening any direct views of the extension from the rear, including 40 Bright Street.

3.37 Notwithstanding the position of the unauthorised shipping container, it is considered that the single storey extension on the rear would be situated a sufficient distance as to accord with the provisions of Policy QP4 of the Hartlepool Local Plan (2018) and owing to relationship between the two properties, there would not be any adverse impacts on the amenity or privacy of this neighbour at 40 Bright Street in terms of overshadowing, loss of outlook, overbearing or overlooking as to warrant a refusal of the application.

*Boundary wall*

3.38 The boundary wall is situated approximately 4 metres from the side elevation (east) of the neighbour at 40 Bright Street, and does not project beyond the front elevation (and windows) of this neighbour. As such and taking the above relationship and separation distances into account, it is considered that there are no adverse impacts upon the amenity or privacy of this neighbour as a result of the proposal, in terms of overshadowing, overbearing, or loss of outlook, or overlooking.

Impact on neighbours to the south (including 7 Rosebery Road and 47 and 49 Bright Street)*Single storey extension to the rear*

3.39 There is a distance of approximately 10 metres between the single storey extension and from the side elevation of 7 Rosebery Road and approximately 12 metres from the single storey extension and the front of 47 Bright Street with No 49 beyond. It is considered that the distance between the erected single storey extension to the rear of the host property is such that it accords with policy QP4 of

the Local Plan and therefore would not adversely impact upon the amenity of the neighbours at 7 Rosebery Road or 47/49 Bright Street in terms of overbearing, overshadowing or loss of outlook. There are no windows in the southern elevation and therefore no additional views achievable toward these neighbours, or their private garden areas, and therefore the proposal is not considered to impact upon the privacy of the neighbours to the south at 7 Rosebery Road or 47 and 49 Bright Street.

### *Boundary wall*

3.40 There is separation distance of approximately 9 metres between the retrospective erection of the boundary wall and the nearest neighbour to the south at 7 Rosebery Road, with the presence of the main public highway between, and an oblique separation distance of approximately 11 metres from the front of 47 Bright Street to the boundary wall. It is considered that, on balance, it would not create any adverse impacts on the amenity or privacy of neighbouring land users to the south, including 7 Rosebery Road or 47/49 Bright Street, in terms of overshadowing, loss of outlook, overbearing, or overlooking.

### Impact on 10 Rosebery Road (east)

3.41 The host dwelling itself is positioned so as to primarily obscure views of the developments toward the neighbouring property to the front (east) at No. 10 Rosebery Road, the front of which being located approximately 17.5 metres to the east of the development (boundary wall and single storey extension) at the application site. It is therefore considered the developments would not result in any adverse impacts on the amenity of No. 10 Rosebery Road or other properties to the front of the host property in terms of overbearing, overshadowing, loss of outlook and overlooking.

## HIGHWAY & PEDESTRIAN SAFETY

3.42 The proposal has been subjected to consultation with the Council's Traffic and Transport section who have confirmed that it does not affect the existing parking provision of the host property. The Council's Countryside Access Officer has confirmed that there are no concerns with regard to public rights of way. The development is therefore considered to be acceptable in these regards.

## OTHER PLANNING MATTERS

3.43 The Council's Flood Risk Officer has confirmed that there are no concerns in respect of flooding or contaminated land with any element of the proposed development. The proposals are considered to be acceptable in this regard.

## CONCLUSION

3.44 For the reasons set out in the report, it is considered that the retrospective single storey extension to the rear constructed from blue bricks and the boundary wall constructed from breeze blocks are not acceptable in respect of the impact on the character and appearance of the host property and surrounding area, as a result

of the use of unsympathetic materials, scale and prominent position within the street scene, which is contrary to the provisions of the identified Local Plan Policies and provisions of the relevant paragraphs of the NPPF (2019) It is therefore recommended that the application be refused.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.45 There is no evidence of equality or diversity implications.

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

3.46 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.

3.47 There are no Section 17 implications.

## **REASON FOR DECISION**

3.48 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 development (single storey extension and boundary wall), by virtue of the scale, siting and use of materials, results in an unsympathetic and incongruous form of development that is not in keeping with the character and appearance of the host dwelling or street scene, to the detriment of the visual amenity of the area. The development is therefore considered to be contrary to policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the National Planning Policy Framework (2018) which states that all new developments should be of high quality design and should not adversely affect the character of the surrounding area.

## **BACKGROUND PAPERS**

3.49 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**

- 3.50 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3

Civic Centre  
Hartlepool  
TS24 8AY

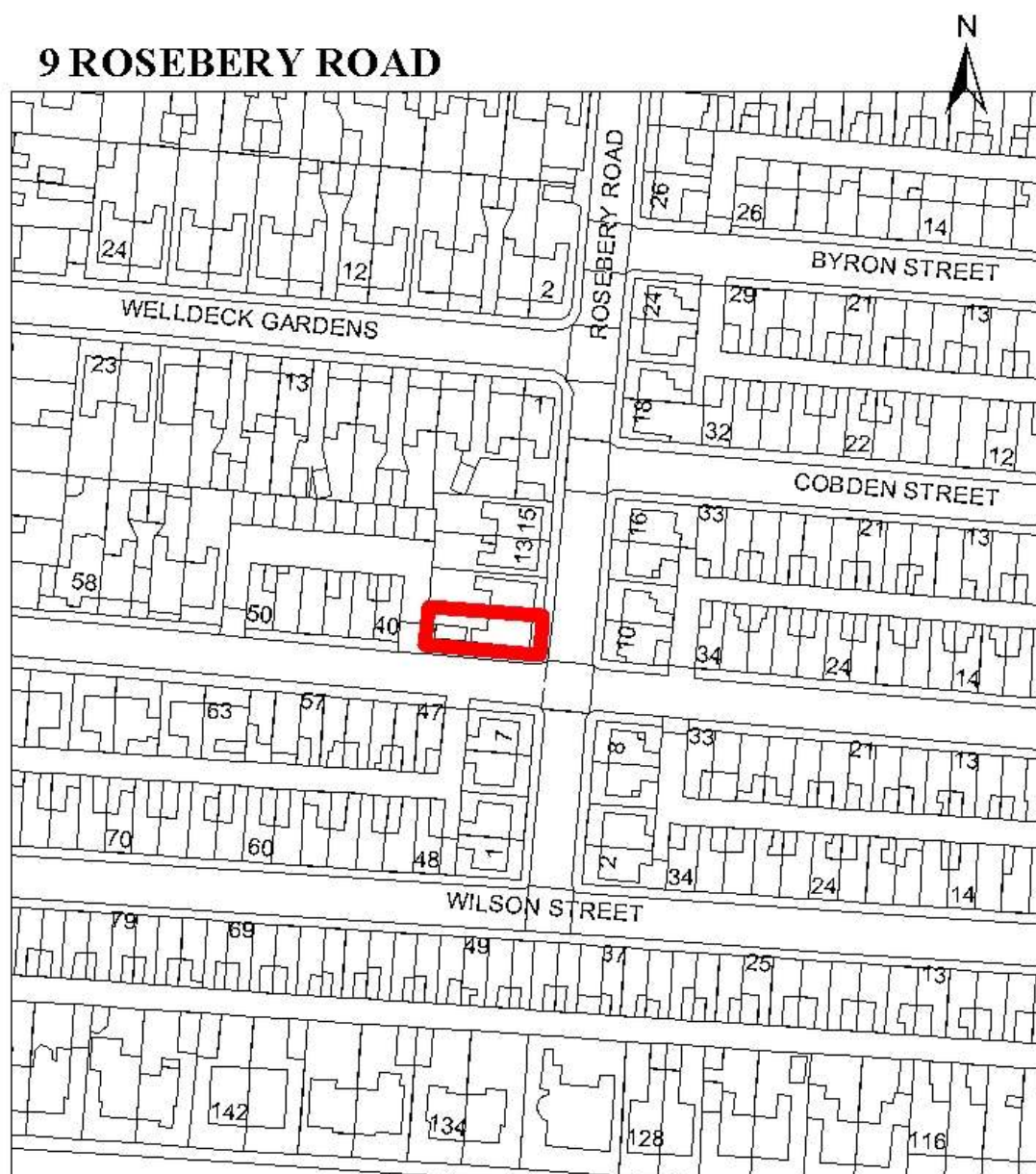
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## **AUTHOR**

3.51 Stephanie Bell  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)





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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>06/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0306</b>	REV



**No:** 4.  
**Number:** H/2018/0005  
**Applicant:** MR T BATES 24 WESTBOURNE ROAD HARTLEPOOL  
 TS25 5RE  
**Agent:** DAVIS PLANNING PARTNERSHIP MRS JILL DAVIS  
 17A POST HOUSE WYND DARLINGTON DL3 7LP  
**Date valid:** 16/01/2018  
**Development:** Change of use to gin bar, student gallery/coffee shop and  
 five residential apartments  
**Location:** PULSE BAR 25 26 CHURCH STREET & FIRST FLOOR  
 OF 27 CHURCH STREET HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

H/FUL/1992/0534 – Alterations including new bay window, formation of 2 flats on first and second floors and installation of new shop front, approved.

HFUL/1995/0511 – Change of use and alterations, two-storey extension to provide restaurant and installation of new restaurant front and bay window, approved.

HFUL/1998/0628 – Application to allow opening of first floor until 2:20am Monday to Saturday, approved.

### Current application background/update

4.3 This application (H/2018/0005) was previously considered by Planning Committee at their meeting of 04/04/18 where it was resolved to approve the application subject to the completion of a section 106 agreement to secure developer contributions and identified planning conditions (including an amendment to wording of an opening hours condition). Since that meeting, the applicant has not progressed the legal agreement necessary to allow the application to be fully approved and planning permission issued.

4.4 It has also recently come to light that a drinking establishment (A4 Use Class) has begun trading from the ground floor of 25 Church Street without the benefit of planning permission (as it would result in a material change of use from the previous use as nightclub which is a Sui Generis Use). This matter is currently being

investigated by the Council's Planning Enforcement Officer and is therefore separate to the consideration and determination of the current planning application.

## **PROPOSAL**

4.5 The application seeks planning permission to subdivide and change the use of a former nightclub to allow for a gin bar unit (A4 use class) and student gallery/coffee shop unit (D1/A3 use class) on the ground floor, with five residential apartments on the upper floors. The application also proposes new shop fronts to the ground floor units and retractable canopies to allow for an outside seating area to the front of the site.

4.6 Access to the upper floor apartments is to be taken from an existing external staircase within the rear yard of number 26 Church Street, which takes access from Dover Street.

4.7 The application has been referred back to planning committee to report an update to the recommendation due to a change in circumstances since the application was last considered in April 2018. The applicant has now advised they are not willing to enter into the legal agreement to pay developer obligations. Accordingly, the application needs to be re-considered in light of this. It is also of note that since the application was previously considered by Planning Committee in April 2018, the Hartlepool Local Plan has been formally adopted (May 2018) and the NPPF has been updated (February 2019). The Planning Policy section of this report reflects these updates.

## **SITE CONTEXT**

4.8 The application site is located on the south side of Church Street, between the junctions with Whitby Street to the west and Lynn Street to the east, and is within the Church Street Conservation Area. The site includes the entirety of 25-26 Church Street and the upper floors of 27 Church Street. The buildings are commercial in nature, the most recent lawful planning use of the buildings were as a nightclub (sui generis use).

## **PUBLICITY**

4.9 The application has been advertised by way of nine neighbour letters, site notice and press notice. To date, 1no objection has been received from a neighbouring occupier which can be summarised as follows:

- Potential noise nuisance issue.

4.10 Copy Letters: **B**

4.11 The period for publicity has expired.

## **CONSULTATIONS**

4.12 The following consultation replies have been received:

**HBC Heritage & Countryside (Conservation) –**  
*(Updated, to reflect adoption of Local Plan and associated Policies)*

The application site is located in Church Street Conservation Area.

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. 137, 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. 126 & 131, NPPF).

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

Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

The conservation area is considered to be ‘at risk’ under the criteria used by Historic England to assess heritage at risk.

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

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

- Aesthetic value derived from the architectural detailing within the area, including the buildings and the finer architectural detailing such as windows, doors and shop fronts.

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

The current building is a bar on the ground and first floor with a vacant second floor. The proposals is the division of the bar on the ground floor into two units, one a small bar and the other for commercial use. The first and second floor are proposed to be converted to five apartments.

The property is located within the Innovation and Skills Quarter which is the focus of investments at the moment. This includes support from the combined authority in public realm improvements and the conversion of the former Post Office Building. Furthermore the Heritage Lottery Fund are supporting a programme of works which include investing in public realm in Church Square, activities to raise awareness around the heritage of the area and grant investment in properties. Under the Townscape Heritage Scheme the building has been identified as a key building within the conservation area.

In principle there are no objections to this proposal. The alterations to provide two smaller units on the ground floor and an alternative use for the upper floors are positive steps which should bring this building back into use.

It is requested that should this application be approved, the following conditions are used in order to ensure that the final detailing to the works is appropriate to the conservation area,

1. Large scale details of all new windows and doors.
2. Large scale windows of works to shop fronts including sections.
3. Finishing materials.

**HBC Economic Development** – No comments received.

**HBC Traffic & Transport** – There are no objections to the proposed use of the bar or residential apartments.

The 5 apartments have no specified off street parking. The site is located close to the town centre and within walking distance of public transport. It would be expected that car ownership would be low.

Nearby on street parking is either limited waiting or business user bays. Residents requiring to park would be required to purchase a Business permit.

**HBC Public Protection** – I would have no objection to the proposed application other than the following conditions;

On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the highway before 08:00 hours the following day.

In the interests of public order and the amenities of the occupants of neighbouring properties.

No music shall be played in, or be piped/relayed to, the outside seating area.

In the interests of the amenities of the occupants of neighbouring properties

An extract vent condition to the kitchen of the ground floor coffee shop

A sound insulation condition to the party walls of the premises

The gin bar and the student gallery/coffee shop shall only be open to the public between the hours of 07.00 and 24.00.

In the interests of the amenities of the occupants of neighbouring properties.

Separate refuse storage facilities shall be provided for the commercial element of the building (the gin bar and the student gallery/coffee shop) and the residential apartments. No development shall take place until the details of the location of the refuse storage facility have been submitted to and approved by the local planning authority.

#### Updated comments of 07/03/18:

Further to your email in relation to the provision of a noise assessment for the above application please find below two conditions to include in our response to the above application;

1. The residential accommodation hereby permitted shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority, and a scheme of sound insulation works has been installed and thereafter retained. Such a scheme of works shall be capable of restricting noise breakout from the commercial use to all adjoining and adjacent residential accommodation to levels complying with the following:

- All habitable rooms: NR20
- All habitable rooms :  $LAF_{max}$  45dB, max 10 events

Note: Noise rating curves should be measured as an  $L_{Zeq}$ (15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

2. Before the use of the development is commenced, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall

- Be carried out in accordance with the approved noise assessment
- Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

**HBC Housing Services** – No comments received.

**HBC Public Health** – It is noted that further licensed premises could have an impact on the health & wellbeing of the Substance Misuse clients within Hartlepool. Although we have no objection as such, would like this point is taken into consideration.

**Hartlepool Civic Society** – No comments received.

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

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

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

**Hartlepool Water** – No comments received.

**Cleveland Police** – Thank you for sending through the notification of planning application for the proposed gin bar/student gallery/coffee shop and residential development in Church Street Hartlepool.

I would be happy to offer the developer any advice in relation to security for the development and would encourage them to contact me at their earliest opportunity. Our details can be found on the Secured by Design website <http://www.securedbydesign.com/contact-directory-of-cpdas-and-alos/> under Cleveland Police.

**HBC Engineering Consultancy** – I wouldn't have any concerns with using the latest Government mapping [to determine whether a site is at risk of flooding].

**Tees Archaeology** – 25-27 Church Street are part of a nineteenth century terrace and would originally have been used for a mixture of commercial and residential



purposes. They are within the Church Street Conservation Area and were built during the early stages of the development of West Hartlepool.

Although the buildings are of historic interest I understand that the interiors have been considerably altered, in addition to the external alterations. I do not therefore recommend any historic building recording takes place prior to their conversion.

## PLANNING POLICY

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

### Local Policy

4.14 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
CC2	Reducing and Mitigating Flood Risk
QP1	Planning Obligations
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical matters
QP7	Energy Efficiency
RC1	Retail and Commercial Centre Hierarchy
RC17	Late Night Uses Area
HE1	Heritage assets
HE3	Conservation areas
HE7	Heritage at Risk

### National Policy

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

the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining Applications

PARA 091: Healthy, inclusive and safe places

PARA 124: Well-designed places

PARA 185: Positive strategy for the historic environment

PARA 192: Heritage assets

## **PLANNING CONSIDERATIONS**

4.16 The main issues for consideration in this instance are the principle of development and developer obligations, the impact on the amenity of neighbouring land users, the impact on the character and appearance of the conservation area, the impact on highway safety and parking, and flood risk.

### **PRINCIPLE OF DEVELOPMENT**

4.17 This application relates to the subdivision of the ground floor of the building to form two business premises (a gin bar and gallery/café), the installation of new shop fronts with retractable canopies to these units and the introduction of five residential units on the upper floors of the buildings. Notwithstanding the alleged unauthorised recent change of use of the building, the premises have been vacant for some time and are a priority site within the Church Street area, which is undergoing redevelopment as part of the Innovation and Skills Quarter.

4.18 The Local Plan seeks to reduce the extent of late night uses in the locality, however weight should be given to the length of time the premises have been vacant and that the proposed drinking establishment would be of a far reduced extent than the existing nightclub use. While there is less support for A4 uses in this location within the Local Plan, where they are considered appropriate they are expected to comply with reduced opening hours to protect the amenity of neighbouring residential premises.

4.19 Policy RC17 requires businesses outside of the Late Night Uses Area to close between 11:30pm and 07:00am. A planning condition to this effect was previously recommended by officers (a similar condition was requested by HBC Public Protection although they considered that the use operating until midnight would be acceptable), however in considering the planning balance, in this particular circumstance, Members determined at the committee meeting of 04.04.2018 that a variation to allow extended opening hours until 02:00am would be acceptable in this instance. In light of this, a revised condition is duly secured.

4.20 Each of the proposed uses are considered acceptable in a town centre location, in principle, subject to the site being capable of accommodating the intended uses without undue impact on the amenity of existing occupants of neighbouring premises and proposed occupants of the development itself. The principle of the physical alterations proposed to the buildings will be subject to an assessment of the design of the proposals and their likely impact on the character of the conservation area. These matters will be addressed in subsequent sections of this report.

## PLANNING OBLIGATIONS

4.21 Since previous consideration of the application when developer contributions were deemed necessary and reasonable with respect to the development proposed, the applicant has confirmed that they are no longer willing to enter into a legal agreement to provide the contributions, although no further justification or viability assessment has been forthcoming from the applicant. In light of this, the application has been reconsidered.

4.22 The Council's Planning Policy team note that the property is one of the key buildings within the Church Street Revival Townscape Heritage project area and to which grant funding is currently trying to assist building owners to improve their properties, which in turn will help regenerate and enhance the character and appearance of the Church Street Conservation Area.

4.23 In considering the regeneration benefit of the proposals, and whilst it is disappointing that the applicant is no longer willing to agree to the planning obligations, it can be concluded that the development, in this instance, would meet the exceptions identified within the Council's Planning Obligations Supplementary Planning Document due to the identified benefits of the application in relation to improving the public realm and viability of Church Street Conservation Area. As a result, it can be concluded that in this instance, developer contributions are not necessary to make the development acceptable in planning terms and that the application would therefore satisfy the tests of paragraph 56 of the NPPF (2019).

## AMENITY OF NEIGHBOURING LAND USERS

4.24 Following public consultation, concern was raised by a neighbouring commercial premise about the potential impact of noise on the operation of their business. It is acknowledged that the existing lawful use of the premises as a nightclub has the potential to be disruptive to neighbouring occupiers due to noise and that the proposals would see a reduction in the level of late night use with commercial activity being on the ground floor only. Notwithstanding that, a bar use would still have the potential to impact neighbours with regards to noise, albeit to a lesser extent. The proposals would also see the introduction of residential use on the upper floors, which would be much more sensitive to noise impacts than the existing situation.

4.25 The Council's Public Protection Service have identified a number of conditions that would be necessary to ensure the proposed development does not impact on the amenity of neighbouring occupiers, including the need for a noise assessment to be carried out and any necessary mitigation measures implemented, as well as

restrictions on the hours of use of both the building and outside seating areas. These conditions are reasonable, directly related to the development and necessary to ensure the development can operate without adversely affecting the amenity of neighbouring occupiers. Notwithstanding this and with respect to the proposed hours of operation condition, whilst the operation of the use beyond 23:30 hours would be contrary to Policy RC17 of the adopted Local Plan, given the previous indication by Members at the committee meeting of 04.04.2018 that the opening of the uses until 02:00am is acceptable, the planning condition has been amended accordingly.

4.26 Subject to the identified planning conditions and notwithstanding the extended opening hours (until 02:00am) being contrary to Policy RC17, the proposal is, on balance, considered to be acceptable in this respect.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.27 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192). Furthermore, the relevant (now adopted) Local Plan policies are set out and are considered within the Council's Heritage and Countryside Manager's comments above.

4.28 The application site is within the Church Street Conservation Area and the buildings concerned are three-storey commercial properties, Victorian in period with shop fronts to the ground floor, bay windows at first floor and sash windows to the second floor. Although some original features remain, other alterations have been made overtime, some of which are not sympathetic. As a result the site has been identified as of key importance as part of the Townscape Heritage Project, while the wider Conservation Area is considered at risk.

4.29 The proposed new shop fronts are of a traditional style and materials, being of timber construction and the proposed canopies are recessed within the fascia. As such, the proposed works would be sympathetic to the existing building and in keeping with the street scene and conservation area more generally. The proposed works are therefore positive in the context of current efforts to improve the public realm in this part of the town centre. Subject to conditions requiring larger scale details of the proposed works being submitted the Council's Heritage and Countryside Manager has no objections to the proposals.

4.30 In view of the above, the proposals are considered to be acceptable in this respect and compliant with the identified national and local planning policies.

## PARKING & HIGHWAY SAFETY

4.31 The proposed residential units will not benefit from dedicated off-street parking, however the site is within the town centre with immediate access to services and sustainable transport links, as such reliance on a car would be unlikely and alternative means of travel are easily accessible. The Council's Traffic and Transport team have raised no objections to the proposals on that basis. The proposal is therefore considered to be acceptable in this respect.

## FLOOD RISK

4.32 Although the application site is close to a flood risk zone, it is within flood zone 1 and not therefore considered to be at flood risk, a flood risk assessment is not therefore required. The Council's Engineers have confirmed this approach. Furthermore, no objections have been received from Northumbrian Water.

## WASTE STORAGE

4.33 The application site benefits from a yard area to the rear that the applicant proposes as a suitable area for the storage of waste. There would be no objection to this location in principle, however further detail as to the way commercial and domestic waste will be stored separately are required to ensure both uses can operate appropriately. Such detail could be secured via planning condition. A planning condition is secured to prevent any waste storage to the front of the buildings in the interests of the visual amenity of the surrounding area.

## HEALTH & WELLBEING

4.34 The proposed gin bar use would result in an additional bar in an area that already has a number of similar functioning premises. The Council's Public Health section has raised concerns regarding the detrimental impact the proposed bar could have on those who suffer from alcohol addiction.

4.35 In relation to planning and health, paragraph 92 of the NPPF states, planning policies and decisions should *"take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;"*

4.36 It is recognised that planning is closely linked with health and has an important role to play in encouraging healthy habits and active lifestyles. Whilst it is acknowledged that there is a contribution to be made by planning through designing healthy environments and promoting healthy eating and drinking habits, the end user has a choice. Given the number of existing bars/drinking establishments in the locality it is not considered that the addition of one more A4 Use could result in a significant or disproportionate reduction in the health and well-being for residents in this area of Hartlepool, particularly when the former use of the building was a nightclub, which would also have served alcohol.

4.37 Furthermore, the town centre location is considered to be a suitable area for a proposed use of this kind, as detailed above.

## ARCHAEOLOGY

4.38 The area is of historic significance, however the buildings themselves have been altered so much in the past that limited original fabric remains and therefore Tees Archaeology have confirmed in this instance conditions requiring recording surveys are not necessary.

## CONCLUSION

4.39 As detailed in the report, planning obligations would typically be required for developments of this nature. However and as set out above, the application will not secure such obligations in this instance. When considering this in the overall planning balance, taking into account the identified regeneration benefits of the scheme, it is considered that this would outweigh any such requirements in this instance. Furthermore, the application is considered to be acceptable with respect of all the above mentioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is therefore recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.40 There is no evidence of equality or diversity implications.

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

4.41 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.

4.42 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans: P001 revision A (Existing Basement & Ground Floor Layout), P002 revision A (Existing First & Second Floor Layout), P003 revision A (Existing Sections), P004 revision A (Existing Section & Front Elevation), P005 revision A (Existing Rear Elevation), P006 revision A (Proposed Basement & Ground Floor Layout), P007 revision A (Proposed

First & Second Floor Layout), P008 revision A (Proposed Sections), P009 revision A (Proposed Section & Front Elevation), P010 revision A (Proposed Rear Elevation), P011 revision A (Site Location Plan), P011 revision A (Existing & Proposed Block Plan), all date received by the Local Planning Authority 04/01/18.

For the avoidance of doubt.

3. Prior to the commencement of the external alterations hereby approved, large scale details showing all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.  
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
4. Prior to commencement of the external alterations hereby approved, large scale details showing all works to shop fronts, including sections, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.  
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
5. Prior to commencement of the external alterations hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.  
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
6. The residential accommodation (5no. apartments) hereby approved shall not be occupied until a noise assessment has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall be capable of restricting noise breakout from any commercial uses to all adjoining and adjacent residential accommodation to levels complying with the following:
  - All habitable rooms: NR20
  - All habitable rooms : LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz). Where the above noise criteria cannot be achieved with windows partially open, the scheme shall include a system of alternative acoustically treated ventilation to all habitable rooms. The agreed scheme of sound insulation works shall be installed in full prior to the occupation of the residential accommodation, and shall be retained thereafter for the lifetime of the development.

In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

7. Prior to the first use of any part of the commercial and residential developments hereby approved, validation testing of the sound attenuation works required in condition 6 shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation

testing shall be carried out in accordance with the approved noise assessment (required under condition 6) and shall demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved under condition 6, a further scheme of sound attenuation works capable of achieving the specified noise levels shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the first use of any part of the commercial and residential developments hereby approved and shall thereafter be retained. In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

8. Prior to the installation of any extraction or ventilation equipment details shall be submitted to and approved in writing by the Local Planning and thereafter implemented and retained in accordance with the approved details. In the interests of a satisfactory form of development.
9. Prior to occupation of any part of the development hereby approved a scheme for the storage of both commercial and residential refuse at the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accordance with the approved details. No waste storage facilities shall be positioned to the front of the properties. In the interests of a satisfactory form of development.
10. The ground floor commercial uses (A3, A4 and D1) hereby approved shall not be open to the public between the hours of 02:00am and 07:00am. In the interests of the amenities of the area and neighbouring residential properties.
11. On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the highway before 08:00 hours the following day. In the interests of public order and the amenities of the occupants of neighbouring properties.
12. No music shall be played in, or be piped/relayed to, the outside seating area. In the interests of the amenities of the occupants of neighbouring properties.
13. The ground floor of 26 Church Street shall be used for gallery/café use (D1/A3) and for no other purpose (including any other purpose in Class D1 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

4.44 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**

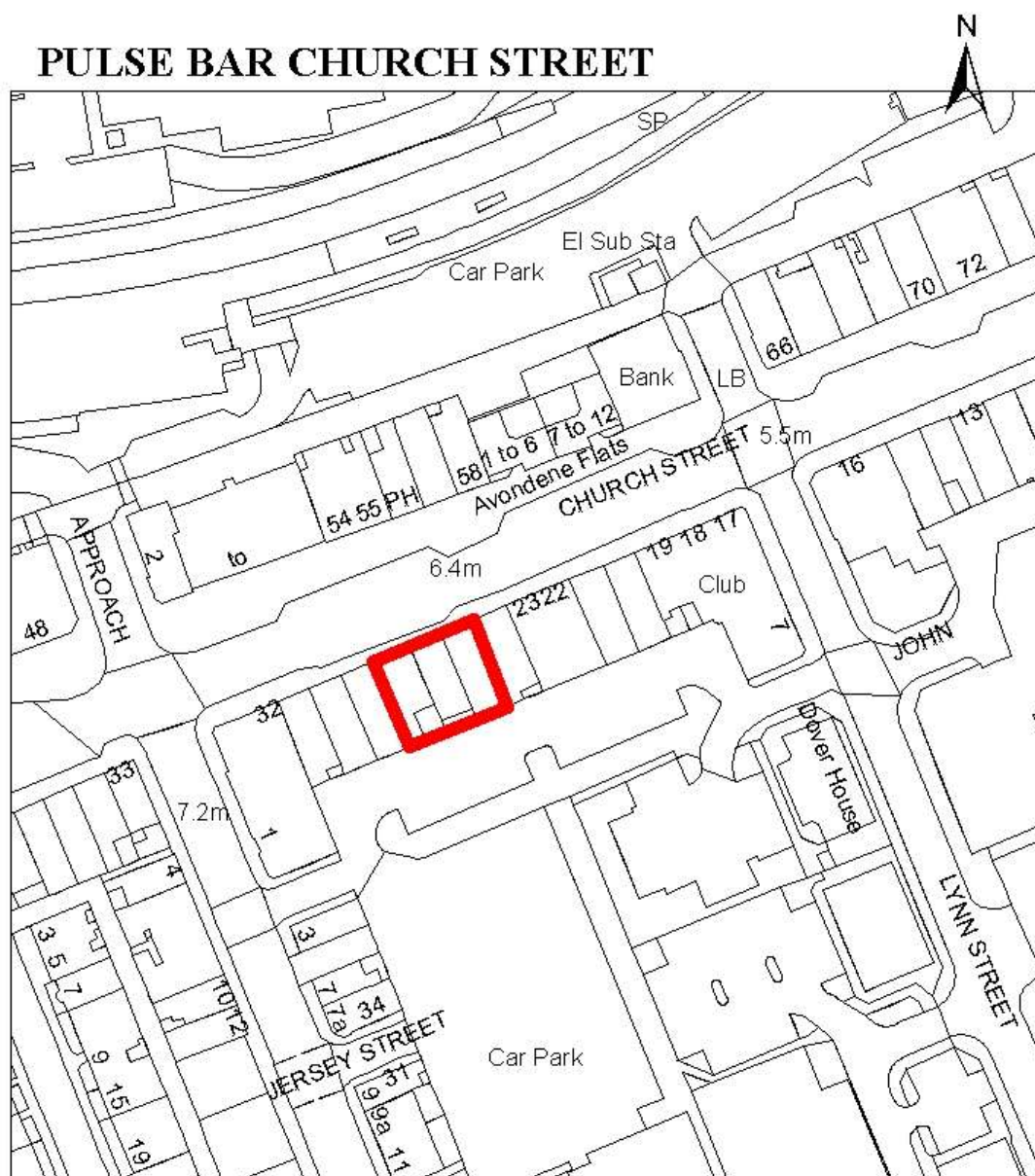
4.45 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

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

Tel: 01429 523273  
E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>06/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2018/0005</b>	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>

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_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>



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

**Subject:** The Wynyard Masterplan

## 1. PURPOSE OF REPORT

1.1 To inform members of committee that the Wynyard Masterplan was endorsed at Regeneration Services Committee on Friday 18<sup>th</sup> October 2019. This report outlines the relevance of the Wynyard Masterplan to the decision making process for applications at Wynyard.

1.2 The Wynyard Masterplan can be viewed at the following [hyperlink](https://www.hartlepool.gov.uk/downloads/file/5468/wynyard_masterplan_endorsed_-_october_2019_maybe_subject_to_minor_amends_until_endorsed_by_sbc) or [https://www.hartlepool.gov.uk/downloads/file/5468/wynyard\\_masterplan\\_endorsed - october 2019 maybe subject to minor amends until endorsed by sbc](https://www.hartlepool.gov.uk/downloads/file/5468/wynyard_masterplan_endorsed_-_october_2019_maybe_subject_to_minor_amends_until_endorsed_by_sbc)

## 2. BACKGROUND

2.1 Policy Hsg6 of the Hartlepool Local Plan is the planning policy which guides housing development at Wynyard. Criterion 9 of Policy Hsg6 requires development to accord with the key principles set out in the concept diagram in the plan (page 108 of the Local Plan) and for development to accord with an approved masterplan.

2.2 As there are significant development proposals at Wynyard set out in both the Hartlepool and Stockton Local Plans and both plans require a masterplanned approach to the development it was considered appropriate for a joint masterplan to be produced by the two local authorities to ensure a co-ordinated approach to development and the delivery of key infrastructure to make the Wynyard area sustainable.

2.3 Work on the masterplan started in early 2019 with information gathering and evidence base collection (land ownerships, constraints, utilities etc). A joint policies map was prepared which combined the two local plan allocations onto one map to give an understanding of the scale of development.

2.4 In order to deliver the policies set out in the Local Plans (within Hartlepool covering housing - Hsg6, Employment – Emp1, Community Facilities – INF4, road and other infrastructure improvements – INF1 & 2) the masterplan needed to consider these issues in more detail; work was undertaken on:

- A housing strategy including a likely development trajectory
- Highway Infrastructure – understanding the modelling which had taken place to date, understanding of the position of public transport providers, agreeing

the highway improvements needed and associated costs and considering future modelling needed.

- Education – considering future requirements and pupil places linked to the housing trajectory for the area. Understanding the future aspirations of school providers and need for community use agreements linked to the schools. Understanding the requirements and likely timings for education provision including the location of potential education facilities.
- Green Infrastructure – what is currently there and what is needed to support the development of a sustainable community. Mapping in terms of Green Infrastructure that needs to be protected.
- Retail and Community Facilities – what were the local centre retail requirements in terms of size and range of facilities. When were health facilities likely to be needed and the mechanisms for provision of those. When were community centres needed and how would they be delivered.
- Design – standards of design for housing, open spaces, roads, play and other infrastructure.

2.5 Once there was an understanding of these issues, work on developing the strategic framework plan (page 44 of the masterplan) was able to be undertaken. As it was a joint masterplan Stockton's Principal Urban Designer was utilised to undertake the mapping and design work. The Strategic Framework Plan utilised the information which had been gathered to propose a layout for the development including development parcels, roads, footpaths, community facilities, green infrastructure including sustainable urban drainage (SuDS), play areas and infrastructure improvements.

2.6 Once the Masterplan was at a stage of the Strategic Framework Plan having been developed consultation with the main landowners took place to seek their views on the proposed strategic framework plan. Their views were considered and where appropriate and necessary changes made to the proposed site layout.

2.7 Following those changes and as work on the main masterplan document moved towards a final draft version Highways England were sent the layout for comment and a public drop in consultation session was held at Wynyard Primary School to give interested parties a chance to view the proposed strategic framework plan and other infrastructure plans. Highways England have yet to formally respond although it has been made clear to them that whilst the locations of some of the uses have altered, the overall level of development at Wynyard has not increased from the time the Local Plan policies were assessed at Examination. The public drop in event was well attended (by circa 100 people) and comments forms were available for participants to complete. There were views expressed that earlier involvement, especially of the Neighbourhood Plan Group and Parish Councils, would have helped give people a greater say on the content of the masterplan. The main areas of concern that people raised were the 3<sup>rd</sup> junction on the A689 (the Meadows and Wynd) and the urgent need for it to be signalised and a safe crossing provided, the need for a secondary school, the need for shops and community facilities (community hall, doctors etc) and play areas to be provided as soon as possible as there is very few facilities currently available.

2.8 Following on from this public meeting a further meeting with the Parish Councils and Neighbourhood Plan Group members took place in Stockton Town Hall in early October.

2.9 The masterplan, including an Infrastructure Plan (Appendix 1 of the Masterplan) and Infrastructure Delivery Schedule (Appendix 2 of the Masterplan) was completed in mid-October and was reported to Regeneration Services Committee on Friday 18<sup>th</sup> October for endorsement. Given that Stockton were not taking the Masterplan until November it was agreed that delegated authority was given to the Director of Regeneration and Neighbourhoods in consultation with the Chair of Regeneration Services Committee for any minor changes which are made to the masterplan between the endorsement by Hartlepool and the final adoption by Stockton. As such, the masterplan attached at the link in para 1.2 may be subject to slight change.

### **3. SITE CONTEXT**

3.1 Wynyard is an area in the south west of the Borough. Wynyard is a key strategic growth area within the borough and will grow significantly over the Local Plan period to 2031 and beyond. Historically, prior to the adoption of the Hartlepool Local Plan, and during a time where the Council was unable to demonstrate a 5 year housing land supply, development at Wynyard has occurred in a piecemeal manner, making the delivery of the necessary infrastructure (needed to create a sustainable community) very challenging. For this reason the Local Plan required the development of a masterplan to ensure that future development at Wynyard occurs in a planned manner. The site also comprises a prestige employment location although no development has occurred to date on that designation.

### **4. PUBLICITY**

4.1 As the Wynyard Masterplan is not a Development Plan Document or a Supplementary Planning Document there was no need for a formal eight week consultation or the publicity associated with those processes. Public drop in sessions and a meeting with Elwick Parish Council, Wynyard Parish Council and the Wynyard Neighbourhood Plan Group took place as described above. The Masterplan is available on the Council's website.

### **5. PLANNING POLICY / PLANNING CONSIDERATIONS**

5.1 As noted above, the Masterplan is a requirement of Policy Hsg6 of the Hartlepool Local Plan. Without an endorsed Masterplan, any decisions taken on applications at Wynyard would not be in conformity with Local Plan. Once the Wynyard Masterplan is fully endorsed (by both Councils) it will be used, alongside the Local Plan, to provide comments on the acceptability of planning applications. Applications should be in conformity with the Masterplan. Conditions on applications and legal agreements between the Council, applicant and landowner will ensure that the necessary infrastructure required at Wynyard is delivered in line with the timescales set out in the Infrastructure Delivery Schedule of the Masterplan.

## **6. EQUALITY AND DIVERSITY CONSIDERATIONS**

6.1 There is no evidence of equality or diversity implications.

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

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

7.2 There are no Section 17 implications.

## **8. RISK IMPLICATIONS**

8.1 There are no risk implications associated to this report for information.

## **9. FINANCIAL CONSIDERATIONS**

9.1 There are no financial considerations linked to this report for information.

## **10. LEGAL CONSIDERATIONS**

10.1 There are no legal considerations linked to this report for information.

## **11. REASON FOR DECISION**

11.1 That members of Planning Committee note that the Wynyard Masterplan has been endorsed and familiarise themselves with the contents of the Masterplan so that decisions made on future applications are done so in an informed manner.

## **12. RECOMMENDATION**

12.1 That the members of Planning Committee note that the Wynyard Masterplan has been endorsed.

## **13. BACKGROUND PAPERS**

13.1 A copy of the Wynyard Masterplan can be viewed at the following hyper[link](https://www.hartlepool.gov.uk/downloads/file/5468/wynyard_masterplan_endorsed_-_october_2019_maybe_subject_to_minor_amends_until_endorsed_by_sbc) or [https://www.hartlepool.gov.uk/downloads/file/5468/wynyard\\_masterplan\\_endorsed -  
\\_october 2019 maybe subject to minor amends until endorsed by sbc](https://www.hartlepool.gov.uk/downloads/file/5468/wynyard_masterplan_endorsed_-_october_2019_maybe_subject_to_minor_amends_until_endorsed_by_sbc)

## **14. CONTACT OFFICER**

14.1 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](mailto:andrew.carter@hartlepool.gov.uk)

### **AUTHOR**

14.2 Matthew King  
Planning Policy Team Leader  
Level1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 284084

E-mail: [matthew.king@hartlepool.gov.uk](mailto:matthew.king@hartlepool.gov.uk)



## PLANNING COMMITTEE

20th November 2019



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

**Subject:** APPEAL AT UNIT 70-71 THE FRONT,  
HARTLEPOOL TS25 1BU  
APPEAL REF: APP/H0724/W/19/3231726

Resubmission of previous planning application (H/2017/0522) for the removal of an existing projecting bay window and the installation of a new shop front (including the installation of new awnings) to the front elevation.

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal against the Council's decision to refuse planning permission in respect of the above referenced proposal at 70-71 The Front, Hartlepool.
- 1.2 The application was refused on 7<sup>th</sup> January 2019 under delegated powers on the grounds of its impact on the conservation area and designated heritage assets.
- 1.3 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

- 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](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

- 4.1 Joe Harrison  
Graduate Planning Assistant  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523294  
E-mail: [joe.harrison@hartlepool.gov.uk](mailto:joe.harrison@hartlepool.gov.uk)



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## Appeal Decision

Site visit made on 24 September 2019

by **C Coyne BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

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**Appeal Ref: APP/H0724/W/19/3231726**

**70-71 The Front, Hartlepool TS25 1BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jason Unwin against the decision of Hartlepool Borough Council.
  - The application Ref H/2018/0397, dated 24 September 2019, was refused by notice dated 7 January 2019.
  - The development proposed is resubmission of previous planning application (ref: H/2017/0522) for the removal of an existing projecting bay window and the installation of a new shop front (including the installation of new awnings) to the front elevation.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Seaton Carew Conservation Area (CA).

### Reasons

3. The appeal site is situated on 'The Front' in Seaton Carew a relatively small seaside resort to the south east of Hartlepool. The appeal property is a tourism-related business located at the northern end of a row of similar premises behind which (to the east) is a car park with the seafront and beach beyond it. The row of commercial premises to which the appeal property belongs is part of the CA. To the north of the appeal property lies a derelict site which lies outside the CA.
4. The proposed development relates to the installation of a new larger timber shop front including a new canopy which would house aluminium roller shutters. This new shop front would extend across the full façade of the appeal premises and remove the existing bay window.
5. Paragraph 193 of the National Planning Policy Framework (the Framework) states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

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

6. Paragraph 194 of the Framework goes on to state that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
7. In considering the significance of the CA, I have referred to the Seaton Carew Supplementary Planning Document 2015; the Seaton Carew Conservation Area Visual Assessment 2013; and the Seaton Carew Conservation Area Management Plan 2009. As pointed out by the appellant, the CA can be broadly divided into two distinct areas: one to the north of Station Road, the other being to the south of Station Road. The appeal site is within the area to the south of Station Road which largely has a commercial character with historical frontages to period properties constructed from traditional materials with an appropriate and complimentary design.
8. The CA is currently identified as being ‘at risk’ on the Historic England at Risk Register 2018. It was first identified as being at risk in 2012 due to the accumulation of minor alterations to doors and windows; the increasing use of modern materials; the replacement of traditional shop fronts and signage and the visual impact of a large vacant building on the CA boundary (the Longscar Building). The Longscar Building has now been demolished and its former plot is directly to the north of the appeal site. Whilst I acknowledge that the recent demolition of the Longscar Building (and the likely positive future regeneration of the site) would potentially reduce risk to the CA, the risk of inappropriate alterations to historical features on properties within the CA remains.
9. The appeal property contributes to the character (and significance) of the CA by virtue of its historical shopfront which includes the bay window on the frontage to no. 71 which displays characteristics that are reflective of the CA (such as its overall traditional design and style) even though it has been had minor alterations made to it in the past.
10. I note the point raised by the appellant that the proposed development would comply with the Council’s Shop Front and Commercial Frontages Design Guide Supplementary Planning Document 2014. However, the CA’s ‘at risk’ status in combination with; previous unsympathetic alterations to shop fronts; the increasing use of modern materials; and the fact that the existing bay window is the only traditional feature remaining on the appeal property, means that its removal would cause harm to the character of the building. Consequently, I consider that the appeal scheme would have a negative effect on the CA’s significance resulting in less than substantial harm to the character of the building and the CA as a whole.
11. Notwithstanding the fact that several previous development proposals have eroded the significance of the CA, this is not something that would lessen the less than substantial harm that would arise in this case, especially given the important contribution that the appeal property makes to the significance of the CA.
12. Having regard to paragraph 196 of the Framework, the appellant has cited a number of public benefits that the proposed development would provide. These include: investment in the local economy; allowing the business to operate more efficiently; and enhancing the current tired visual appearance of the building. Whilst I acknowledge that the proposed development would likely provide some economic investment to the area, this would be limited given the

size of the business. I recognise that the removal of the bay window would make it easier to sell ice-cream to customers without having to remove the central panel or tie back the flanking panels, and that the current state of slight disrepair of the building would be improved. However, these limited benefits would not outweigh the harm to the CA, to which I attach great weight, that I have identified above.

13. Consequently, a clear and convincing justification for the identified harm has not been given or demonstrated in accordance with paragraph 194 of the Framework. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the CA. Consequently, it would not preserve or enhance the character or appearance of the CA.
14. I therefore conclude that the proposed development would conflict with Policies HE1, HE3, HE6 and HE7 of the Hartlepool Local Plan (adopted May 2018) which aim to conserve or enhance heritage assets, protect assets at risk and retain historical shop fronts in specific locations. It would also conflict with paragraphs 193, 194 and 196 of the Framework which seek to conserve and enhance the historic environment.

### **Conclusion**

15. For the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR

## PLANNING COMMITTEE

20th November 2019



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

**Subject:** APPEAL AT UNIT 4 THE SAXON, HARTLEPOOL  
TS24 9QU  
APPEAL REF: APP/H0724/W/18/3234665

Change of use from A1 to A5 hot food takeaway

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal against the Council's decision to refuse planning permission in respect of the above referenced proposal at Unit 4 The Saxon, Hartlepool.
- 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.
- 1.3 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

- 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](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

4.1 Joe Harrison  
Graduate Planning Assistant  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 523294  
E-mail: [joe.harrison@hartlepool.gov.uk](mailto:joe.harrison@hartlepool.gov.uk)





## The Planning Inspectorate

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# Appeal Decision

Site visit made on 2 October 2019

**by Kate Mansell BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> October 2019**

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**Appeal Ref: APP/H0724/W/19/3234665**

**Unit 4, The Saxon, Easington Road, Hartlepool TS24 9QU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Jagpal on behalf of Ingleby Barwick Land and Property Developments against the decision of Hartlepool Borough Council.
  - The application Ref H/2019/0155, dated 28 March 2019, was refused by notice dated 15 July 2019.
  - The development proposed is a change of use from A1 to A5 hot food takeaway.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - The vitality and viability of the local centre;
  - The health and well-being of local residents.

### Reasons

#### *Vitality and viability*

3. Fronting onto the busy Easington Road, the appeal site is one of four ground floor units that constitute the original Former Saxon Pub Local Centre (FSPLC). It was created from the conversion of the public house<sup>1</sup> with permission given at that time for three A1 retail units and a hot-food takeaway (A5) (HFT). The immediate surrounding area is predominantly residential with a public park directly opposite.
4. The centre presently comprises a HFT (A5) in Unit 1 and a convenience store (A1) in Unit 2. Unit 3 is in use as a dentist's surgery (D1), prior to which planning permission was refused for its conversion to a HFT. This was subsequently, dismissed on appeal on the grounds of harm to the vitality and viability of the retail character and function<sup>2</sup>. Unit 4, the subject of this appeal, is currently vacant. The first floor of the centre, principally above Unit 2, is also vacant but has planning permission for use as a restaurant (A3)<sup>3</sup>.
5. Policy RC16 of the Hartlepool Local Plan (May 2018) (HLP) relates specifically to local centres, seeking broadly to diversify, support and protect them. It

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<sup>1</sup> Council Ref: H/2014/0159

<sup>2</sup> Council Ref: H/2017/0325 and Appeal Ref: APP/H2074/W/17/3190602

<sup>3</sup> Council Ref: H/2018/0075



identifies them as sequentially preferable locations for a range of uses below 300m<sup>2</sup>, including retail (A1), non-residential institutions (D1) and hot food take-aways (A5). Policy RC16 also clarifies that applications for HFT A5 uses will be determined in accordance with Policy RC18.

6. Policy RC18 specifically states that within the FSPLC, the amount of A5 floorspace should not exceed 15%. I appreciate that at the time the HLP was adopted, Unit 1 already amounted to approximately 16.7% of the centre's total floorspace and breached Policy RC18. However, it secured planning permission prior to the adoption of the HLP. Furthermore, the supporting text to Policy RC18 clarifies that the percentages were determined by a combination of factors, including A5 occupation levels and vacancy rates. In this regard, how the policy threshold for this centre or other centres was derived or why the policy relates only to A5 uses rather than including other 'retail' premises selling hot food, is not a matter for me to consider as part of a S78 appeal.
7. Nonetheless, both parties agree that adding the floor area of the proposal at Unit 4 to the existing HFT at Unit 1 would result in approximately 24.2% of the total floor area of the FSPLC being in A5 use. This would clearly exceed the threshold set out in Policy RC18. Given the small scale of the local centre, and even though the HFT uses would not be directly adjacent to each other, it would still constitute a significant proportion of A5 floorspace to the detriment of its retail function.
8. Policy RC16 of the HLP does acknowledge the need to consider the length of time a unit has been vacant when considering other uses. Having been completed in January 2017, Unit 4 has effectively been unoccupied since, except for a period of 3 months in early 2018. The letter of March 2019 from the agents marketing the property also indicates that no offers for retail use were received up to that point, even taking into account the inclusion of a material rental discount.
9. I appreciate that there was interest from a hot-food take away operator and hot food type uses. I also acknowledge that a vacant premise with closed shutters and an absence of signage would not be as visually attractive as an occupied unit, such that it could detract from the vitality of the area as a whole. However, the lease to Unit 3 was only taken up in March 2019 and the premises has recently opened as a dentist. Whilst not a retail use, this would nonetheless indicate some interest in the centre.
10. The appellant also refers to turmoil in the retailing sector. Although I have no general evidence to support this assertion, the recent occupation of Unit 3 indicates that the vacant appeal site did not negatively impact upon the attractiveness of the premises. The appellant further advises that both Unit 1 and Unit 2 are trading well, and the opening of Unit 3 will also bring people to the local centre, which might be beneficial in attracting a tenant to the appeal premises. Taking all these factors together, I am not persuaded that the vacant status of the appeal site sufficiently justifies an excess of A5 floorspace in this centre beyond the threshold established by Policy RC18.
11. For these reasons, I conclude that the proposal would result in an unacceptable concentration of HFTs within a small local centre. This would be harmful to the vitality and viability of the centre's retail character and function overall. It would therefore be contrary to Policies RC16 and RC18 of

the HLP (2018) which seek, amongst other matters, to protect the vitality and viability of retail centres, having regard to the service they can provide to local communities. These policies are consistent with the objectives of the National Planning Policy Framework (the Framework), including the requirement to achieve strong neighbourhood centres and local shops.

#### *Health and well-being*

12. The supporting text to Policy RC18 of the HLP (2018) advises that in order to consider the health impact of development, one of the factors used to set the A5 floorspace thresholds for particular local centres was ward level obesity data for adults, childhood obesity data for schools within the Borough, and the proximity of each area to residential properties. It states that an unhealthy diet is a proven causal link for many illnesses.
13. As a consequence, Policy RC18 identifies that one measure to confront the issue is to limit the number of fast-food take-away outlets. It does not refer to an individual proposal being directly attributable to a material decline in the health and well-being of residents. Rather, it seeks to ensure that there is not a proliferation of hot food takeaways across the Borough with the amount of permitted A5 floorspace in each centre being controlled by virtue of the stated policy provisions, being 15% for the FSPLC.
14. This approach is consistent with guidance within the Framework, which highlights the importance of healthy communities as a social objective and ensuring that decisions support healthy lifestyles, particularly where this would address identified local health and well-being needs. Further advice is provided within the Planning Practice Guidance (PPG), which clarifies that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. The PPG also confirms that planning policies can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate.
15. In dismissing the appeal for a hot-food take-away at Unit 3 in the decision cited above, the Inspector found that there was insufficient justification to dismiss the appeal in relation to health and well-being. This was, in part, because no ward data on overweight/obesity was provided and no clear link between the proposal and a decline in health and well-being was evidenced. Moreover, at that time, Policy RC18 was within an emerging plan and attributed only limited weight. Consequently, I do not find it directly comparable and in any event, each case must be considered on its individual merits.
16. In this case, however, the consultation response from the Council's Public Health officer, upon which the appellant has had the opportunity to comment, does provide ward-specific data. It identifies that approximately 30% of reception children (age 4-5) and 40% of Year 6 children (age 10-11) within the ward are classified as having excess weight. Of these, approximately 13% and 24% respectively are classed as obese. This is higher than England averages. The percentage of adults classified as overweight or obese is also greater in Hartlepool than the England average by almost 10%.
17. On the evidence before me, excess weight levels in particular amongst reception and Year 6 children within the ward are reasonably high but both childhood and adult excess weight levels/obesity generally within the ward and the wider Hartlepool area are above national averages. Within this context,



whilst controlling and/or modifying eating habits through education and addressing inactivity may also be valid, the measure to control the floorspace of hot-food takeaways within retail centres established by Policy RC18 is clearly part of the Council's strategy to reduce the extent of obesity and improve the health of its residents. The proposal would run counter to this.

18. Furthermore, even though the appeal site might be a reasonably lengthy distance by foot to the three nearest primary schools, it would nonetheless be opposite a park that incorporates children's play equipment, as well as being in close proximity to a residential area. Consequently, it would not be unreasonable to assume that the proposal would increase the opportunities for children and adults to purchase take-away food. This would be to the detriment of specific local health and well-being needs.
19. Policy RC18 does acknowledge the need to consider the length of time that a unit has been vacant, in order to strike a balance between economic development, and, in this case, residents health. With the first-floor restaurant, the vacancy rate would be approximately 40%. However, the appeal site is the only vacant premises within the local centre at ground floor level and even with the shutters down, the centre has the appearance of being well-maintained. The recent occupation of Unit 3 would also suggest that it is not presently subject to spiralling decline. I am therefore not persuaded that the objective in respect of residents' health is outweighed by economic considerations.
20. For these reasons, I conclude that the proposal would result in harm to the health and well-being of local residents, contrary to Policy RC18 of the HLP (2018). This policy seeks, amongst other matters, to ensure that HFT proposals have suitable regard to the health and well-being of residents. It would further conflict with guidance within the Framework, including at Paragraph 91, to achieve healthy, inclusive and safe places that enable and support healthy lifestyles, including access to healthier food.

#### **Other Matters**

21. The appellant makes reference within their statement to Paragraph 11 of the Framework and the matter of the 'tilted balance'. I appreciate that paragraph 11(c) recognises that decisions should apply a presumption in favour of sustainable development and proposals that accord with an up-to-date development plan should be approved without delay. In this case, however, I have found the proposal to conflict with the development plan.
22. I also recognise that no specific concerns have been raised about the effects of the scheme on a number of issues, including its design and layout, its effect on highway safety, parking and servicing, litter, and on the living conditions of occupiers of nearby residential properties. I also do not dispute that matters to address issues including cooking fumes, odour and opening hours could be regulated through appropriately worded conditions. However, in order to demonstrate compliance with the development plan, these are requirements that would have to be met for any scheme to be acceptable. They are not matters that diminish the harm I have identified in respect of the main issues above.
23. Furthermore, I acknowledge that the Framework advises that significant weight should be placed on the need to support economic growth and productivity. In this case, there would be some economic and social benefits arising from the

proposal. It would create job opportunities, both direct and indirect, during fit-out and trading. It would also attract additional footfall to the local centre overall and provide a further meeting place for social interaction. However, given the modest size of the unit, the extent of these benefits would be limited and would not outweigh the harmful effects that I have already identified.

### **Conclusion**

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning appeals must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would have an unacceptably harmful effect on the vitality and viability of the local centre's retail character and function, and it would result in harm to the health and well-being of local residents. It therefore does not comply with Policies RC16 and RC18 of the Local Plan. No material considerations have been identified that would indicate making a decision other than in accordance with the development plan and consequently, the appeal must fail.
25. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

*Kate Mansell*

INSPECTOR

## PLANNING COMMITTEE

20th November 2019



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

**Subject:** APPEAL AT 11 MOOR PARADE, HARTLEPOOL  
TS24 0NN  
APPEAL REF: APP/H0724/C/18/3223549

Sub-division of a single dwellinghouse to create two separate flats without planning permission

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an enforcement planning appeal made against the enforcement notice issued by the Council in respect of the above referenced unauthorised development at 11 Moor Parade, Hartlepool.
- 1.2 An enforcement notice was issued by the Local Planning Authority on 22<sup>nd</sup> January 2019 for the breach of planning control in respect of the sub-division of a single dwellinghouse into two separate flats without planning permission.
- 1.3 The appeal was dismissed and the enforcement notice was upheld (with corrections and a variation). A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

- 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](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

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



The Planning Inspectorate

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## Appeal Decision

Site visit made on 15 October 2019

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

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**Appeal Ref: APP/H0724/C/19/3223549**

**11 Moor Parade, Hartlepool TS24 0NN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Hermanus Jacobus Van Niekerk against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 22 January 2019.
- The breach of planning control as alleged in the notice is Without planning permission, the sub-division of a single dwellinghouse to create two separate flats.
- The requirements of the notice are (i) Remove the partitions / doors that physically separate the property into two flats (as shown highlighted in red on the attached ground floor indicative layout plan); (ii) Cease the use of the property as two separate flats; (iii) Not allow the property to be used other than as a single dwellinghouse.
- The period for compliance with the requirements is 6 months.
- The appeal is made on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and a variation.**

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### Preliminary Matters

1. On arriving at the site visit it became apparent that the Council's representative, Mr Ferguson, was known to me. Therefore before the visit commenced, I explained to the appellant that I was professionally acquainted with the Council's representative, having previously been an employee of the Council, but had not had any association with him for many years and was satisfied that a conflict of interest would not arise.
2. The appellant seeks to retain the first partition, closest to the front door, in order to assist with drafts, indicating that this would not serve to sub-divide the property once the second partition is removed. The appellant has not explicitly appealed on ground (f), namely that the steps required by the notice to be taken exceed what is necessary to achieve the purpose, however it seems to me that this point is akin to a ground (f) appeal. I have therefore dealt with this point accordingly in my decision.
3. It is apparent that requirement (iii), as set out above, would go beyond what is required to remedy the breach of planning control in this case and should therefore be omitted. Furthermore, for clarification the words 'two separate' should be omitted from requirement (ii), so that it simply refers to ceasing the use of the property as flats. I am satisfied that the notice can be corrected accordingly without resulting in injustice to the parties.

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### **The appeal on ground (d)**

4. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken due to the passage of time. In order to succeed on this ground, the onus is firmly on the appellant to show, on the balance of probability, that the sub-division of the dwelling and the use as two separate flats occurred at least four years before the notice was issued, that is by 22 January 2015. Furthermore it would be necessary to show that the property was in continuous use over this period as two flats, without any material break in occupation.
5. In support of his case the appellant has provided various documents. These include an unsigned letter from a person claiming to have previously occupied 11 Moor Parade between March 2011 and November 2013, stating that, at the time of moving in, the property was physically separated into two self-contained living quarters; a Building Control Inspection note (August 2015) indicating no alterations had been carried out to form two flats; a Council tax note (September 2015), referring to a conversation with Building Control staff indicating the property was not divided into two flats at this time; tenancy / house share agreements (March and May 2016 respectively); housing benefit advice relating to a tenant at the property (June 2016); note of a Council tax related inspection (October 2016) referring to the presence of two flats; a Valuation Office letter (March 2017) confirming an alteration to the valuation list and a Council note recording a statement from the appellant regarding new tenants moving into the property (August 2017).
6. The aforementioned documents present an ambiguous picture of when the use of the property as two-self contained flats first commenced. However, even if the property was partitioned as it is today, following the application of a second partition in the downstairs corridor, and used as two flats as early as 2006, as claimed by the appellant, the information provided fails to demonstrate continuous use in terms of there not having been a material break in occupation thereafter. In particular, even if the Building Control inspection in August 2015 did not accurately record the presence of the flats, there is no evidence before me indicating use as flats during the several months of the key period before this, commencing in January 2015.
7. Reference is made to people lodging at the property, however little detail has been provided. Even if the flats were formed prior to the beginning of the immunity period, the evidence provided tends to indicate intermittent rather than continuous use.
8. Furthermore it is apparent from the evidence provided that a 'House Share Agreement' at the appeal property, dated May 2016, relates to the lease of a designated room in the house, for which there was to be exclusive occupation, whilst other facilities such as bathroom, toilet, kitchen and sitting room would be shared. Around the same time (June 2016) a pre-application enquiry was made by the appellant concerning the change of use of the property to two flats. This evidence serves to undermine the appellant's case that the property has been laid out as two self-contained flats, without any material change to such arrangements, over the key immunity period. However, even if I am wrong in this regard, it does not overcome the concerns I have already raised with regard to continuous use of the flats.



9. Accordingly I conclude that the appellant has failed to demonstrate on the balance of probability that the change of use of the property to provide two flats occurred more than four years before the notice was issued and has been in continuous use as such since this time. I have been provided with various documents relating to the erection of a first-floor timber balcony at the rear of the property. However this information does not lead me to a different conclusion to the one I have already reached. The ground (d) appeal therefore fails.

#### **The appeal on ground (f)**

10. The appellant seeks the retention of the partition / door, nearest to the main entrance to the property. It is undisputed that this feature was inserted earlier than the second partition, with the appellant stating that this would not serve to facilitate the breach of planning control once the second partition is removed. The purported ground of appeal is therefore that the steps required by the notice to be taken are excessive. The objective of the notice is to cease the use of the property as two flats and is therefore to return the land to its condition before the breach of planning control took place. It follows that the purpose of the notice is to remedy the breach.
11. Given that the purpose of the notice is to remedy the breach of planning control, it seems to me that this can be achieved by the removal of only one of the partitions / doors identified in the notice, namely that separating the hall from the kitchen, as shown on the ground floor indicative layout plan. I note that the Council has not disputed this suggested alternative. The requirements of the notice therefore go beyond what is necessary to remedy the breach, as described, and are therefore disproportionate. Accordingly the notice needs to be varied and I am satisfied that this can be achieved without resulting in injustice to the parties. The ground (f) appeal therefore succeeds to this extent.

#### *Other Matters*

12. The appellant has not appealed on ground (g). However, whilst accepting the principle of the property reverting to a single dwelling in the event of an unsuccessful appeal, he requests the second partition (nearest to the downstairs kitchen) be allowed to remain in place for as long as the existing tenant is in occupation downstairs.
13. Even if this were to be taken as a suggested change to the compliance period, from the information before me there is no definitive end date to the tenant's occupation. The timing of compliance with the notice would therefore be uncertain, and as such could not be acceptable as it would potentially undermine confidence in the planning system.

#### **Conclusion**

14. For the reasons given above I conclude that the appeal on ground (d) should not succeed. I shall uphold the enforcement notice with corrections and a variation.

#### **Formal Decision**

15. It is directed that the notice be corrected by deleting the words "two separate" in paragraph 5(ii); and by deleting paragraph 5(iii) in its entirety.

16. It is directed that the enforcement notice be varied by deleting the following wording in paragraph 5(i):

“Remove the partitions / doors that physically separate the property into two flats (as shown highlighted in red on the attached ground floor indicative layout plan).”; and substituting the following wording instead:

“Remove the partition / door that physically separates the property into two flats (as shown highlighted in red, separating the hall and kitchen and adjoining the staircase, on the attached ground floor indicative layout plan).”

17. Subject to these corrections and variation, the appeal is dismissed and the enforcement notice upheld.

*Roy Merrett*

INSPECTOR

## PLANNING COMMITTEE

20th November 2019



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

**Subject:** APPEAL AT 1 ARNCLIFFE GARDENS,  
HARTLEPOOL TS26 9JG  
APPEAL REF: APP/H0724/C/18/3218805  
APP/H0724/C/18/3218806

The erection of a close boarded timber fence and timber gate at the front of the property without planning permission

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an enforcement planning appeal made against the enforcement notice issued by Hartlepool Borough Council in respect of the above referenced property at 1 Arncliffe Gardens, Hartlepool.
- 1.2 An enforcement notice was issued on 14<sup>th</sup> November 2018 for the breach of planning control for the erection of a close boarded timber fence and timber gate at the front of the property without planning permission. The notice required the reduction in height of the fence to the permitted 1m height.
- 1.3 The appeals were dismissed and the enforcement notice was upheld. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

**3. CONTACT OFFICER**

- 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](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

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



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## Appeal Decisions

Site visit made on 15 October 2019

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

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**Appeal A: APP/H0724/C/18/3218805**

**Appeal B: APP/H0724/C/18/3218806**

**1 Arncliffe Gardens, Hartlepool TS26 9JG**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mrs Stacey Pollard (Appeal A) and Mr Michael Pollard (Appeal B) against an enforcement notice issued by Hartlepool Borough Council.
  - The enforcement notice was issued on 14 November 2018.
  - The breach of planning control as alleged in the notice is Without planning permission, the erection of a close boarded timber fence and timber gate at the front of the property.
  - The requirements of the notice are (i) Reduce the height of the timber fence and gate, shown in the position on the attached plan between points A, B and C, so that they do not exceed 1m in height above adjacent ground level as measured from the adjacent public footway.
  - The period for compliance with the requirements is within 2 months from the date this notice takes effect.
  - The appeals are proceeding on the ground set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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### Formal Decision

1. The appeals are dismissed and the enforcement notice is upheld.

### The appeals on ground (f)

2. Rather than seeking the removal of the fence and gate, the objective of the notice is to reduce the height of both, so that they do not exceed 1 metre in height. It follows that the purpose of the notice is to remedy injury to amenity caused by the breach. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy injury to amenity.
3. The appellants have made a number of points in support of their claim that the development should be regarded as acceptable. They consider that the fence and gate fits in well with the surrounding area; does not obstruct the visibility of an adjacent garage owner and represents an improvement to visibility when compared with tall trees that were previously on the appellants' property. They also say that the development helps to increase the privacy of the property.

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Appeal Decisions APP/H0724/C/18/3218805, APP/H0724/C/18/3218806

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4. However the appellants are not progressing a ground (a) appeal, that is to say that planning permission should be granted for the development. In the absence of an appeal on ground (a), I am unable to consider the merits of the development in general terms, and therefore the various arguments that have been put forward above.

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## PLANNING COMMITTEE

20<sup>th</sup> November 2019



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

**Subject:** APPEAL AT 8 THE FRONT, SEATON CAREW,  
HARTLEPOOL, TS25 1BS  
APPEAL REF: APP/H0724/W/19/3238154  
Installation of uPVC windows (retrospective) and  
alterations to shop front (H/2019/0140)

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### 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 change to the windows to uPVC windows in a conservation area (H/2019/0140) at 8 The Front, Seaton Carew.
- 1.2 The application was refused by Planning Committee as it was 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 was also considered that the works detract from the character and appearance of the designated heritage asset and that there was insufficient information to suggest that this harm would be outweighed by any public benefits of the development. (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](mailto:andrew.carter@hartlepool.gov.uk)

**4. AUTHOR**

- 4.1 Joe Harrison  
Graduate Planning Assistant  
Level 1  
Civic Centre  
Hartlepool  
S24 8AY  
Tel: (01429) 523294  
E-mail: : [joe.harrison@hartlepool.gov.uk](mailto:joe.harrison@hartlepool.gov.uk)



**APPENDIX 1**

**No:** 3.  
**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

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**PURPOSE OF REPORT**

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

**BACKGROUND**

3.2 The following 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**

3.3 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.

3.4 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.

3.5 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.



3.6 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**

3.7 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**

3.8 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.

3.9 The period for publicity has expired.

3.10 Copy Letters **C**

### **CONSULTATIONS**

3.11 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

3.12 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)

3.13 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.

3.14 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

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

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

Planning Policy Comments:

3.16 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.

3.17 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.

3.18 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.

3.19 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.

3.20 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:

3.21 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.

3.22 Unfortunately the unauthorised new uPVC windows cannot be supported.

3.23 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.

3.24 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.

3.25 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.

3.26 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.

3.27 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.

3.28 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.

3.29 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.

3.30 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.

3.31 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.

3.32 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**

3.33 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**

3.34 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).

3.35 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.

3.36 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.



3.37 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.

3.38 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.

3.39 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.

3.40 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.

3.41 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.

3.42 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.

3.43 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.

3.44 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**

3.45 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.

3.46 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**

3.47 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**

3.48 There is no evidence of equality or diversity implications.

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

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

3.50 There are no Section 17 implications.

#### **REASON FOR DECISION**

3.51 It is considered by Officers that the proposal, in the context of relevant planning policies and material planning considerations is 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**

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

#### **CONTACT OFFICER**

3.53 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](mailto:andrew.carter@hartlepool.gov.uk)

**AUTHOR**

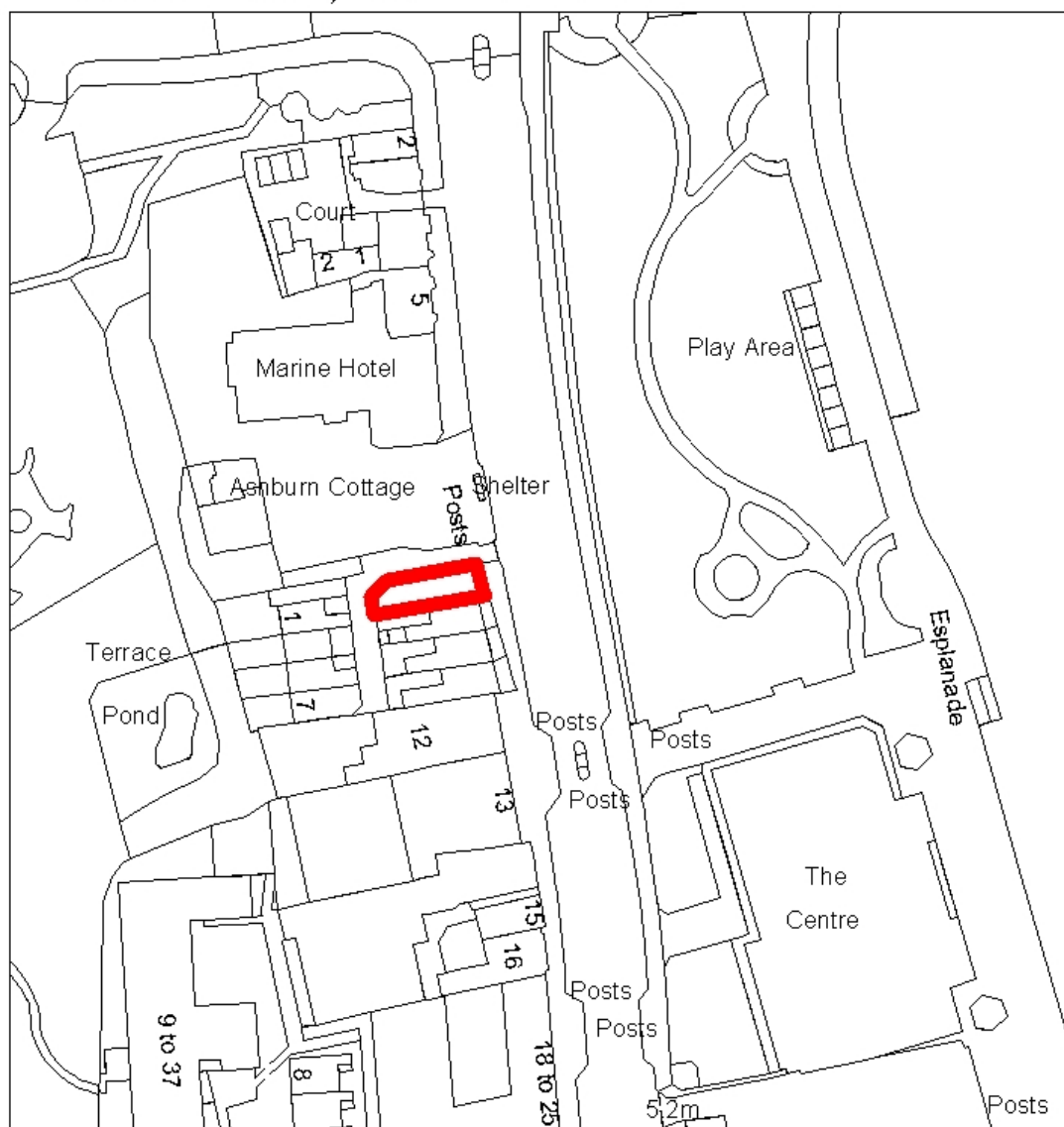
3.54 Laura Chambers  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273

E-mail: [laura.chambers@hartlepool.gov.uk](mailto:laura.chambers@hartlepool.gov.uk)



## 8 THE FRONT, SEATON CAREW



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

# PLANNING COMMITTEE

20 November 2019



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. Non-compliance with the approved surface water drainage details at a residential development site at land off Coniscliffe Road.
2. Running a retail business at a residential property in Cropston Close.
3. Alterations to ground levels and the erection of retaining walls in the rear garden of a residential property in Mayfair Gardens.
4. The erection of an outbuilding in the rear garden of a residential property in Oxford Road.
5. The paving over of a front garden at a residential property in John Howe Gardens.
6. The sub-division of a former nightclub and change of use to drinking establishment at a licensed premises in Church Street.
7. The erection of an extension at the rear of a residential property in Mildenhall Close.

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

1. The change of use to houses in multiple occupation of two residential properties at Inglefield. Permitted development rights apply in these cases.

2. The change of use of land to the front of a commercial unit at Navigation Point for the provision of outside seating. A retrospective planning application has since been approved.
3. The change of use to a car repair garage of a residential property in Barton Avenue. No evidence of a material change of use could be established.
4. The erection of a timber outbuilding in the rear garden of a residential property in Onyx Close. It was concluded the outbuilding has been in place for in excess of ten years and therefore that the matter is immune for enforcement proceedings under planning legislation.
5. Non-compliance with the approved construction management plan at a residential development site at land off Merlin Way. It was found that the site is operating in accordance with the approved details.
6. The erection of a single storey extension at the rear of a residential property in Croxton Close. Permitted development rights apply in this case.

## **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](mailto: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](mailto:tony.dixon@hartlepool.gov.uk)