

# PLANNING COMMITTEE

## AGENDA



Wednesday 18 December 2019

at 10.00am

in the Council Chamber,  
Civic Centre, Hartlepool.

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, 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 20 November 2019

#### 4. ITEMS REQUIRING DECISION

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

- |    |             |   |
|----|-------------|---|
| 1. | H/2019/0306 | 9 Roseberry Road (page 1)   |
| 2. | H/2019/0352 | Land at Quarry Farm, Elwick Road (page 13)                            |
| 3. | H/2019/0418 | High Tunstall College of Science, Elwick Road (page 55)               |
| 4. | H/2019/0319 | Biffa Materials Recycling Facility, Brenda Road (page 73)             |
| 5. | H/2019/0440 | Community Centre, Jutland Road (page 95)                              |
| 6. | H/2019/0384 | 22 Grange Road (page 109)   |
| 7. | H/2019/0337 | Manor House Farm, Stockton Road, Newton Bewley, Billingham (page 125) |
| 8. | H/2019/0460 | 5 Woodhouse Lane (page 137)   |

#### 5. ITEMS FOR INFORMATION

- 5.1 Appeal at 23 Redwood Close - *Assistant Director (Economic Growth and Regeneration)*



- 5.2 Appeal at 183 Park Road - *Assistant Director (Economic Growth and Regeneration)*
- 5.3 Appeal at Amigo's Fun Bar, 1-3 Victoria Road - *Assistant Director (Economic Growth and Regeneration)*
- 5.4 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)*

**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 29 January 2020



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **20<sup>th</sup> November 2019**

The meeting commenced at 10.15am in the Civic Centre, Hartlepool

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: Stephen Akers-Belcher, James Brewer, Bob Buchan,  
Tim Fleming, Marjorie James, Jim Lindridge and  
Tony Richardson

In accordance with Council Procedure Rule 4.2 Councillor Cameron Stokell was in attendance as substitute for Councillor Brenda Loynes

Officers: Jim Ferguson, Planning and Development Manager  
Kieran Bostock, Transport and Infrastructure Manager  
Ian Harrison, Trading Standards and Licensing Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Daniel James, Planning (DC) Team Leader  
Matthew King, Planning Policy Team Leader  
Fiona Riley, Townscape Heritage Project Officer  
Ryan Cowley, Senior Planning Officer  
Paul Simpson, Principal Property, Planning and Commercial Solicitor  
Jo Stubbs, Democratic Services Officer

### **79. Apologies for Absence**

Apologies were submitted by Councillors Paddy Brown, Brenda Loynes and Carl Richardson.

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

None

### **81. Confirmation of the minutes of the meeting held on 23<sup>rd</sup> October 2019**

Minutes confirmed

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

**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

This item had been deferred at the previous meeting for a site visit which was undertaken prior to this meeting. Following queries by members the Senior Planning Officer clarified that the site would be screened through use of earth mounds and trees.

The Agent urged members to support the application which was a small extension to an existing permission caused by the presence of a previously undisclosed electricity cable under the site. By moving the transformer slightly significant work by Northern Powergrid would be avoided. The site would be screened from the countryside and Hart Village.

Members approved the application by a majority. **Councillor James Brewer requested that his vote against the application be recorded.**

**Decision:** Planning Permission Approved

### CONDITIONS AND REASONS

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

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.

The Committee considered representations in relation to this matter.

---

<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

This item had been deferred at the previous meeting for a site visit which was undertaken prior to this meeting. Some members indicated that they disagreed with the officer recommendation that double yellow lines would not be required in the vicinity of the premises and asked that these be installed. They also felt that the cost should be borne by the Council as it was unfair to ask a new business to pay for it. The Transport and Infrastructure Manager advised that the final cost would be around £2,000 which would include the cost of legal orders. In this case the required trigger point for the installation of double yellow lines had not been met based on the previous usage and therefore they had not been recommended. Members acknowledged this but felt that the concerns of residents around being blocked in by patrons of the new business were valid. If they were not installed now this would only delay the inevitable and result in complaints by residents. The Planning and Development Manager advised that yellow lines could only be installed now through a planning condition and officers would not recommend this as they did not feel it would be reasonable in the circumstances. He suggested that should members be inclined to approve the application the highways department be asked to review the parking situation and take any steps they felt necessary. Members acknowledged this but felt that this could result in 2 years of problems for residents and continued to press for the immediate installation of double yellow lines in the vicinity.

The Applicant referred to the discussions around parking issues. She highlighted that there were 44 spaces available in total around the premises and said the business would use no more than 10. She acknowledged that the development of the site had led to some parking issues, for which she apologised, however these had now been rectified. The business was ready to open and a recent petition at the adjacent shop showed the support for the business within the community. She felt that it was unfair to ask her to pay an additional £2,000 for the installation of yellow lines given the large number of parking spaces already available.

An objector raised problems with cars double parking on a nearby entrance and exit road. This had already resulted in emergency vehicles being unable to gain access and would only get worse when this business started trading. She wished the owners luck in their new venture and said that double yellow lines would make a difference.

Members acknowledged that it would be wrong to refuse the application due to the parking issues but felt that the issue should be referred to Neighbourhood Services Committee in order to find a way to install double yellow lines as soon as possible and preferably at a lower cost than that quoted. They felt it was morally important to ensure that residents and the emergency services had sufficient access to properties. The Chair queried whether a planning condition could be imposed however the Principal Property, Planning and Commercial Solicitor advised that the installation costs would then fall on the applicant. The Transport and Infrastructure Manager was concerned at the precedent of installing double yellow lines without the appropriate reviews. He suggested that a period of monitoring be undertaken and residents be consulted once the business was established. The Planning



and Development Manager summarised what he understood to be the Members position from the previous discussion that they wanted double yellow lines but did not want these to be secured by a condition on the planning application or for the applicant to pay for them. He suggested that should members approve the application without a condition but that highways be asked to monitor the situation. The Transport and Infrastructure Manager confirmed any review would be on a 6 month basis as per the usual procedure. Some members felt that a 6 month review was not necessary and asked that the Director of Regeneration and Neighbourhoods and/or the Assistant Director (Environment and Neighbourhoods) attend to give their input.

Consideration of this application was deferred pending officer availability.

**Number:** H/2019/0306

**Applicant:** MR R BARR ROSEBERY ROAD HARTLEPOOL

**Agent:** MR R BARR 9 ROSEBERY ROAD  
HARTLEPOOL

**Date received:** 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

Members requested a site visit to enable them to gain a true understanding of the layout of the site and see the impact. They voted for a site visit by a majority.

**Decision:** Deferred for a site visit

---

**Number:** H/2018/0005

**Applicant:** MR T BATES 24 WESTBOURNE ROAD  
HARTLEPOOL

**Agent:** DAVIS PLANNING PARTNERSHIP MRS JILL  
DAVIS 17A POST HOUSE WYND  
DARLINGTON

**Date received:** 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

A member queried what noise suppression would be provided around the premises. The Planning (DC) Team Leader confirmed that there would be a noise mitigation scheme with the level decided by Public Protection. He also noted that members had previously approved a 2am closure time for the premises despite it being outside the late night area

Members approved this application by a majority.

**Decision:** Planning Permission Approved

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby 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 development 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 development 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 development details of the materials to be used in the external alterations hereby approved 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.

<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

**The Assistant Director (Environment and Neighbourhoods) and the Assistant Director (Economic Growth and Regeneration) in attendance.**

The Chair summed up the issues raised for the benefit of the officers now in attendance. Members acknowledged the usual practice of monitoring a situation for 6 months but felt that given the evidence provided by the objector

and their own knowledge as councillors this should be cut down substantially. They asked that a report be taken to Neighbourhood Services Committee to enable the double yellow lines to be installed in this financial year. The Transport and Infrastructure Manager noted that the transport team did not consider double yellow lines were needed under the current policy. The Assistant Director (Environment and Neighbourhoods) recommended that members abide by the recommendations of the Transport and Infrastructure Manager and carry out a review as to do otherwise would be problematic in terms of costs and being able to justify future enforcement. The Transport and Infrastructure Manager indicated the review time could be reduced below the usual 6 months but this may give an artificial picture given that this was a new business. The Assistant Director (Environment and Neighbourhoods) supported these comments but suggested that the review time be reduced to 3-4 months.

The Chair noted that any decision made today would be on public record in the event of an incident taking place in the future while a member commented that the committee would be judged on how they voted. It was also highlighted that this was the final year of ward member budgets and it was suggested that the ward councillors may wish to contribute to the cost. The Chair asked that members vote on the application before them on the understanding that the installation of double yellow lines be referred to Neighbourhood Services Committee. Members approved this and the application was subsequently approved by a majority.

A member addressed residents saying he had voted in support of the application as he had felt it would be wrong to vote against it. However he had done so with regret and would monitor the situation closely in order to ensure residents' concerns were addressed.

**Decision: Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (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

### **83. The Wynyard Masterplan** (*Assistant Director (Economic Growth and Regeneration)*)

The Planning Policy Team Leader gave a brief presentation on the endorsement of the Wynyard Masterplan by Regeneration Services Committee on 18<sup>th</sup> October 2019 and future plans for the site. The Masterplan, which was a joint effort by Hartlepool Borough Council and Stockton Borough Council had been started in early 2019 and covered issues such as a housing strategy, highway infrastructure, education, green infrastructure, design and retail and community facilities. The site as a whole would be larger than Sedgefield and involved complex land ownership issues. Infrastructure requirements would include:

- A 3<sup>rd</sup> lane on the A19 / A689 junction
- A pedestrian bridge
- Improvements to junctions on the A689
- Improvements to roundabouts off the A19
- The creation of an urban park
- A surface water drainage strategy including below surface storage tanks and dry basins,
- An additional primary school with the potential for an additional secondary school

Ultimately it was thought that the development could result in up to 900 new homes in Hartlepool.

A member noted that the road improvements were scheduled to be completed once 315 dwellings were in place. They queried whether these were Hartlepool dwellings only or across the site. The Planning Policy Team Leader confirmed that these would be based on the Stockton side. The member commented that this would leave Hartlepool reliant on Stockton's planning process but the Planning Policy Team Leader confirmed that there was nothing in Hartlepool's legal agreements to secure the road improvements.

A member referred to the proposed additional primary school on site. The Planning Policy Team Leader confirmed that the existing school was situated in Stockton but it was likely that another primary and potentially a secondary would be needed as families moved into the area. He acknowledged this could mean Hartlepool children being educated in Stockton but felt this was probably already occurring

A member highlighted a press release highlighting the importance of growth. He queried how many planning applications had so far been received for Wynyard, what stage they were at and how long before they would be brought to Committee for consideration. He also queried what was the

longest that these applications had been waiting for consideration. The Planning and Development Manager advised it was difficult to answer the question in detail. A number of applications had been submitted at Wynyard but in essence these had effectively been superseded by subsequent applications relating to the same sites. Officers had asked the applicant to withdraw superseded applications but the applicant in some cases had not.. Officers were effectively currently dealing with 3 Major applications at varying stages. One of which has just been submitted and was invalid. Due to the complicated nature of the process he was unable to give a definitive timescale as to when members could expect to be asked to consider these applications. However he confirmed that the three applications had been submitted for months ago rather than years.

A member referred to a press release which indicated that an increase in housing would result in less pressure on individual Council Tax payers, asking whether the committee had been made aware of this press release in advance. The Assistant Director (Economic Growth and Regeneration) confirmed that an element of Council Tax was included in the Council's long term strategy and there was a need to build housing in order to meet the Council's funding and budget requirements. At the moment the Council was slightly underachieving in terms of its housing completions but this was not a cause for concern and could be due to national issues and the housing market. A number of issues were outstanding in terms of the consideration of new housing applications, not least highway issues.. Officers were due to meet with developers later that week to discuss the outstanding issues.

### **Decision**

That the endorsement of the Wynyard Masterplan be noted.

#### **84. Appeal at Unit 70-71 The Front** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council's decision to refuse planning permission for Unit 70-71 The Front had been dismissed. The Inspector's decision letter was appended.

### **Decision**

That the outcome of the appeal be noted.

#### **85. Appeal at Unit 4 The Saxon** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against the Council's decision to refuse planning permission for Unit 4 The Saxon had been dismissed. The Inspector's decision letter was appended.

**Decision**

That the outcome of the appeal be noted.

**86. Appeal at 11 Moor Parade** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against an enforcement notice issued by the Council in respect of 11 Moor Parade had been dismissed and the enforcement notice upheld. The Inspector's decision letter was appended.

**Decision**

That the outcome of the appeal be noted.

**87. Appeal at 1 Arncliffe Gardens** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal against an enforcement notice issued by the Council in respect of 1 Arncliffe Gardens had been dismissed and the enforcement notice upheld. The Inspector's decision letter was appended.

**Decision**

That the outcome of the appeal be noted.

**88. Appeal at 8 The Front, Seaton Carew** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against a planning decision in respect of a proposed change to uPVC windows at 8 The Front, Seaton Carew.

**Decision**

That the report be noted

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

Members were advised of 7 complaints currently under investigation and 6 investigations which had recently been concluded.



**Decision**

That the report be noted.

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

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

Minute 91 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment. (paras 5 and 6)

Minute 92 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment. (paras 5 and 6)

Minute 93 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment. (paras 5 and 6)

Minute 94 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment. (paras 5 and 6)

Minute 95 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment. (paras 5 and 6)

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

This item was deferred.

#### **Decision**

That this item be deferred.

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

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

#### **Decision**

Detailed in the closed minutes.

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

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

**Decision**

Detailed in the closed minutes.

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

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

**Decision**

Detailed in the closed minutes.

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

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

**Decision**

Detailed in the closed minutes.

The meeting concluded at 12:20pm.

CHAIR

**No:** 1.  
**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

---

## 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 committee meeting of 21.11.2019 to allow members to undertake a site visit.

1.3 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.

1.4 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 to cover this element.

## PROPOSAL

1.5 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.

1.6 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.

1.7 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.

1.8 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.

1.9 Although not included in the current application, the case officer also observed that a 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.

1.10 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 to do so.

1.11 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.

1.12 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**

1.13 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.

1.14 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. 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**

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

1.16 The period for publicity has expired.

## **CONSULTATIONS**

1.17 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**

1.18 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

1.19 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

1.20 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**

1.21 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**

1.22 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. 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.

1.23 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.

1.24 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 each 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.

1.25 Notwithstanding the above, the erection of the single storey extension in 'blue' coloured 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.

1.26 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.

1.27 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.

1.28 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.

1.29 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*

1.30 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.

1.31 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. 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.

1.32 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.

1.33 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)*

1.34 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*

1.35 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.

1.36 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*

1.37 The boundary wall is situated approximately 4 metres from the side elevation (east) of the neighbour at 40 Bright Street, and splays away from the front elevation of this neighbour. It is considered that the existing gate boundary of the back lane of Bright Street is such that the boundary wall at the host property is primarily screened from this neighbour. As such 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*

1.38 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*

1.39 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 a boundary wall of approximately 2.2 metres is lower than the height of the access gate to the back lane, and therefore, 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)

1.40 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**

1.41 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

1.42 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

1.43 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

1.44 There is no evidence of equality or diversity implications.

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

1.45 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.

1.46 There are no Section 17 implications.

## REASON FOR DECISION

1.47 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**

1.48 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**

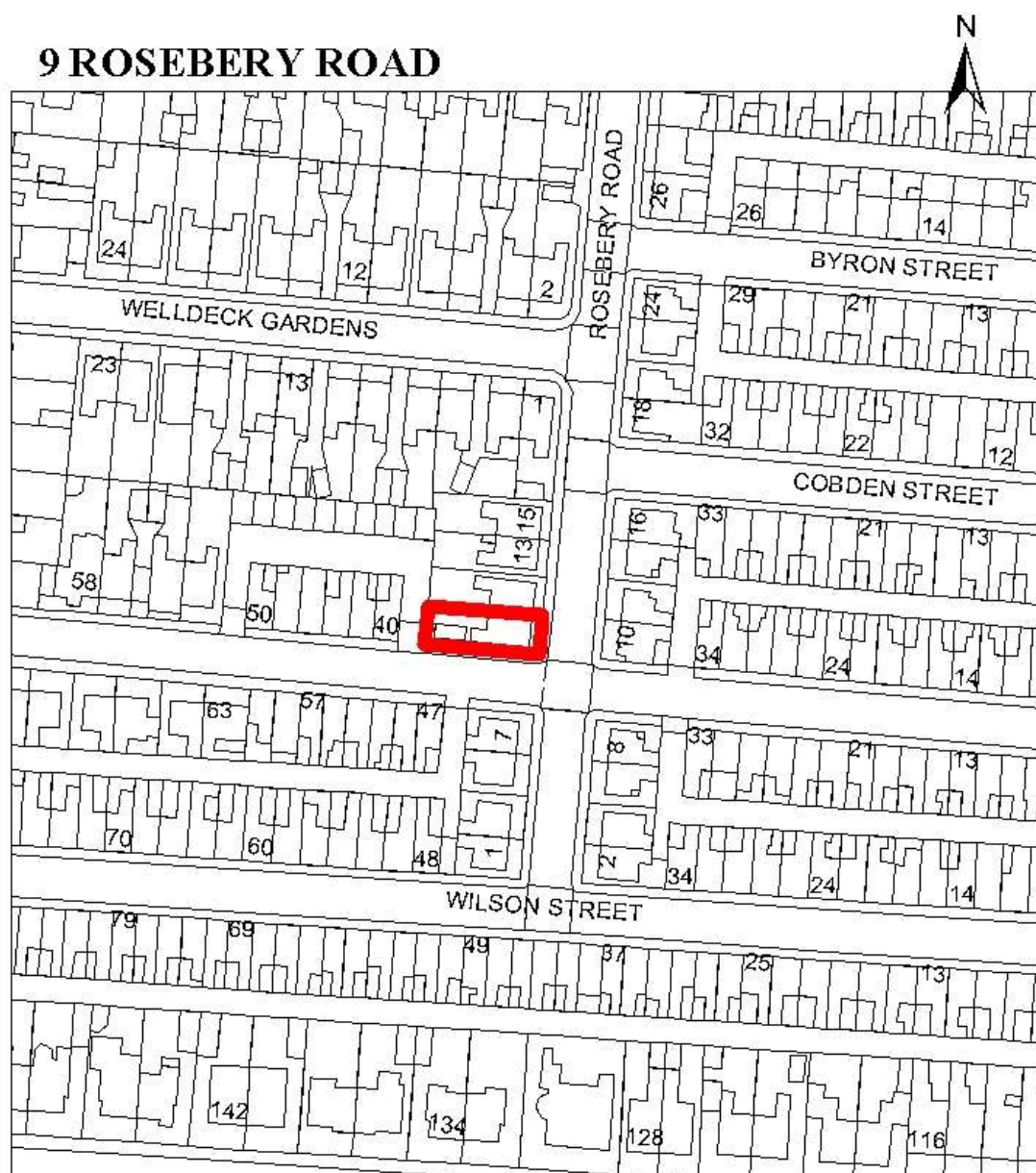
1.49 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

1.50 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)



Copyright Reserved Licence 100023390 (2018)

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:** 2.  
**Number:** H/2019/0352  
**Applicant:** BARRATT HOMES NORTH EAST LTD  
**Agent:** WYG CONSULTANTS MR JOHN WYATT ROTTERDAM  
 HOUSE 116 QUAYSIDE NEWCASTLE UPON TYN NE1  
 3DY  
**Date valid:** 19/08/2019  
**Development:** Approval of reserved matters of planning application  
 H/2015/0528 for outline planning permission for up to 220  
 residential dwellings with associated access, all other  
 matters reserved, relating to the development,  
 appearance, landscaping, layout (including internal roads)  
 and scale  
**Location:** LAND AT QUARRY FARM ELWICK ROAD  
 HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

### 2.3 'Quarry Farm 1'

H/2014/0215 (Quarry Farm 1) – Outline planning permission was allowed on appeal on 18<sup>th</sup> February 2015 for the erection of 81 dwellings on land at Quarry Farm, Elwick Road (LPA Ref H/2014/0215, Appeal Ref APP/H0724/A/14/2225471).

H/2015/0351 (Quarry Farm 1) – A reserved matters application in relation to planning permission H/2014/0215 for means of pedestrian access and internal highway layout, appearance, landscaping, layout and scale of residential development was granted planning permission on 3<sup>rd</sup> November 2015.

H/2015/0535 (Quarry Farm 1) – An amendment to planning application H/2015/0351 (for reserved matters in relation to planning application H/2014/0215) for additional windows in ground floor side elevation for plots 48, 56 and 57, revised site plan and boundary treatment removing 2 no. visitor parking bays to the south of plot 41 and realignment of footpath.

2.4 This permission(s) has been implemented with the site now completed.

## 2.5 'Quarry Farm 2' (current application site)

H/2015/0528 (Quarry Farm 2) - Outline planning permission was granted on 12<sup>th</sup> October 2018 for up to 220 residential dwellings with associated access, all other matters reserved. The application was approved subject to a number of planning conditions and the completion of a s106 legal agreement that secured contributions/obligations towards built sports (£55,000), sport pitches (£49,123.80), education (£638,676), highway contribution (£2,640,000), provision of 17 onsite affordable houses, on-site play facility and on-site SANGS (3.3 ha) and Ecology mitigation contribution (£55,000) (and an obligation to provide householders with an information pack) an obligation relating to the provision, maintenance and long term management of play facilities, recreational facilities (eg TrimTrail), open space including SANGS landscaping and paths, an obligation to retain hedges on western and northern side of site, an obligation to make provision for footpath links, an obligation relating to the provision, maintenance and long term management of SUDS, an obligation relating to securing a training and employment charter/local labour agreement, an obligation to deliver and implement a travel plan. The s106 agreement was flexible should the grant funding for the Elwick By Pass (GSJ) be successful and allow for the recycling of contributions to meet other obligations identified (in relation to Affordable Housing and Education) should they not be required in whole or in part to meet the original purpose.

## **PROPOSAL**

2.6 Approval is sought for reserved matters of planning application H/2015/0528 (for outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved) relating to the development appearance, landscaping, layout (including internal roads) and scale on the site known as Quarry Farm (phase) 2.

2.7 The approved access to the site is taken from the adopted highway at Reedston Close, and this is the sole vehicular access into the development, save for an emergency access for emergency services to the north west corner of the site, from Worset Lane. Access was agreed as part of the outline planning permission (H/2015/0528) for the scheme, this application does not therefore relate to the site access and therefore the appropriateness of the access proposals is not under consideration as part of this application.

2.8 With respect to the layout of the development, the scheme comprises a number of cul-de-sacs branching out from the main internal access road leading from Reedston Close to the east of the site. The built area of the site is contained in two areas, one to the north east corner of the site and one along the western site boundary, separated by a large green corridor stretching from the northern boundary of the site, through its interior, to the south-eastern and southern boundaries adjacent to existing residential areas.

2.9 With respect to the landscaping proposals, as above, there is a generous amount of green open space provided on site, primarily comprised of a large contiguous

stretch of landscaping/green corridor, including tree and shrub planting and footpath connections, which stretches the full length of the site from north to south and covers an area of approximately 3.8 hectares. The submitted details indicate the total amount of open space on site (including private front gardens and other areas of incidental open space, Suitable Alternative Natural Green Space (SANGS) and landscaping) is estimated to be approximately 6.5 hectares.

2.10 With respect to the scale of the development, the application provides details for 220 dwellings, as approved by the outline planning permission and as stipulated in policy HSG5a (Quarry Farm Housing Site) of the Hartlepool Local Plan 2018. All of the proposed dwellings are 2 storeys however there are a mix of house types / sizes providing 2, 3 and 4 bedroom dwellings across the site.

2.11 With respect to the appearance of the development, the proposed dwellings are largely traditional in form and appearance, featuring a mixture of red and buff brick and yorkstone facades with contrasting brick banding. The house types also feature a mixture of dual pitched and hipped roof forms across the site, with side and front facing gables in places. Feature brickwork to windows and canopies above doors are also featured throughout the site.

## **SITE CONTEXT**

2.12 The application site is an area of approximately 11.3 hectares of agricultural land on the edge of Naisberry Park. To the north of the site is Worset Lane, a narrow 'country lane', with High Throston golf club beyond. An existing reservoir, screened by trees, immediately abuts the north western corner of the site. To the west, the site is bounded by a strip of existing trees which run in a north to south direction, and beyond this are agricultural fields. The eastern boundary is immediately abutted by trees and an existing pedestrian footpath which connects Elwick Road and Worset Lane. Beyond the footpath are the rear boundaries of residential properties within the estate of Naisberry Park. The site is bounded to the south by phase 1 of the Quarry Farm development, which was recently constructed by Bellway Homes and is now complete, beyond this development is Elwick Road. The site gently slopes from the north west corner, with panoramic views towards the coastline, albeit with a steeper gradient toward the south of the site. The site generally levels out again where it meets the boundary with Quarry Farm phase 1.

## **PUBLICITY**

2.13 The application has been advertised by way of neighbour letters (366), site notices and a press notice. To date, there have been 33 objections received.

2.14 The objections/concerns raised can be summarised as follows:

- Proposed access is inadequate
- Traffic increase on local road network / highway safety
- Health and safety of pedestrians
- Traffic congestion due to on-street parking

- Construction traffic
- Construction disruption / air and noise pollution
- Monitoring of construction hours
- Air pollution / vehicle emissions from future occupiers
- Increased crime and anti-social behaviour
- Surface water run-off / flooding
- Ecological impacts
- Loss of rural setting / landscape
- Overdevelopment of site
- Visually overbearing
- Removal of boundary fence / combining of phase 1 and 2
- Loss of privacy
- Strain on local services
- Loss of greenbelt
- Loss of views
- Previously advised by housebuilder when buying home that land wouldn't be built on / no footpath connection would be proposed
- No need for additional houses
- Impact on property prices

#### 2.15 Copy Letters **A**

2.16 The period for publicity has expired.

### **CONSULTATIONS**

2.17 The following consultation replies have been received:

**HBC Traffic & Transport** – The Reedston Road carriageway width should be maintained until the first junction, it can then be narrowed to 5.5 metres.

The footway on the south side of Reedston Road should extend along the full length of the road up to plot 59.

Plot 58 – 64 – A turning head should be provided in this cul –de- sac.

Plot 90 - Driveway should come out perpendicular to the highway.

Plots 19 -24 – Access should be perpendicular to the highway.

Plot 101 – Junction spacing should be minimum 20 metres as per HBC Design Guide and specification.

Plots 35 – 53 the driveway is too long, HBC design guide requires the maximum private drive length to be 25 metres. This may cause issues for refuse collection and lighting.

Plot 159 – Emergency access? Detailed design required prior to construction of the access, happy for this to be a condition.

Detailed street lighting design to be provided and approved by HBC Street lighting section prior to construction.

Plot 34 – End parking bays will be difficult to access.

Plot 57 – Public footway going into private drive, may encourage non residents to cut through private drive.

6 metre x 3 metre driveways required, many plots have 4.8 x 2.4 parking bays provided this may cause issues for disabled.

All Roads and paving's should be constructed in accordance with the HBC Design Guide and Specification under a section 38 / advanced payment code.

UPDATE 29/11/19: I can confirm that the amended layout is acceptable.

**Highways England** – With regards to the above Reserved Matters Application, Highways England required two conditions be applied in order to recommend approval at Outline Stage to application ref H/2015/0528.

1, Prior to the occupation of the dwellings hereby approved, a scheme for  
i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and  
ii) ii) the closure of the central reserve gaps on the A19 (A19/ Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed. Following this, and not before, the scheme(s) to close central reserve gaps to prevent right hand turn manoeuvres, on the A19 (A19 / Elwick Road, A19 / North Road and A19 / Dalton Piercy junctions) shall be completed in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures may include temporary works ahead of permanent works and the use of Temporary Traffic Orders ahead of permanent orders, however any change from temporary to permanent measures for the closure of gaps must be contiguous and ensure that there is no time gap between the end of

the temporary and the start of the permanent closures to ensure the gaps remain closed.

2, Prior to the commencement of construction of the dwellings hereby approved, the Construction Transport Management Plan (Reference number VACE/JO/HB/dc/ITM10364-010D TN) shall be agreed, and throughout the construction period be implemented in accordance with the details and timetable to the satisfaction of the Local Planning Authority in consultation with Highways England.

I note that we have not received to review the Construction Transport Management Plan (CTMP) nor is it available on the planning portal.

We note that in line with the application the improvements sought at Sheraton have been implemented. We also note that the Gap Closure works have been implemented on a temporary basis, awaiting permanent completion. These closures should remain in place until made permanent.

We require to review the CTMP sought as part of the outline application ahead of being able to sign off this application. Could you please provide this information.

I trust this is clear but just give me a call if further information is required.

UPDATE 03/12/19: Can we respond further to our request for details to meet the requirements of the Construction Transport Management Plan. Since then, issues have moved on.

There are two network improvements considered necessary to support this application set out as part of the Outline Stage application that have been completed:

- 1, Signalisation of Sheraton, and
- 2, Gap Closures at Elwick, Coal Lane and North Road (alongside Dalton Piercy).

Works at Sheraton have and Gap Closures at Elwick have been installed. It is therefore considered unnecessary to implement the Construction Management Plan from the perspective of the Strategic Road Network.

The gap closures should remain in place in perpetuity.

This issue should be covered by the outline application.

I therefore do not wish to comment further regarding this reserved matters application.

**HBC Engineering** – In respect of the above application for the approval of the reserved matters of appearance, landscaping, layout and scale following outline approval H/2015/0528 we have no comments to make on those specific matters with regard to flood risk and surface water management.

However, whilst surface water management is addressed by condition 10 of decision H/2015/0528, the Planning Authority and applicant must be aware of surface water management requirements as they can significantly affect the appearance and layout of the development. For information, surface water management proposals will be assessed on the basis of the Tees Valley Authorities local standards for sustainable drainage and the following criteria:

#### 1. Maintenance

Legislation requires that planning authorities ensure that there are clear arrangements in place for ongoing maintenance of SuDS over the lifetime of the development. The preferred method of meeting this requirement is adoption of surface water drainage assets by Northumbrian Water. The least preferred method is maintenance by means of management company. Hartlepool Borough Council does not adopt SuDS with the exception of the Highway Authority that can adopt SuDS that serve the highway; adoption of highway SuDS must be agreed with the Highway Authority.

Your attention is drawn to the NPPF which requires sustainable drainage systems (SuDS) to have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development. The Flood Risk Assessment – Addendum 15/07/19 submitted with the application does not make reference to adoption or maintenance of SuDS. Adoption of all surface water drainage assets (outside of property curtilages and not including highway assets) by Northumbrian Water will allow the Planning Authority to fulfil its maintenance obligations. Evidence of s104 Water Industry Act agreement will be required. Maintenance of surface water drainage assets by management company is unlikely to allow the Planning Authority to fulfil its maintenance obligations. The applicant is advised to address adoption arrangements in particular for attenuation assets sooner rather than later.

Note also that carriageways and footways that contain surface water drainage assets not adopted by a statutory undertaker will not be adopted by the Highway Authority.

#### 2. Runoff Destinations

Surface water runoff not collected for use must be discharged to one or more of the following in the order of priority shown:

- a) Discharge into the ground (infiltration).
- b) Discharge to a surface water body.
- c) Discharge to a surface water sewer, highway drain or other drain.
- d) Discharge to combined sewer.

It is proposed to discharge surface water to watercourse which is acceptable due to geology rendering infiltration impractical. I note previous comments for application H/2015/0528 that require the relocation of the headwall to the culvert of the watercourse to be used as disposal route for surface water. This matter along with the maintenance of the culvert and watercourse must be addressed as part of discharge of the relevant planning condition.

### 3. Flood Risk

The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall event. Calculations must include an allowance for urban creep where required and climate change. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Calculations must include an allowance for urban creep where required and climate change. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.

To be addressed.

### 4. Peak Flow Control

The peak runoff rate from the developed site for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events to include for urban creep where required and climate change must not exceed the peak greenfield runoff rate from the site for the same event. Greenfield runoff rate is to be determined using the Institute of Hydrology (IH) Report 124 or Flood Estimation Handbook (FEH) methods. This is detailed in the publication Rainfall Runoff Management for Developments Report SC030219 available at <https://www.gov.uk/government/publications/rainfall-runoff-management-for-developments> For a whole or part brownfield site; greenfield runoff rate and/or 70% of demonstrable existing positively drained runoff rate for those rainfall events will be permitted however greenfield runoff rate should be achieved where possible. Greenfield runoff rate is maximum 1.4 l/s/ha unless modelling conclusively demonstrates greenfield runoff to be greater than this.

I note greenfield runoff rate has been found to be 16l/s, this value is questioned.

### 5. Volume Control

The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. Calculations must include an allowance for urban creep where required and climate change. For a whole or part brownfield site, greenfield runoff volume and/or 70% of demonstrable existing positively drained runoff volume for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible. Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off site.

To be addressed.

### 6. Climate Change

Due to changing climate, winters are likely to get wetter and we are likely to experience more extreme weather conditions such as intense rainfall events. As such, an allowance of 40% must be made in SuDS design for increased amounts of rainfall.



To be addressed.

#### 7. Urban Creep

Urban Creep describes future expansion within a development and activities such as building extensions and paving gardens. These activities increase the impermeable area of a site and often sit outside of the development control process. As such proposed developments must have an allowance for this increase in impermeable area of 10%.

To be addressed.

#### 8. Designing for Exceedence

Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. Calculations must include an allowance for urban creep where required and climate change. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.

To be addressed. Proposed onsite and existing offsite topography must be such that in the event of failure or exceedence of SuDS, properties both on and off site are not subject to increased flood risk.

#### 9. Highway Drainage

SuDS features within highways and that serve those highways can be adopted by Hartlepool Borough Council Highway Authority and maintained as part of the wider highways maintenance subject to agreement of the Highway Authority. The incorporation of SuDS that involves highway drainage requires the developer either to enter into an agreement under Section 38 of the Highways Act, if involving new development, or an agreement under Section 278 of the Act, if existing highway arrangements are to be modified.

To be addressed.

#### 10. Pollution Control

SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced.

To be addressed.

#### 11. Construction

Damage caused during the construction phase has the potential to prevent SuDS functioning as required, for example contamination by sediments generated during construction. As such appropriate planning must be applied to surface water management during the construction phase.

To be addressed.

UPDATE 27/11/19: We have no further comments to make in addition to those made 3/9/19. In the absence of any information from the applicant to indicate suitable surface water drainage asset adoption arrangements can I draw your attention to point 1 in my response 3/9/19.

**HBC Building Control** – This application is being inspected by an Approved Inspector.

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

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 Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted documents entitled "Proposed Drainage Layout [Sheets 1-5]". In these documents it states the foul flows shall discharge to the foul sewer at manhole 3306, whilst the surface water flows shall discharge to the culverted watercourse at a restricted rate of 13 l/sec and 3 l/sec can discharge to the surface water sewer at manhole 3305.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

**CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout [Sheets 1-5]" dated "18/11/19". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3306 and ensure that surface water discharges to the culverted watercourse at a restricted rate of 13 l/sec and to the surface water sewer at manhole 3305 at a restricted rate of 3 l/sec. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in

accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

**Environment Agency** – The application falls outside the remit of the Environment Agency therefore we do not have any comments.

**Hartlepool Water** – No representation received.

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

UPDATE 21/11/19: I have no objections to the revised site layout.

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

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

**Tees Archaeology** – There is no requirement for archaeological work at this site following a programme of evaluation and I have no objection to the application.

UPDATE 25/11/19: Thank you for the consultation on reserved matters for the above site. I can confirm that the changes do not alter our previous recommendation for no further archaeological work.

**HBC Countryside Access Officer** – There are some elements of this development that I would like to bring to the attention of the developer and agent.

1. In the north west corner of the site is a proposed/possible emergency access point. I would like to be assured that this will be permanently open for the use of pedestrians and cyclists. This may require the installation of suitable countryside furniture, to the side of the emergency access, so as to protect the site from unauthorised ingress or egress.

2. Where the main vehicular access, from Reedston Road, is shown on the plan; there will be a need to permanently divert the existing public footpath to take into account the requirement of a cutting to allow the access road to be brought into the site. The diversion is suggested on the plans but no specific correspondence between the agent and me has taken place and I will need to discuss this, alongside other access proposals, with the agent. Also to be considered is how the path will be kept open during the diversion process, as the construction of the entry road will cut through the path with a wide slopping trench. and this path is a very well used route for many people.

3. At the south western end of the SuDS balancing pond is the outline of a service path/track that continues around the pond after the access path moves away down to the south east corner of the site. I would like to see this extended to link up to the existing public footpath to the south east of this service path. If there is a need to provide a drawing of this, I can do so upon request from the agent.

4. I do like the way the south east path makes its way down from the balancing pond towards the newly completed Phase One development. It makes sense to see the two developments joined in this way and assists both developments in some other ways:

- a) Linking both developments to other access into the countryside - those from 'two' can walk down to Elwick Road, through 'One', and on to other public footpaths to the south. The same can said for those walking from 'One' to 'Two', to access public countryside paths to the north and west
- b) For those who need to get to West Park Primary School, from 'Two', the same route can be used, via one of the public footpaths that runs past the school's entrance.

Please ask the agent to contact me so that I can further discuss elements of my comments

UPDATE 28/11/19: I have been speaking to WYG, who is acting on behalf of Barratts for this application/development.

We discussed the emergency access point, located in the north west corner of the site and my requirements regarding pedestrian and cycle access to be incorporated within it.

The style of access security will be bollards and so Barratts are happy to agree to pedestrians and cyclists using this access point and the spaces between the bollards for their own use.

This would allow for improved non- emergency services access and require no extra furniture installation at that point.

**Ramblers Association** - No representation received.

**Tees Valley Local Access Forum** - Members of the Tees Valley Local Access Forum would like to see the current public footpath upgraded and future proofed by being widened and made suitable for dual use as a footpath and cycle path.

**HBC Ecology** – The recent submissions do not appear to affect Ecology and my earlier comments stand.

UPDATE 30/11/19: I note the agreed Outline Application (H/2015/0528) Ecology requirements from the Committee Reports on the planning portal, including from 07/12/2015, which states:

Ecological Mitigation Measures

- The Developer has agreed to make a contribution of £55,000 relating to the provision of management/warden provision and infrastructure to mitigate the effect of recreational disturbance on European Sites.
- A further obligation requires the provision of Suitable Natural Green Space (SANGS) an area of 3.3ha that will encourage, in particular, daily dog walking. This will be provided on site. Western and Northern Hedge.

- The developer has agreed to retain the existing hedges on the north and western boundary of the development site, providing this does not prohibit future development on the west of the site.

I am keen that the Ecology measures agreed at Outline Application stage are secured.

I have studied the July 2019 Landscape Strategy Plan and am satisfied with its treatment of Ecology.

### **Natural England – NO OBJECTION**

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

Natural England's generic advice on other natural environment issues is set out at Annex A.

UPDATE 25/11/19: Natural England has previously commented on this proposal and made comments to the authority in our letter, our ref 293681, dated 04 September 2019

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**RSPB** - No representation received.

**HBC Arboricultural Officer** – I have had a good look through the documents to see if there is any adverse impact on existing trees and also the landscape layout including buffer zones to protect the existing woodland edge especially along the Eastern boundary. The scheme submitted appears well thought out and I can see no conflict of interest here. No objection

UPDATE 04/12/19: Further to my verbal comments on this, I do not have any objections to the amendments on this scheme.

The proposed alterations to the boundary treatment to replace a protection fence with a smaller more aesthetically pleasing trip rail which will improve security here. The breach of the tree belt into Reedston Road was to be expected and has been

mitigated elsewhere by the landscape proposals on plan 1588-1-1 Revision F (Document Reference 14894635 which is quite comprehensive.

**HBC Landscape Architect** – Sufficient information has been provided to approve reserved matters relating to landscape and layout. Details of hard and soft landscape will be controlled by existing condition.

UPDATE 22/11/19: As above.

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

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

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

**HBC Public Health** – I have no objections to the planning application.

As you will be aware we are developing our obesity prevention work and adopting a whole systems approach to this. The obesogenic environment is a key factor in influencing the development of obesity in children and adults and so the planning process has a key part to play in this. This includes elements such as the provision of footpaths and cycleways to increase physical activity as well as the provision of green space which also influences the uptake of physical activity. Green space can also influence health in other positive ways providing an outdoor environment that can promote positive social interactions and good mental health. The one caveat to this is that the spaces are designed so that the residents feel safe and able to use the space. From the document provided, the development appears to have features that can contribute to reducing the influence of an obesogenic environment.

**HBC Housing Services** - I don't have any comments to make on this application.

**Cleveland Police** – I have the following comments in relation to crime prevention and community safety.

Layout and boundaries

It is important to have clear demarcation between private and public areas the following plots 64,67, 80 and 159 would benefit from a formal boundary such as a low hedge to the open space to side of the plots to deter misuse of these areas and possible conflict. In fact all corner plot would benefit of some formal boundary I would also recommend that the proposed hedge to the side plot 53 is extended to provide a defensive barrier to side of this dwelling.

Any boundary that backs onto open ground would benefit of defensive planting to the boundary to offer greater protection. All horizontal support rails need to fitted to the private side of the boundary fence.

All side gates should be placed as close to front building line as possible and capable of been locked and be of the same height as boundary fence i. e 1.8m  
Street /Security Lighting

All roads, including private drives, footpaths and parking areas should be well lit. Lighting to these areas which complies to BS5489 2013 would ensure this. Security lighting should be fitted to both front and rear doors.

To comply with the requirements of Building Regulations Document Q as stated in Design and Access statement all entrance doors and accessible windows require to be certified to PAS 24 :2016

UPDATE 28/11/19: I have no further comments in relation to the proposed amendments.

**Cleveland Fire Brigade** – It should be confirmed that the ‘shared driveways’ meet the minimum carrying capacity requirements as per AD B (2013 edition, unless otherwise stated) Section B5, Table 20.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5tonnes, which is greater than the specified weight in AD B Section B5, Table 20 (2013 edition).

Access and Water Supplies should meet the requirements as set out in AD B Volume 1, Section B5 for Dwellinghouses (2013 edition, unless otherwise stated).

UPDATE 29/11/19: Cleveland fire Brigade offers the following representations regarding the development as proposed.

The following plots sit outside of the maximum prescribed distance from the adopted highway as stated in ADB Vol 1, 13.1

Plot 22  
Plot 55  
Plot 56  
Plot 57

Access and Water Supplies should also meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

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 Vol 1 Section B5 Table 13.1. Further comments may be made through the building regulation consultation process as required.

**National Grid** - No representation received.

**Northern Powergrid** – No representation received.

**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.

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

**Hartlepool Rural Neighbourhood Plan Group (HRNPG)** - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The application site is outside the Hartlepool Rural Neighbourhood Plan area, but the Group would offer the following comments.

It is trusted that contributions from this development will hasten the building of a bypass at Elwick. The Rural Community continues to suffer from increasing traffic accessing the A19 whilst now, due to closure of the A19 gaps, also enduring increased travel distances for rural residents trying to reach their homes and businesses.

While always regretting the irreplaceable loss of open countryside the level and quality of the open space provided by the developer within the proposed housing is welcomed. This should provide very pleasant open, communal spaces for new and existing urban residents.

In the Design and Access Statement supplied with the application there is a claim that the appearance of the dwellings, which are illustrated, reference the housing stock within the village of Elwick (as noted within section 2 Local Character), through the use of materials and fenestration such as sash effect windows and glazing bars.

These elements are to be found everywhere so in themselves cannot be sympathetic to local character. The illustrated houses are in fact quite standard and can be found on any Barratt Home site, there is no hint of the character to be found in the village of Elwick. This illustrates the huge gap between the expectations of groups such as ours and the ability or willingness of developers like that at Quarry Farm to engage with local distinctiveness (NPPF para. 127).

Rather that they refrain from such empty meaningless comments and just admit that this will be another housing estate much like all the others to be found around the U.K.



UPDATE 22/11/19: Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The application site is outside the Hartlepool Rural Neighbourhood Plan area, but the increase in traffic from the development will have a serious detrimental impact on the rural area.

Elwick is especially vulnerable as the road through the village still affords a short cut for traffic entering and exiting the South bound carriageway of the A19. The Group would therefore expect, as promised, that Elwick by-pass is provided as is required by the very specific Local Plan policy HSG5a: Quarry Farm Housing Site which states: -

No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The development will be expected to contribute, on a pro -rata basis, to strategic infrastructure provision including the grade separated junction and bypass to the north of Elwick Village.

The rural population would trust, if not Highways England, their own Borough Council to ensure the gross inconvenience, environmental and safety concerns of their existing constituents are addressed urgently and certainly before any new building makes matters worse.

The location of this development is also likely to have an impact on the A179/A19 junction, which is already being stressed due to the closure of the central reservation gaps on the A19 which had served Elwick and Dalton Piercy.

HRNP policy T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK is therefore valid with regard improvements already urgently required to routes through Elwick and Hart Parishes.

#### POLICY T1 - IMPROVEMENTS TO THE HIGHWAY NETWORK

Where development proposals are shown, through evidence to be required to contribute towards any of the following schemes so as to make the development acceptable, appropriate financial contributions will be sought through a planning obligation:

1. improvement of the A179/A19 junction
2. the dualling of the A179
3. improved village approach roads and junctions to the A179, A689 and A19
4. alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool
5. appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Plan
6. Measures that promote good driver behaviour, such as speed cameras.

The above improvements must be designed, as far as possible, to be in keeping with the rural setting.

These comments are additional to those submission on the 8th October.

**Elwick Parish Council** – Thank you for consulting Elwick Parish Council on the amended plans for the Quarry Farm development. Please note that the following comments are additional to those made in response to the original consultation.

The road through the village is used as a short cut for traffic from the town entering and existing the south-bound carriageway of the A19. Whilst we accept that outline planning permission has been granted, we still wish to state our objections to the development being commenced BEFORE the grade-separated junction and by-pass for Elwick, promised in the Local Plan, are completed.

The current level and speed of vehicular traffic through the village is already causing great concern for residents. The proposed development of 220 dwellings at Quarry Farm will only exacerbate this, potentially delivering another 400 or more vehicles onto our road. The Parish Council would therefore expect that, as stated in the Local Plan policy HSG5: Quarry Farm Housing Site:

No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council.

The development will be expected to contribute, on a pro-rata basis, to strategic infrastructure provision including the grade separated junction and bypass to the north of Elwick Village.

As a Parish Council, we speak on behalf of all residents of the parish, and expect our Borough Council to ensure the environmental and safety concerns of those who live in the village are given due regard; we too are Hartlepool residents and we ask that our concerns are addressed urgently, and certainly before any new building makes matters worse.

We also believe that the location of this development is likely to have an impact on the A179/A19 junction, which is already being stressed due to the closure of the central reservation gaps on the A19 which had served Elwick and Dalton Piercy. There are already tail-backs on the A19 and A179 at peak travel times, and several quite serious accidents have occurred at or near this junction since the closure of the gaps. An increase in the number of vehicles needing to use the junction will only increase the pressure.

The Local Plan was meant to be a definitive plan of action for the 15 years it covers. Already the Borough Council has fallen two years behind in delivering the road improvements at Elwick. We would not wish to hear of any further delays in the implementation of these.

## **PLANNING POLICY**

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

## Local Policy

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

CC1: Minimising and adapting to climate change  
 HSG1: New Housing Provision  
 HSG5A: Quarry Farm Housing Site  
 INF1: Sustainable Transport Network  
 INF2: Improving Connectivity in Hartlepool  
 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  
 SUS1: The Presumption in Favour of Sustainable Development

## National Policy

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

PARA 002: Permission determined in accordance with development plan  
 PARA 007: Achieving sustainable development  
 PARA 008: Achieving sustainable development  
 PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 038: Decision-Making  
 PARA 047: Determining Applications  
 PARA 058: Enforcement  
 PARA 062: Delivering a sufficient supply of homes  
 PARA 064: Delivering a sufficient supply of homes  
 PARA 091: Promoting healthy and safe communities

PARA 108: Considering Development Proposals  
PARA 111: Considering Development Proposals  
PARA 122: Achieving appropriate densities  
PARA 124: Achieving well-designed places  
PARA 127: Achieving well-designed places  
PARA 130: Achieving well-designed places  
PARA 150: Planning for Climate Change  
PARA 153: Planning for Climate Change  
PARA 212: Implementation

**2.21 HBC Planning Policy comments (summarised)** - Previous outline permission was granted for 220 dwellings at the site known as Quarry Farm 2. The principle of development was established at this stage.

2.22 Particular reference should be given to policy HSG5a which relates specifically to development at Quarry Farm. The development is set to provide higher than the policy requirement of green infrastructure, and overall adherence to the policy is accepted. A successful element of the scheme is the integration of open space elements which provide an environmental corridor.

2.23 The application site falls within the Rural West Ward. The main need identified in this ward is detached houses of 1-3 beds and semi-detached house of 1-2 beds, terraces, bungalows and flats. The proposed mixture of dwellings provides a mixture of visual elements and helps achieve some of the desired house types, however the inclusion of bungalows within this scheme would be greatly beneficial. It is disappointing to note that some sections of affordable dwellings have been placed at the back of the cul-de-sac, and not pepper-potted around the site.

2.24 When assessing the overall street scene of the proposals, there are some concerns that planning policy wish to highlight. Firstly, in elements of the development there appears to excessive stretches of parking. There are concerns that without potential obstacles in place opposite plots 81-85, that the paths may be used for parking. Some plots, such as plot 5 and plot 208 do not have easy access to their allocated parking spot as they are poorly located.

2.25 It is acknowledged that an effort has been made to build an estate which is more than generic and has some character to it, and some of the chosen house types such as the Derwent do provide design features such as canopies and porches to provide interest to the dwelling frontage however this seems to be for the minority as opposed to the majority.

2.26 Policy QP4 of the Local Plan and the adopted Residential Design SPD require minimum separation distances of 20 meters principal elevation to principal elevation and 10 meters gable to principle elevation and there are some concerns that there are some plots on the site that do not meet this criteria, resulting in a crowded feel of the site and a lack of privacy for residents. Alongside this, some plots have been badly fit into the layout, as it has resulted in a variety of oddly shaped gardens, which often seem disproportionate to the dwelling size.

2.27 The planning contributions were finalised at outline stage and so there are no further comments with regards to these.

2.28 UPDATE 27.11.19: Reconfiguration has left some plots much closer to each other, particularly 137-138 which are at an angle to one another. It must be ensured that these changes will still be able to secure the appropriate separation distances between dwellings. It is difficult to tell, in the areas highlighted as having an excessive presence of hardstanding, whether these have been broken up with elements of landscaping or small strips of grass. It doesn't appear as if the oddly shaped gardens have been amended. Previous comments with respect to corner plots have been addressed. Set back of the corner plots in the amended scheme will help to provide more valuable small elements of open space. The developer's view on housing mix and affordable housing is acknowledged and accepted.

## PLANNING CONSIDERATIONS

2.29 The principle of residential development (and the proposed access) has already been established through the extant outline planning permission (H/2015/0528). As noted above, the application site is an allocated housing site within the Hartlepool Local Plan (2018) as identified by Policy HGS5a. The principle of development remains acceptable and therefore the main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, amenity and privacy of existing and future occupiers of the application site and neighbouring properties, landscaping and tree protection, ecology and nature conservation, highway and pedestrian safety and flood risk and drainage. These and all other planning and residual matters are set out and considered in detail below.

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

#### *Policy Context*

2.30 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan 2018 requires that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area. Furthermore, development should respect surrounding buildings, structures and environment, be aesthetically pleasing, using a variety of design elements relevant to the location and type of development, and should use an appropriate mix of materials and colour.

2.31 Policy HSG5a (Quarry Farm Housing Site) relates specifically to this site and stipulates that the site is allocated for approximately 220 dwellings, with no more than 8.3ha (of 11.3 ha) of land to be developed for new housing and associated infrastructure and transport access.

2.32 The National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live

and work and helps make development acceptable to communities. Paragraph 127 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

2.33 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

### *Character and Appearance of the Surrounding Area*

2.34 Concerns have been raised by neighbouring objectors with respect to the impacts of the proposal on the rural landscape setting, including concerns that the proposals constitute overdevelopment of the site and will appear visually overbearing.

2.35 The application site is currently agricultural land and is situated on the urban/rural fringe of the main urban area of Hartlepool, with the site adjoining existing residential areas to the south and east, albeit separated by a landscape buffer, which is to be retained and enhanced in places.

2.36 The immediate area is characterised by relatively contemporary suburban housing developments, with the housing site to the south (Quarry Farm phase 1) having only recently (in the last 12 months) been completed by Bellway Homes. To the east of the site lies a large late 20<sup>th</sup> century (c. 1980s) housing development (Naisberry Park). Both of these areas comprise predominantly of detached and semi-detached dwellings of varying sizes and designs, arranged in cul-de-sacs branching out from a main estate road. To the north of the site lies a golf course, with a small executive housing development adjacent (accessed via Worset Lane) comprising a number of large self-build properties. Building materials locally are mixed although predominantly brick in various shades of red, brown and buff, with secondary elements of render appearing throughout. The urban area adjacent therefore does not have a uniform or unambiguous character, although it is undeniably suburban in nature, and is perforated by pockets of incidental open space, landscaping and footpaths.

2.37 Further to the west/south-west of the site (approx. 2km) lies the village of Elwick. The village comprises a mix of 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century dwellings, branching out from a village green, with those older properties in the centre and southern parts of the village sitting within the Elwick Conservation Area. The earliest dwellings in the village are single and two storey, mostly constructed in rubble or stone, often white washed or rendered subsequently. Later 19<sup>th</sup> Century terraced dwellings in Elwick are constructed in brick (with contrasting brick detail) with roofs of welsh slate.

2.38 It is noted that the amount of built development proposed for the site is in general conformity with the requirements of policy HSG5a (Quarry Farm 2 Housing Development) of the Hartlepool Local Plan (2018) and the indicative details agreed by virtue of outline planning permission H/2015/0528.

2.39 It is inevitable that the introduction of an urban extension to the west of Hartlepool will change the character of the area somewhat, however given that; the site is to be bounded by residential areas on two sides (with a golf course to the north); existing hedgerows to the north and west and landscape buffers to the south and east are to be maintained; and as the outline planning permission (ref H/2015/0528) for the site requires enhancement to the existing landscape features, in this context it is considered that the development will represent a logical extension of the urban area and that a residential development on this site would not necessarily appear unduly incongruous.

2.40 That being said, whilst it is considered that a residential development could be accommodated on this site without significant detrimental impacts on the visual amenity of the site or the character and appearance of the surrounding area, the current application is to consider, amongst other reserved matters, the appearance, scale and layout of this particular proposal, which is set out in detail below.

#### *Scale and Appearance of the Development*

2.41 With respect to the appearance and scale of the proposed dwellings in this instance, the house types include a range of 2, 3 and 4 bedroom properties, all of which are 2 storey. The proposed dwellings are largely traditional in form and appearance, featuring a mixture of red and buff brick and yorkstone facades with contrasting brick banding. The house types also feature a mixture of dual pitched and hipped roof forms, with projecting eaves, and side and front facing gables in places. Feature brickwork to windows and doors and canopies above doors are also featured in places.

2.42 The Design & Access Statement submitted in support of the application stipulates the dwellings reference the housing stock within Elwick village, through the use of materials and fenestration such as sash effect windows with glazing bars, simple canopy headers over entrance doors, and contrasting horizontal banding to brickwork.

2.43 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group (HRNPG) that these design features are found everywhere and so in themselves are not necessarily reflective of local character. HRNPG has commented that the house types are standard and can be found across other sites, with little reference to the character of Elwick village. In addition, the Council's Planning Policy had requested the addition of small design features such as decorative chimneys, feature brickwork or decorative joinery to more of the house types, which it was considered could provide potential for a more interesting street scene and a higher design standard. The applicant has however declined to make any changes to their standard house types, maintaining that the proposals are well designed and street scenes are attractive and interesting, and advising that non-working/decorative chimneys on

other schemes have previously caused customer care issues due to maintenance requirements. The Council's Planning Policy section has ultimately advised that they are satisfied with the dwelling designs.

2.44 The comments of the Council's Planning Policy section and the HRNPG are noted, and it is difficult to appreciate from the submitted plans and details how the design of the dwellings has sought to reflect the character of Elwick village, particularly given that they appear to be standard house types of the developer. It is also disappointing that more effort has not been made by the applicant to engage with the advice provided by the Council's Planning Policy section in terms of ways to improve the dwelling design. Notwithstanding this, it is noted that Elwick village does not sit within the immediate setting of the site, being located some 2km (min.) to the west/south-west, and, whilst emulating positive architectural, landscape and other features from the wider area would undoubtedly improve the design of the scheme, it is considered that failing to accurately reflect the village character of Elwick would not in itself amount to poor design.

2.45 As above, the immediate adjacent built up area is suburban in nature and does not have a strong local character. Ultimately, whilst it is acknowledged the design of the dwellings could have been improved as per the above considerations, in isolation they are not considered to be of poor design, with some positive design elements that do distinguish the dwellings somewhat from those of other large housing developments in the area, and it is considered that the appearance and scale of the dwellings is not out of keeping with that of the existing residential areas adjacent.

2.46 Furthermore, the submitted Design & Access Statement notes that the proposals have sought to create a development that exploits the attractive features of the site, such as the existing attractive views towards the coast, by strategically positioning areas of open space and through the alignment of streets, and the creation of safe, attractive and enjoyable walking routes through the site. It is considered that the generous provision of green infrastructure through the site and the views this will afford toward the coast would instil a sense of place and attractiveness to the scheme.

#### *Layout and Appearance of the Development*

2.47 Notwithstanding this, with respect to the layout of the development specifically, a number of concerns have been raised by Council officers with the submitted scheme that it is considered would compromise the visual amenity of the application site and detract from the positive elements of the proposals. Whilst the applicant has successfully sought to resolve these issues in some instances through the submission of an amended layout plan, it is considered that they have failed to fully address the concerns raised and the following issues persist in places in the amended scheme.

2.48 The submitted Design & Access Statement states that dwellings have been positioned strategically to frame views down the street and define key nodes within the development, including dual fronted corner plots (e.g. Alderney house type) with strong building lines formed throughout the site to help create an unambiguous distinction between public and private spaces. The resulting scheme however falls



short of the minimum separation distance requirements (10 metres for principal to gable elevations and 20 metres for principal to principal elevations) set out in policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) (considered in further detail below within the report) in a number of places, with separation distances as low as 15 metres between principal elevations in some instances (e.g. plots 60-110, 68-81, 72-76). Whilst the design aspirations of the applicant are noted, combined with the other layout concerns set out below, including excessive/contiguous stretches of parking and poor relationships between dwellings in places (which is symptomatic of inadequate separation distances/high densities in this type of development), it is considered that the inadequate separation distances are likely to result in a street scene that appears cluttered and unduly enclosed in parts and, given that the site is located on the urban/rural fringe, adjacent to low density suburban areas, this is not considered characteristic of the area and, it is therefore considered that this is not acceptable and would have a detrimental impact on the visual amenity of the application site and would fail to take the opportunities available for improving the character and quality of an area and the way it functions.

2.49 There are also a number of examples of unusual and/or unsatisfactory relationships between dwellings, where one dwelling steps significantly forward of the building line along the street than the properties adjacent. One particularly example of concern can be found at plots 127-128, where the dwellinghouse at plot 127 sits approximately 6 metres forward of the adjacent dwellinghouse at plot 128 (and forward of all other dwellings in this street), on the junction of two cul-de-sacs, with a large blank rear elevation (save for a single stairwell window) intruding on vistas from the northern end of the cul-de-sac toward the south. Similar examples can be found at plots 108-109, 161-162 and 182-183, albeit not as severe. Whilst uniform building lines are not a requirement, and it is acknowledged alternating dwelling positions can add interest to the street scene, where a dwelling projects significantly forward of its immediate neighbour, it is considered that this would have a detrimental impact on the street scene and the visual amenity of the application site (as well as the amenity and outlook of future occupiers of the adjacent plot(s), as considered in further detail below).

2.50 In addition to this, there are a number of prominent examples of excessive stretches of uninterrupted car parking to the front of dwellings that would result in a proliferation of hard standing to the front of properties and a street scene that is dominated by parked cars, and absent of any meaningful soft landscaping, in places. This concern has been echoed by the Council's Planning Policy section.

2.51 The Council's recently adopted Residential Design SPD (September 2019) advises that; *"in-curtilage parking should be well integrated into the design of the development, conveniently located and not overly dominant or visually intrusive, with appropriate landscaping in between driveways."* Similarly, the Building for Life 12 assessment framework, which the applicant references in their submission, recommends *"Where parking is positioned to the front of the property, ensure that at least an equal amount of the frontage is allocated to an enclosed, landscaped front garden as it is for parking to reduce vehicle domination. Where rows of narrow terraces are proposed, consider positioning parking within the street scene"*.

2.52 The submitted Design & Access Statement states that parking is predominantly behind the building lines, so that it does not dominate the street scene, however this is not considered to be accurate, with approximately two thirds of the proposed plots featuring parking to the front of the dwelling exclusively. Prominent examples of poorly designed parking provision include the proposed cul-de-sac at plots 5-18, and plots 129-135 and 111-118 (opposite). Advice has been provided to the applicant with respect to how these concerns could be overcome, such as through small landscaped strips between spaces, alternative parking provision, pushing dwellings further back into the plot and/or house type swaps/substitutions, however unfortunately the issue remains in places. It is considered that this would have a detrimental impact on the street scene and the visual amenity of the application site.

2.53 The Council's Planning Policy section has highlighted that due to the layout of the development there is also a potential for informal parking adjacent to public spaces in parts of the site, with footpaths used for parking vehicles. Policy QP4 of the Local Plan stipulates that development should use well designed and placed obstacles, such as rocks or vegetation, to prevent vehicles parking on areas not designated for vehicles such as green spaces and pavements. The applicant was advised that natural/semi-natural features could be used to prevent this in places (e.g. opposite plots 81-85). The applicant however confirmed that they propose no changes on the planning layout to address this and have not provided any further comment on how else informal parking might be discouraged on site.

2.54 Whilst it is appreciated the site provides a generous amount of green infrastructure in the form of a large contiguous stretch of landscaping/green corridor, including tree and shrub planting and footpath connections, which stretches the full length of the site from north to south, the Council's Planning Policy section had highlighted that the scheme initially included only limited amounts of incidental open space within individual streets. The applicant was advised to consider whether changes to some of the proposed irregular/contrived or incommensurate private gardens (see below) and the position of dwellings could provide opportunities for additional/alternative areas of incidental open space to improve the street scene in parts (and potentially address other issues such as proliferation of hard standing). The applicant has sought to address these concerns in part through the amended scheme, however has ultimately advised that they consider the large expanses of public open space and SANGs is a better use of space within the development. The Council's Planning Policy section notes the applicant's response and acknowledges that the set back of the corner plots in the amended scheme will help to provide more valuable small elements of open space within the site.

### *Conclusion*

2.55 Whilst the proposals are considered to be acceptable with respect to the impact on the character and appearance of the wider area, in view of the above concerns and in particular the proposed inadequate separation distances, poor relationships between dwellings and excessive/contiguous stretches of parking to the front of dwellings in parts of the site, it is considered on balance that these design issues in combination result in an unsatisfactory form of development in terms of appearance, scale and layout and therefore the application is not considered to be acceptable with respect to the impact on the visual amenity of the application site itself, contrary

to the relevant paragraphs of the NPPF (2019) and relevant policies of the Hartlepool Local Plan (2018), and the Council's adopted Residential Design SPD (2019), as set out above.

## AMENITY AND PRIVACY OF EXISTING AND FUTURE OCCUPIERS OF THE APPLICATION SITE AND NEIGHBOURING PROPERTIES

### *Policy Context*

2.56 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

2.57 As above, policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The following minimum separation distances must therefore be adhered to:

- Principal elevation (habitable room window) to principal elevation (habitable room window) - 20 metres.
- Gable (blank or non-habitable room window) to principal elevation (habitable room window) - 10 metres.

2.58 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

Paragraph 127 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

### *Amenity and Privacy of Future Occupiers*

2.59 The submitted Planning Statement states that the proposed layout accords with Local Plan policy QP4, whilst both the Planning Statement and Design & Access Statement make reference to the Residential Design SPD consultation draft (that was adopted in September 2019). Notwithstanding this there appears to be little in the way of justification or commentary in either document with respect to separation distances between dwellings within the development, and the potential impact on the amenity of future occupants.

2.60 As above, the case officer has raised concerns with the applicant that a number of the dwellings within the development do not meet the minimum separation distance requirements, set out in local policy, and these concerns have been echoed by the Council's Planning Policy section. The applicant was provided with a comprehensive (albeit not exhaustive) list of plots that were of concern and that required review and amendment. Whilst the applicant has successfully sought to

resolve these issues in a number of places through the submission of an amended layout plan, it is considered that they have failed to fully address inadequate separation distances on a number of plots.

2.61 In response, the applicant has commented that the project architect has re-measured the separation distances in relation to the plots that remain a concern and considers that any deficit in distances are 'minimal'. However, with separation distances as low as 15 metres (approx.) between principal elevations remaining in some instances (e.g. plots 60-110, 68-81, 72-76), including between primary bedroom windows, this amounts to a 25% reduction in places from the minimum set distances, and therefore this is not considered to be a minimal deficit.

2.62 Whilst in some instances these concerns could potentially be addressed through obscure glazing/restricted opening of the affected windows (e.g. where a habitable room has 2 windows/a dual aspect), the applicant has indicated they do not wish to apply this approach, commenting that the introduction of obscure glazing to windows is not preferable from a marketing point of view.

2.63 It is considered that the above concerns could have been addressed in full without significant impact on the layout of the scheme through alterations to dwelling positions and orientations, appropriate treatment of affected windows and/or house type substitutions or omissions. It is therefore disappointing that the applicant has elected not to address these concerns in full.

2.64 Fundamentally, the proposed layout (as amended) falls short of basic minimum policy requirements with respect to separation distances between dwellings in new housing developments in parts of the site, and it is ultimately considered that this would have a detrimental impact on the amenity and privacy of future occupants. No satisfactory justification has been provided for reducing minimum separation distances and, given that the site is adjacent to a low density suburban part of the town, on greenfield / undeveloped land and without significant constraints, the proposed relationships are considered to be unacceptable in this instance.

2.65 In addition to the above, and as previously mentioned, the proposed layout results in a number of examples of unusual and/or unsatisfactory relationships between dwellings, where one dwelling steps significantly forward of the building line along the street than the properties adjacent. One particularly severe example of this can be found at plots 127-128, where the dwellinghouse at plot 127 sits approximately 6 metres forward of the adjacent dwellinghouse at plot 128, with a gap between the two of approximately 1 metre. Such relationships are considered to be detrimental to the amenity of future occupiers, as (in this instance) this would have a significant impact on the outlook from the first floor (master) bedroom window immediately adjacent at plot 128, appearing overbearing from this neighbouring property and, as plot 127 is located immediately due south, would result in significant overshadowing. Similar examples can be found at plots 108-109, 161-162 and 182-183, albeit not as severe. Again, the applicant has been made aware of these however has chosen not to address these concerns. Such relationships are not considered to be acceptable.

2.66 Further to the above, concerns were raised with respect to a number of irregular or disproportionate private gardens proposed, where plots have small or irregularly shaped gardens or excessively large gardens, and examples where gardens are heavily enclosed/overshadowed by neighbouring dwellings and/or garages. Through amendments to the layout, the applicant has addressed many of the concerns raised in this respect however, in some instances the issue remains. Whilst to an extent this may add to the variety in the products on offer to prospective purchasers, this can ultimately be detrimental to the amenity of future occupiers in some cases, such as at plot 121, where the rear garden space is bounded to the rear (south) by the 2 storey gable end of the neighbouring dwelling at plot 123 at the minimum required separation distance of 10 metres, whilst also being flanked on either side by detached garages, essentially almost entirely enclosing the garden on all sides with high brick walls in excess of 2.25 metres. Whilst the plot may meet minimum requirements with respect to separation distances, this is not considered to be good design.

2.67 Further issues have also been highlighted with respect to ambiguity between private and public spaces in parts of the site, for instances where there is no clear demarcation (i.e. landscaping or other boundary enclosure) to differentiate between the edge of a private open-plan side or front garden and the public open space immediately adjacent (e.g. plots 122, 138, 220). These concerns were also raised by Cleveland Police who recommended formal boundaries to the open space, such as a low hedges, be considered to deter misuse of these areas and possible conflict, however these issues remain in places.

#### *Amenity and Privacy of Neighbouring Land Users*

2.68 Concerns have been raised by objectors that the proposals will result in a loss of privacy for neighbouring land users.

2.69 With respect to the impact of the proposals on the amenity and privacy of neighbouring land users, it is noted that the proposed layout retains a substantial landscape buffer between the site and the residential areas adjacent, with satisfactory separation distances in excess of 30 metres (approx.) to the closest residential properties to the east and in excess of 100 metres (approx.) to the closest residential properties to the south.

2.70 Whilst it is noted that the site sits at a higher level than the adjacent areas in parts, given the abovementioned significant separation distances and the extensive existing and proposed landscaping around the periphery of the site, it is considered that the proposals would not have a significant detrimental impact on the amenity and privacy of neighbouring land users with respect to overshadowing, any overbearing effect, poor outlook or overlooking.

2.71 Concerns have been raised by objectors that the proposals will have a detrimental impact on the amenity of neighbouring land users through the generation of construction traffic and associated disruption and noise and air pollution. Concerns have also been raised with respect to the control and monitoring of construction hours. These matters principally relate to the extant outline planning

permission for the site, to which such matters have been considered, in particular the impact of the access from Reedston Road.

2.72 Notwithstanding this, the Council's Public Protection section has been consulted and has confirmed that they have no objections to the proposals (as amended). As above, it is noted that details of a Construction Management Plan (CMP) are required to be provided and agreed with the local planning authority prior to the commencement of the development by virtue of condition 22 of outline planning permission H/2015/0528. Construction hours are also restricted to 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday, with no construction works permitted to take place on Sundays or Bank Holidays, by virtue of condition 23 of the outline permission. The applicant will be required to comply with the above conditions, with any breach of these liable to enforcement action by the Local Planning Authority. Any potential statutory nuisance can also be controlled by virtue of the relevant environmental protection legislation, exercised by the Council's Public Protection section.

2.73 It is therefore considered that the proposals would not result in any undue noise or disturbance to existing or future occupiers of the application site or neighbouring properties.

### *Conclusion*

2.74 Whilst the proposals are considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users, in view of the above fundamental concerns with respect to the proposed inadequate separation distances and the poor relationships between dwellings in some instances, it is considered on balance that the proposal would result in issues of overlooking, overshadowing, poor outlook and have an overbearing impact for future occupiers in parts, and therefore the application is not considered to be acceptable with respect to the impact on the amenity and privacy of future occupiers, contrary to the relevant paragraphs of the NPPF (2019) and relevant policies of the Hartlepool Local Plan (2018), and the Council's adopted Residential Design SPD (2019), as set out above.

## LANDSCAPING AND TREE PROTECTION

2.75 Concerns have been raised by objectors that the proposals result in the loss of green belt land, however the application site is not designated green belt land (with no designated green belt in or around the Tees Valley area), nor does the site in its entirety constitute a protected area of green infrastructure in the Council's adopted Hartlepool Local Plan, with the majority of the site allocated as housing land in the Local Plan. Notwithstanding this, any proposals for this site are required to retain a strip of amenity open space through the centre of the site and to retain and enhance the local green corridor along the eastern and southern boundaries of the site, by virtue of policies HSG5a (Quarry Farm Housing Site) and NE2 (Green Infrastructure) of the Local Plan.

2.76 The application is accompanied by a landscape masterplan, setting out details of the landscaping proposals. The proposals include a large contiguous stretch of landscaping/green corridor, including tree and shrub planting and footpath

connections, which stretches the full length of the site from north to south and covers an area of approximately 3.8 hectares.

2.77 This is broadly in line with the indicative layout of the site proposed at outline stage, with approx. 3.3 hectares of Sustainable Alternative Natural Green Space (SANGS) required to be provided by virtue of the Section 106 legal agreement associated with outline planning permission H/2015/0528 and policy HSG5a (Quarry Farm Housing Site) of the Hartlepool Local Plan 2018, with no more than 8.3ha of land permitted to be developed for new housing and associated infrastructure and access.

2.78 The submitted details indicate the total amount of open space on site (including private front gardens and other areas of incidental open space and landscaping) is estimated to be approximately 6.5 hectares.

2.79 The Council's Planning Policy section notes the development is set to provide higher than the policy requirement of green infrastructure and overall adherence to policy HSG5a (Quarry Farm Housing Site) of the Local Plan is accepted. Both the Council's Planning Policy section and the HRNPG have commented that the proposed open space/environmental corridor is a successful element of the scheme, and would provide a pleasant, open, communal space for new and existing urban residents.

2.80 The Council's Arboricultural Officer has been consulted on the application, and has advised that the landscaping scheme submitted appears well thought out and they cannot see any conflict of interest. Similarly, the Council's Landscape Architect has advised that sufficient information has been provide to approve reserved matters relating to the layout and details of the proposed landscaping.

2.81 Notwithstanding this, and had the application been considered acceptable in all other respects, final details of proposed hard and soft landscaping works would have otherwise been secured by virtue of conditions 13, 14 and 29 of outline planning permission H/2015/0528. Furthermore, tree protection measures would have otherwise been secured by virtue of condition 15 of outline planning permission H/2015/0528.

2.82 Policy HSG5a of the Local Plan also requires a landscape buffer, as illustrated on the Policies Map, to be created between the site and the rural fringe (to the western boundary). The Council's Planning Policy section has highlighted that no buffer has been provided within the site boundary along its western edge, however it is noted that the indicative details shown at outline stage also showed this buffer beyond the western site boundary. The landscape buffer, as required by policy HSG5a, has therefore instead been secured by virtue of the Section 106 legal agreement associated with outline planning permission H/2015/0528, which obligates the applicant not to take any action to remove the established hedges (along the northern and western fringes of the site), unless required to be removed pursuant to a further planning permission.

2.83 In view if the above, and notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site

and the amenity and privacy of future occupiers, the proposals are considered to be acceptable with respect to matters of landscaping and tree protection.

## ECOLOGY AND NATURE CONSERVATION

2.84 Concerns have been raised by objectors with respect to the impact of the proposals on local wildlife and ecology.

2.85 As above, by virtue of the section 106 legal agreement associated with outline planning permission H/2015/0528 and policy HSG5a of the Hartlepool Local Plan (2018), the scheme is required to provide a minimum of 3.3 hectares of Sustainable Alternative Natural Green Space (SANGS).

2.86 Bat and bird mitigation features are required to be provided by virtue of conditions 17 and 18 of outline planning permission H/2015/0528, whilst conditions 19 and 20 (respectively) of the outline permission require low level lighting adjacent to wildlife corridors, in order to prevent disturbance to wildlife, and the clearance of vegetation to take place outside of the bird breeding season, to protect breeding birds.

2.87 The Council's Ecologist has been consulted and has advised that the submission (as amended) does not appear to affect matters of ecology and nature conservation, which were considered in detail at outline stage. Natural England has also confirmed that they have no objection to the application.

2.88 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable with respect to matters of ecology and nature conservation.

## HIGHWAY AND PEDESTRIAN SAFETY

2.89 Concerns have been raised by the Hartlepool Rural Neighbourhood Plan Group and Elwick Parish Council with respect to the impact on the local highway network and in particular on traffic through Elwick village and at the A19 junction(s).

2.90 Concerns have also been raised by objectors with respect to the appropriateness of the proposed vehicular access, the impact on the local road network and highway and pedestrian safety through increased traffic, and congestion due to on-street parking.

2.91 Matters with respect to the impact of the development on the strategic and local road networks and the proposed access to the site were considered in detail and, where appropriate, mitigation was secured by virtue of planning conditions and obligations within the s106 legal agreement associated with outline planning permission H/2015/0528. The sole vehicular access into the site (save for an emergency access from Worset Lane to the north west) is from Reedston Road, and the Council's Highways, Traffic and Transport section confirmed at the time that the carriageway is of sufficient width to accommodate the development and there are no anticipated issues with the capacity and safety at its junction with Cairnston Road.



Accordingly, the access was approved as part of the extant planning permission H/2015/0528 and such matters therefore do not form part of the consideration of this reserved matters application.

2.92 Notwithstanding this, the Council's Highways, Traffic and Transport section has been consulted on the proposed internal road layout of the site. A number of recommendations have been provided to the applicant, some of which the applicant has sought to address through the submission of amended plans. The Council's Highways, Traffic and Transport team has been re-consulted on the amended scheme and has advised that the amended layout is acceptable.

2.93 Highways England had initially reiterated their request for details of a construction management plan to be provided however, as above, this is required to be provided prior to the commencement of the development by virtue of condition 22 of outline planning permission H/2015/0528 and would be considered through the discharge of conditions process for the outline permission. Clarification has been provided to Highways England and they have confirmed they have no further comments to make on this application.

2.94 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable with respect to matters of highway and pedestrian safety.

#### FLOOD RISK AND DRAINAGE

2.95 Concerns have been raised by objectors with respect to the impact of the proposal on flooding and in particular potential increases in surface water run-off.

2.96 The application site sits within Flood Zone 1 (low probability of flooding), with a very low risk of flooding from rivers, albeit a low to medium and medium to high risk of flooding from surface water in areas toward the south of the site.

2.97 The submission includes surface water drainage layout plans, including details of an attenuation pond adjacent to the eastern boundary of the site, forming part of the Sustainable Drainage System (SuDS). Final details of surface water drainage measures are required to be provided and agreed prior to commencement of development by virtue of condition 10 of outline planning permission H/2015/0528. The long term maintenance and management of the SuDS is secured by virtue of the Section 106 legal agreement associated with the outline permission.

2.98 Notwithstanding the above, the Council's Flood Risk Officer has been consulted and has confirmed that they have no comments to make with respect to the details of the reserved matters submitted with respect to flood risk and surface water management.

2.99 However the Council's Flood Risk Officer has highlighted a number of matters for the applicant to consider in seeking to discharge condition 10 of the outline permission, highlighting that the applicant must be aware of surface water management requirements as they can significantly affect the appearance and

layout of the development, and these will ultimately be assessed on the basis of the Tees Valley Authorities local standards for sustainable drainage. Had the application been considered in all other respects, this advice would have been appended to the decision notice as an informative note.

2.100 Northumbrian Water has been consulted and had initially requested a planning condition requiring final details of foul water drainage be appended to any planning permission, however the applicant has since provided detailed surface and foul water drainage layout plans for the scheme (as amended), which Northumbrian Water has confirmed are acceptable and has requested that should planning permission be granted that this is conditional on the works being carried out in accordance with the submitted details, which would have been recommended had the application been considered acceptable in all other respect. Notwithstanding this, final details of foul water drainage are required to be provided and agreed prior to commencement of development by virtue of condition 9 of outline planning permission H/2015/0528.

2.101 The Environment Agency has confirmed that the application fall outside of their remit and therefore they do not have any comments. No comments or objections have been received from Hartlepool/Anglian Water.

2.102 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the privacy and amenity of future occupiers, the proposals are considered to be acceptable with respect to matters of flood risk and drainage.

## OTHER PLANNING MATTERS

### *Housing Mix and Affordable Housing Distribution*

2.103 The Council's Planning Policy section has highlighted that the housing need identified in the Rural West ward includes 1-3 bed detached houses, 1-2 bed semi-detached houses, terraces, bungalows and flats. The Planning Policy section had therefore requested that the applicant consider including bungalows in the scheme to better align with the identified need. The applicant has commented however that the house builder is well placed to determine the most appropriate market mix and that bungalows on other developments have struggled to sell, advising that interest in this development to date has been for 2 and 3 bedroom houses.

2.104 Concerns have also been raised by the Council's Planning Policy section that some sections of affordable dwellings have been placed at the back of a cul-de-sac, and not pepper-potted around the site. The applicant maintains however that the affordable housing is well distributed across the development, and surrounded by market housing, commenting that the first parcel, near the site entrance, allows delivery of some affordable housing upfront. The applicant has also advised that affordable rented housing is often grouped in close proximity to one another as it is easier for the Registered Provider to manage the houses in this manner, whilst the affordable units themselves are indistinguishable in terms of design from their market housing equivalents.

2.105 The Council's Planning Policy section has confirmed that they note and accept the applicant's responses with respect to housing mix and affordable housing distribution.

2.106 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable in this respect.

#### *Heritage Assets and Archaeology*

2.107 The application site is not within a conservation area and is not in proximity to any known heritage assets. The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application. No objections have been received from either, with Tees Archaeology confirming that there is no requirement for archaeological work at this site, following a programme of evaluation submitted and considered as part of outline application H/2015/0528, and the proposals (as amended) do not alter their previous advice.

2.108 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable in this respect.

#### *Public Rights of Way*

2.109 The proposed layout includes an extensive network of footpaths stretching throughout the site from north to south and connecting to footpaths and public rights of way in the area.

2.110 Concerns have been raised by objectors with respect to the 'joining' of phases 1 and 2 of the developments at Quarry Farm through the provision of a footpath link and removal of existing boundary fencing to the north of the phase 1 site. However, the submitted site location plan and boundary treatment details confirm that the existing fence to the northern boundary of phase 1 (north of Woodhouse Lane) is outside of the current application site and is therefore not affected by the proposed development, with no proposals to remove it as part of this application. The submitted details also show the provision of a new post and rail fence in the south-west corner of the site, to close off the development from adjacent fields. Notwithstanding this a footpath link is to be provided between the two developments along the southern boundary.

2.111 The Council's Countryside Access Officer has been consulted and has no objections to the proposals, confirming that they support the footpath connections between phases 1 and 2, however they have provided some advice for the applicant with respect to the diversion of public footpaths. The Council's Countryside Access Officer also requested that the applicant consider extending part of the internal footpath network to connect to the existing public footpath to the east of the site (between Riverston and Glenston Close), which the applicant has agreed to and has reflected through the submission of amended plans.

2.112 The Council's Countryside Access Officer has also advised that the proposed emergency access point into the site, to the north west (from Worset Lane), should be permanently open for the use of pedestrians and cyclists. The applicant has advised that the access security will be bollards only and so pedestrians and cyclists will have access through the spaces between the bollards for their own use. The Council's Countryside Access Officer has raised no further concerns, and is satisfied with the proposed footpath connections. As per the request of the Council's Traffic & Transport section and Countryside Access Officer, final details of the proposed emergency access would be secured by virtue of condition 30 of outline planning permission H/2015/0528.

2.113 The Tees Valley Local Access Forum has commented that members would like to see the current public footpaths adjacent upgraded and future proofed by being widened and made suitable for dual use as a footpath and cycle path. However, given the extensive amount of green infrastructure (including footpath provision) to be provided as part of the scheme, it was considered through outline planning application H/2015/0528 that there is no requirement in this instance for any contributions towards further off-site green infrastructure improvements as part of this development. Notwithstanding this, it is noted that off-site green infrastructure contributions were required as part of Phase 1 of the Quarry Farm development (application ref H/2014/215), which are to be directed towards the creation and construction of two new footpaths in the vicinity of that site.

2.114 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable in this respect.

#### *Public Health*

2.115 The Council's Public Health section has been consulted and has confirmed that they have no objections to the application, commenting that the development appears to have features that can contribute to reducing the influence of an obesogenic environment (i.e footpaths and cycleways to increase physical activity as well as the provision of green space which also influences the uptake of physical activity).

2.116 In view of the above, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity and privacy of future occupiers, the proposals are considered to be acceptable in this respect.

#### *Waste Management*

2.117 No comments or concerns have been received from the Council's Waste Management section. Final details of waste storage could have been secured by a planning condition had the application been considered acceptable in all respects. In view of this, notwithstanding the abovementioned concerns with respect to the impact of the proposals on the visual amenity of the application site and the amenity

and privacy of future occupiers, the proposals are considered to be acceptable in this respect.

### *Safety & Security*

2.118 Concerns have been raised by objectors with respect to potential increases in crime and anti-social behaviour due to the development, and in particular by virtue of the proposed footpath connections.

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

2.120 Cleveland Police has not raised any objections to the application however has provided advice for the applicant on a number of matters with respect to physical security and has requested that elements of the scheme be reviewed (i.e. ambiguous boundaries between public and private space, defensive planting to boundaries backing onto public spaces, side gates placed as close to front building line as possible).

2.121 The applicant has submitted amended plans which have address some of these issues in parts of the site. Cleveland Police has been re-consulted and has advised that they have no further comments.

2.122 Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the HBC Community Safety and Engagement team.

2.123 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Policy QP5 and would accord with the guidance in the NPPF, in this respect.

## RESIDUAL MATTERS

### *Fire Safety & Access*

2.124 Cleveland Fire Brigade has commented that the ‘shared driveways’ should meet the minimum carrying capacity requirements of the relevant section of Building Regulations.

2.125 Cleveland Fire Brigade has been re-consulted on the amended plans submitted and, in addition to the above, has also advised that the distance to a

number of plots from the adopted highway is over the distance stated in the relevant section of the Building Regulations.

2.126 The applicant has been made aware of these requirements and had the application been considered acceptable in all other respects, a suitable informative note would have been appended to the decision notice to reiterate this advice and these matters would ultimately have been considered through the Building Regulations approval process.

#### *Gas and Electricity Infrastructure*

2.127 Northern Gas Networks has confirmed that they have no objection to the application, however have advised that there may be apparatus in the area that may be at risk during construction works and, should the planning application be approved, then they require the promoter of the works to contact them directly to discuss their requirements in detail. The applicant has been made aware of these comments and it is understood they have been in contact with Northern Gas Networks to discuss any necessary diversions. Had the application been considered acceptable in all other respects, a suitable informative note would have been appended to the decision notice to reiterate this advice.

2.128 No comments or objections have been received from the National Grid, Northern Powergrid or the Cleveland Emergency Planning Unit.

#### *Non-material objections*

2.129 Additional concerns have been raised by a number of objectors that are non-material to this application (i.e. they do not relate to planning, they are not material considerations, they are subject to separate legislative control or they were considered as part of the outline planning permission and therefore are not relevant to this application), namely;

- Air pollution / vehicle emissions from future occupiers
- Loss of views
- Previously advised by housebuilder when buying home that land wouldn't be built on / no footpath connection would be proposed
- No need for additional houses
- Impact on property prices
- Strain on local services

#### CONCLUSION

2.130 The application is considered on balance to be unacceptable with respect to the abovementioned relevant material planning considerations and is considered to be contrary to the relevant, identified policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019) and the Hartlepool Residential

Design SPD (2019). The development is therefore recommended for refusal for the reasons set out below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.131 There is no evidence of equality or diversity implications.

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

2.132 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.

2.133 As per the report, Section 17 implications have been taken into account in consideration of this application.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – REFUSE** for the following reasons;

1. In the opinion of the Local Planning Authority, by virtue of the layout and appearance of the proposed development, and in particular its failure to deliver minimum separation distances, satisfactory relationships between dwellings, or well-designed off-street parking provision, the proposal would result in an unsatisfactory form of development that would fail to positively contribute to the Borough and take the opportunities available for improving the character and quality of the area, taking into account local design standards and supplementary planning documents, contrary to paragraphs 124, 127 and 130 of the NPPF (2019), policy QP4 of the Hartlepool Local Plan (2018) and the adopted Hartlepool Residential Design SPD (2019).
2. In the opinion of the Local Planning Authority, by virtue of the layout of the proposed development, and in particular its failure to deliver minimum separation distances and satisfactory relationships between dwellings, the proposal would result in an unsatisfactory form of development that would have a detrimental impact on the amenity and privacy of future occupiers through issues of overlooking, overbearing, poor outlook and overshadowing, contrary to paragraph 127 of the NPPF (2019), policy QP4 of the Hartlepool Local Plan (2018) and the adopted Hartlepool Residential Design SPD (2019).

## **BACKGROUND PAPERS**

2.135 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**

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

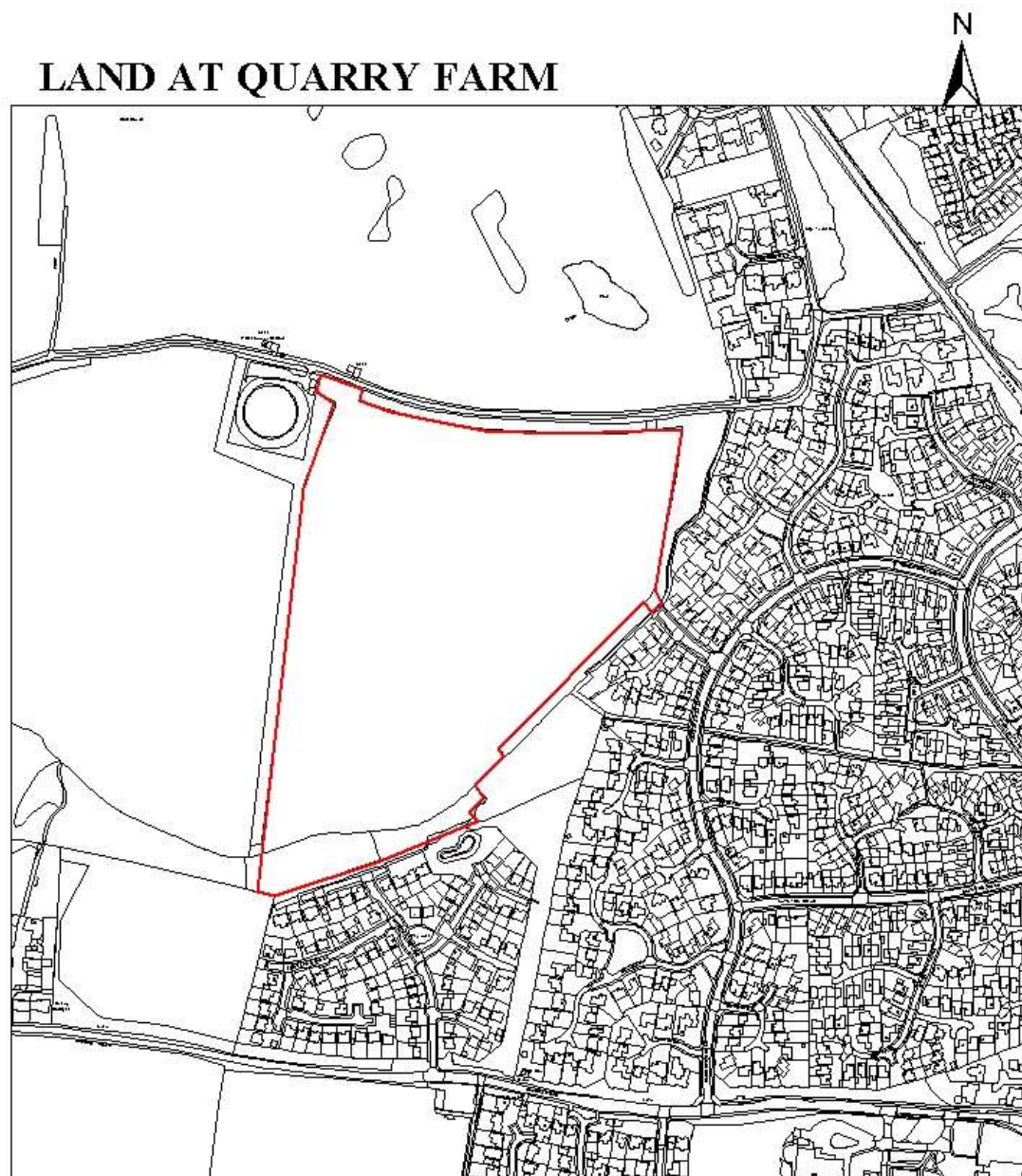
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## **AUTHOR**

2.137 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)





Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0352</b>	REV



**No:** 3.  
**Number:** H/2019/0418  
**Applicant:** Mr Mark Tilling Elwick Road HARTLEPOOL TS26 0LQ  
**Agent:** Labosport Ltd Tom Betts unit 3 aerial way, hucknall business park Watnall road Nottingham NG15 6DW  
**Date valid:** 26/09/2019  
**Development:** Provision of an all weather playing pitch, installation of 8x15m high floodlights, fencing, gates and associated works.  
**Location:** HIGH TUNSTALL COLLEGE OF SCIENCE ELWICK ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The site has a detailed planning history of which the following most recent applications are considered to relevant to the current proposals;

H/2018/0150 - Demolition of existing school buildings and redevelopment of the site to provide a replacement school building and playing pitches along with car parking, hard and soft landscaping and access arrangements – approved 05/07/2018

H/2019/0256 - Erection of extension to school building to create sports changing pavilion – approved 19/08/2018.

H/2019/0268 - Display of 2no. school name signs on the northern elevation of the new building and 1no. sign on the eastern elevation of the main building – approved 21/10/2019.

## PROPOSAL

3.3 Permission is sought for the provision of an artificial grass pitch (AGP), associated 4.5m high ball stop fencing and entrance gates to the perimeter of the AGP, high pitch barriers with entrance gates internally within the fenced AGP enclosure to segregate the artificial grass field of play from adjoining hard-standing area at High Tunstall College of Science. The proposal includes a secure maintenance/sports equipment store.

3.4 The all-weather pitch would be approximately 100m x 64m with a 3m (approx.) perimeter space, beyond which a 2m and 1m high mesh pitch fence would enclose the pitch, with a 4.5m high open mesh 'Ball Stop' fencing and entrance gates

beyond. 8no. flood lights are also proposed to the perimeter of the proposed all-weather pitch. A storage container is proposed that would sit inside the enclosed area 6m by 2.5m with a height of 2.5m (approx.). Access would be taken from the existing car park.

3.5 The application has been referred to the Planning Committee due to the number of objections received and the officer recommendation, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

3.6 The application site comprises an existing school site at High Tunstall College of Science, Elwick Road. The application site is currently occupied by buildings and open space playground, the buildings will be demolished, following the completion of a new school building located to the west of the existing school buildings. The school site is close to residential properties on all sides, although these are situated a considerable distance from the proposed development (West Park (SE) approximately 60m to garden boundaries, Woodlands Grove (E) approximately 122m to garden boundaries, Blaise Garden Village (N) approximately 96m to garden boundaries, Kielder Road (W) approximately 168m to garden boundaries and West Park (S) approximately 198m to garden boundaries). Access to the site is taken from Elwick Road.

3.7 As per the above referenced recent approval (H/2018/0150), the site is currently under construction in respect of the demolition of existing school buildings and redevelopment of the site to provide a replacement school building and playing pitches along with car parking, hard and soft landscaping and access arrangements

## **PUBLICITY**

3.8 The application has been advertised by way of neighbour letters (79) and site notice. To date, there have been 2 letters of no objection and 15 letters of objection.

3.9 The objections/concerns can be summarised as follows:

- Opening times are too long
- Noise
- Could cause anti-social behaviour
- Traffic increase
- Effect on the amenity of garden areas
- Affect health and well-being
- De-value property
- Light from floodlights
- Concerns around policing opening hours
- Speeding traffic
- Large and out of keeping with the area.
- Security risk to adjoining properties

3.10 Copy Letters **D**

3.11 The period for publicity has expired.

## CONSULTATIONS

3.12 The following consultation replies have been received:

**HBC Engineering Consultancy** – In response to the above consultation; in respect of surface water management we have no objections to proposals in principle however to ensure the propriety of the detailed design I ask that you include our detailed drainage condition on any decision notice for the application.

The applicant is advised that, further to comments in the Planning Statement page 18 that infiltration may be practical, we would expect further infiltration testing to be undertaken to verify the practicality of surface water management by means of infiltration. There does appear to be sufficient land within the ownership boundary to enable the use of soakaways should permeability be suitable.

In respect of contaminated land we have no objection to proposals however to ensure that any unexpected contamination is properly managed I ask that you include our unexpected contamination condition as shown below on any decision notice for the application.

**HBC Public Protection** – I would have no objection to this application providing the following condition is met an hours restriction of 08.00-21.00 on any given day to be consistent with similar applications within Hartlepool.

**HBC Ecologist** – No concerns. I have studied the floodlight illuminance plan and am satisfied that the proposed light spill will not impact on the surrounding natural environment.

**HBC Sport and Recreation** – I fully support the application for planning linked to an AGP at High Tunstall College of Science, the school is currently working with sections of the Local Authority in progressing this project.

**HBC Landscape** – Although I am not raising concerns with this application I note that in the Planning Statement submitted by the applicant mentions that direct views of the AGP from outside the site will be screened in part with new planting. Can I see details of this as part of this application or by a condition.

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

**Sport England** – The proposed artificial grass pitch is to be erected on land that was earmarked for replacement playing field as part of the school's reconfiguration under the Priority Schools Building Programme. The area previously housed school buildings.

## Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- . meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- . fully secures sport related benefits for the local community;
- . helps to meet identified sports development priorities;
- . complies with relevant Sport England and NGB design guidance;
- . improves the delivery of sport and physical education on school sites; and
- . is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- . it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- . other users would be displaced without equivalent replacement provision;
- . it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The need for additional artificial grass pitch (AGP) provision in Hartlepool has been highlighted by both the Hartlepool Playing Pitch Strategy, and the Local Football Facilities Plan. The latter document identified High Tunstall College as the most appropriate location for a new AGP. The proposed location for the AGP is the footprint of former school buildings which were demolished once new accommodation erected under the Priority Schools programme came into use. Its location has a minimal impact on the retained areas of playing field whilst being well related to the ancillary facilities which will play an important part of its successful community use.

## Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet/broadly meet exception 5 of the above policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.*

*Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate*

If you wish to amend the wording of the recommended condition, or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

There is a free online resource from Sport England (Use Our School) that offers further guidance and information for local authorities and other education providers on how to make the best use of school facilities for the benefit of the local community. It is especially useful for those who have responsibility within a school for establishing, sustaining and growing community activity on school sites. 'Use Our School' can be accessed here; [www.sportengland.org/useourschool](http://www.sportengland.org/useourschool)

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

**Tees Archaeology** – Given that there was a negative evaluation immediately to the west of the development and that the development itself would be largely contained within the footprint of the existing building, the potential for archaeology is considered to be low. There is therefore no need for an archaeological condition on this development.

**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.

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 the application documents indicate that surface water will discharge to the existing watercourse. Should the drainage proposal change for this application, we would request re- consultation.

**HBC Public Health** – No comments received

**HBC Community Safety** – verbally confirmed no objections to the proposals.

**Cleveland Police** - With regards to this proposal for a MUGA, the main issues appear to have been addressed in the Design & Access Statement. A 4.5m weldmesh fence would be adequate and the management of site will be controlled, as a generic MUGA application all appears in order.

The applicant is welcome to contact Steve Davies for any additional advice/guidance in relation to designing out opportunities for crime and disorder to occur in future.

## **PLANNING POLICY**

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

### Hartlepool Local Policy

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

CC1: Minimising and adapting to climate change  
 INF4: Community Facilities  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 SUS1: The Presumption in Favour of Sustainable Development



National Planning Policy Framework (NPPF)(2019)

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130 :Achieving well-designed places

PARA 150: Planning for Climate Change

PARA 153: Planning for Climate Change

PARA 212: Implementation

**HBC Planning Policy Comments** - Planning policy have no objections to the proposed development. The proposal is deemed to be in accordance with policy INF4 which seeks to ensure that all sections of the community have access to a range of community facilities. The new pitch is thought to have health and wellbeing benefits, alongside providing a facility that the wider community can access. If the development is to be built over existing facilities, it must be ensured that these are replaced and not lost.

## **PLANNING CONSIDERATIONS**

3.16 The main planning considerations with respect to this application are the principle of the proposed development, the design of the proposals and impact on the character and appearance of the area, the impact of the proposals on the

amenity of neighbouring land users, flooding and drainage, highway safety and any other planning matters.

## PRINCIPLE OF DEVELOPMENT

3.17 Policy INF4 of the Hartlepool Local Plan seeks to ensure that all sections of the community have access to a range of community facilities. The proposed new pitch is considered to have health and wellbeing benefits, alongside providing a facility that the wider community can access. HBC Planning Policy considers that the proposals are in line with Policy INF4.

3.18 Sport England have been consulted on the application and have advised that the proposed development is on land that previously was required for replacement playing field as part of the school's re-configuration and was previously occupied by school buildings (H/2018/0150). The proposed development is for an outdoor facility for sport, and that the benefits of the proposed development would outweigh the loss and therefore relevant exceptions have been met and therefore no objections are raised from Sport England subject to a community use agreement being conditioned. A relevant planning condition is appended accordingly.

3.19 Further consideration is given the extant planning permission (H/2018/0150) for the redevelopment of the school site which included the provision of a playing pitch in this location.

3.20 In view of the above, the principle of development is considered to be acceptable subject to the scheme satisfying other material planning considerations as set out below.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.21 Policy QP4 of the Hartlepool Local Plan stipulates that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties. Paragraph 17 of the NPPF requires that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

3.22 Objections have been received from neighbouring properties with regard to the position of the sports pitch and the impact it will have on neighbouring residents within the immediate area in terms of noise and impact from the lighting.

3.23 The proposed pitch is to be provided on an area that currently has the old school and playground area, which is to be demolished when the new build school has been fully completed. As noted above and as part of approval H/2018/0150, this part of the site benefits from planning permission for playing pitch replacement which was compensatory provision for part loss of playing pitches on the site of the new school buildings (the compensatory pitches were subject to a planning condition requiring a community use agreement).

3.24 The proposed playing pitch, fencing and floodlights would be fully contained within the school site and is set back from the public highway. The residential

properties to the west on Kielder Road would be primarily screened from the development by the existing school buildings, including the new build school and are approximately 168m away. The residential properties to the north at Blaise Garden Village are approximately 96m away, the residential properties to the east at Woodlands Grove are approximately 122m away and are partially screened by school buildings and planting along the perimeter of the school. The properties to the east and north east on West Park are approximately 50m at the closest point (no 29 West Park) increasing to approximately 200m given the site location, and do have some screening from planting along the school boundary. The properties to the south on Coniscliffe Court and Coniscliffe Road are in excess of 200m away (approx.).

3.25 The proposed flood lighting scheme would consist of 8 x 15m high columns, mounted with sixteen LED luminaires. The application is supported with a flood lighting specification report which states that all floodlights are to be fitted with integral louvres to reduce overspill and glare for residential properties. This has been considered by the Council's Public Protection team who have raised no objections to the scheme including this element. Appropriate planning conditions can ensure that the development is built and operated in compliance with the specifications/requirements of the flood lighting report and that the flood lights are not operated outside of the permitted opening hours of the playing pitch, which can also be secured by a planning condition.

3.26 Further consideration is given to the proposed screen planting that will further assist in softening any adverse impacts of the development in terms outlook.

3.27 In view of the above considerations including the satisfactory remaining separation distances, the established siting of the school (and the extant permission for a playing pitch in this location) and that HBC Public Protection have raised no objections to the application, it is considered on balance that the proposed development would not have a significant detrimental impact on the amenity and privacy of neighbouring land users in terms of outlook, overbearing, overlooking and noise disturbance as to warrant a refusal of the application. The proposal is therefore considered to be acceptable in this respect and in accordance with paragraph 17 of the NPPF, and policy QP4 of the Hartlepool Local Plan.

## IMPACT ON CHARACTER AND APPEARANCE OF APPLICATION SITE AND SURROUNDING AREA

3.28 The Hartlepool Local Plan 2018 advises that development should be of a scale and character which is in keeping with its surroundings. Policy QP4 (Layout and Design of Development) seeks to ensure all developments are designed to a high quality and positively enhance their location and setting through appropriate layout, scale and form, the use of a variety of appropriate design elements and a mix of materials and colours amongst other considerations. The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.29 The proposed playing pitch is set within the school site and set back from the public highways to the north and to the east. Furthermore, certain sections of the proposal would be partially screened by existing school buildings and existing planting within the school site.

3.30 The proposed playing pitch, fencing and floodlights would be fully contained within the school site and set back from the public highway. As noted above, it is considered that the remaining separation distances to the identified residential areas are acceptable from a residential amenity perspective but also in turn from a visual amenity perspective for the wider area.

3.31 The all-weather pitch itself is not considered to have a significant impact on the character and appearance of the site or surrounding area. It would be enclosed with mesh fencing with a height of 4.5m, which would help prevent balls going out of the site whilst there would be a 2m high fence within the exterior fence which will demarcate a walkway. It is considered that the fence considered that such fencing is of an open mesh style that would mean views across the site could still be achieved. Furthermore, the proposals are not considered to be uncommon to the boundary of sport and leisure facilities and schools and is therefore considered appropriate in design terms.

3.32 The proposals also include 8 x 15m high floodlights. It is acknowledged that the provision of floodlighting along the east and west boundary of the playing pitch approximately 15m in height would be visible from surrounding properties, albeit at satisfactory separation distances as detailed above. Notwithstanding this, consideration is given to view that the proposed floodlighting would be read (from certain views) against the backdrop of the existing and new school buildings, which are substantial in scale. In view of the siting of such structures and distances to the adjacent boundaries, and that they have been designed to reduce horizontal and vertical light overspill to neighbouring properties, it is not considered that the proposal would have a significant detrimental visual impact upon the visual amenity of the surrounding area as to warrant a refusal of the application.

3.33 It is further acknowledged that the site benefits from a recent approval (H/2018/0150) for the demolition of existing school buildings and redevelopment of the site that included playing pitches. Whilst the playing pitch did not provide floodlighting, it would have had a community use agreement and this is material in the consideration of this application.

3.34 The proposed storage container would be sited within the enclosed compound of the playing pitch. It is not considered that this element of the proposal would have a significant impact upon the character or appearance of the area given that the container is set back from the main frontage and would be partially screened by existing infrastructure of the school.

3.35 The Council's Arboricultural Officer has raised no objection to the proposals but has requested additional planting (as indicated by the applicant) be provided with respect to assisting in reducing views towards the proposals from outside of the site.

This is considered to be acceptable and can be secured by an appropriate planning condition.

3.36 In view of the above, it is considered that the proposal would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area, subject to the abovementioned condition(s). The proposal is therefore considered to be acceptable in this respect and in accordance with policies INF4 and QP4 of the adopted Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019).

#### HIGHWAY SAFETY AND CAR PARKING

3.37 Objections has been received with regard to the increase in traffic, and traffic congestion. It is understood that the proposed development would use the existing school access points and parking areas that has provision for 150 spaces for community visitors. The Council's Highways, Traffic and Transport section has been consulted and raise no concerns with regard to parking and highway safety. The application is therefore considered to be acceptable with respect to highway and pedestrian safety.

#### FLOOD RISK AND DRAINAGE

3.38 The application site is located in Flood Zone 1 and is therefore at a lower risk of flooding. The Council's Engineering section has been consulted on the application and has raised no concerns at this stage subject to the submission of final details of surface water drainage that can be secured by a pre-commencement planning condition. The application is therefore considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned planning condition.

#### OTHER PLANNING MATTERS

##### *Archaeology*

3.39 Tees Archaeology have been consulted and raise no concerns or objections with regard to archaeology. The application is therefore considered to be acceptable in this respect.

##### *Safety & Security*

3.40 Concerns have been raised by objectors with respect to potential increases in crime and anti-social behaviour due to the development.

3.41 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 91 of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe

and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”.

3.42 Cleveland Police have been consulted on the application and have confirmed that whilst they have no objections, they have advised that the facility needs to be well managed and maintained to ensure no issues arise. It has been confirmed by the applicant that the facility will be secured (there is an approximately 4.5m high perimeter fencing proposed around the facility proposed) and this facility would be managed by the school management team. Furthermore, the Council's Community Safety and Engagement team have verbally confirmed that they have no objections to the proposals.

3.43 Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the HBC Community Safety and Engagement team.

3.44 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Policy QP5 and would accord with the guidance in the NPPF, in this respect.

### *Ecology*

3.45 The Council's Ecologist has been consulted and considers that the proposed light spill from the floodlights will not impact on the surrounding natural environment. The application is therefore considered to be acceptable in terms of ecology and the natural environment.

## RESIDUAL MATTERS

3.46 A number of non-material planning objections have been raised including property devaluation and high council tax rates. Section 70 of the Town and Country Planning Act 1990 states the Local Planning Authorities must have regard to any material planning considerations in the determination of planning applications. However, the points raised within the objections are immaterial in the planning consideration of this proposal. Therefore, these matters have not been taken into consideration.

## CONCLUSION

3.47 The proposed development would enhance the sport and recreation facilities available at the site and is considered to be acceptable in principle. It is not considered that the development would adversely affect the amenity of neighbouring land users or the visual amenity of the surrounding area. The proposal is also considered to be acceptable in respect to all other material planning considerations. On this basis the officer recommendation is to approve the application subject to the identified relevant planning conditions.

## **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 as per the report.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE**, subject to the 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 Dwg No(s);  
LSUK19-0166 BM25583 048401 Rev 01 (Location Plan)  
LSUK19-0166 BM25583 048404 Rev 01 (Development Layout)  
Received by the Local Planning Authority on 26 September 2019  
LSUK19-0166 BM25583 048403 Rev 00 (Proposed Plan)  
LSUK19-0166 BM25583 048406 Rev 00 (Proposed Floodlights)  
LSUK19-0166 BM25583 048407 Rev 00 (Proposed Elevations)  
LSUK19-0166 BM25583 048408 Rev 00 (Proposed Elevations)  
LSUK19-0166 BM25583 048409 Rev 00 (Proposed AGP Features)  
Received by the Local Planning Authority on 16 September 2019 and  
LSUK19-0166 BM25583 048402 Rev 02 (Site Plan)  
Received by the Local Planning Authority on 4 December 2019  
For the avoidance of doubt.
3. Notwithstanding the submitted information details of all external finishing materials including means of enclosure, 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. Prior to the commencement of development, details of the existing and proposed levels of the site including and proposed mounding or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

5. Notwithstanding the submitted information, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.  
To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
6. Notwithstanding the submitted details and prior to the commencement of development details of the soft landscaping, tree and shrub planting shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details for the creation of species rich grassland and wild flower seed mix. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season prior to the first use of the buildings/facilities or the completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
7. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the first use of the site and/or the site being open to the public, whichever is the sooner. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.  
In the interests of visual amenity.
8. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include



details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

9. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report. To ensure any site contamination is satisfactorily addressed.

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.

10. The premises/facilities hereby approved shall only be open to the public between the hours of 0800 and 2100 Mondays to Sunday.  
In the interests of the amenities of the occupants of neighbouring properties.
11. The floodlighting hereby approved shall only operate between the hours of 0800 and 2100 Mondays to Sunday and shall be turned off outside of these hours.  
In the interests of the amenities of the occupants of neighbouring properties.
12. The floodlighting to the Artificial Turf Pitch hereby approved shall be installed in accordance with submitted plans and details outlined within the floodlighting document (LED Floodlight Project Code 0400374502 document dated 30.08.2019, date received by the Local Planning Authority 16.09.2019) including the provision of louvers to the floodlights at all times. The luminance levels of the lighting methods hereby approved shall not exceed the levels outlined on Drawing No: LSUK19-0166 BM25583 048406 Rev 00 (Proposed Floodlights), date received 16 September 2019, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
13. No construction/building or demolition works shall be carried out except between the hours of 8:00am and 6:00pm on Mondays to Fridays and between 9:00am and 1:00pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.

## **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**

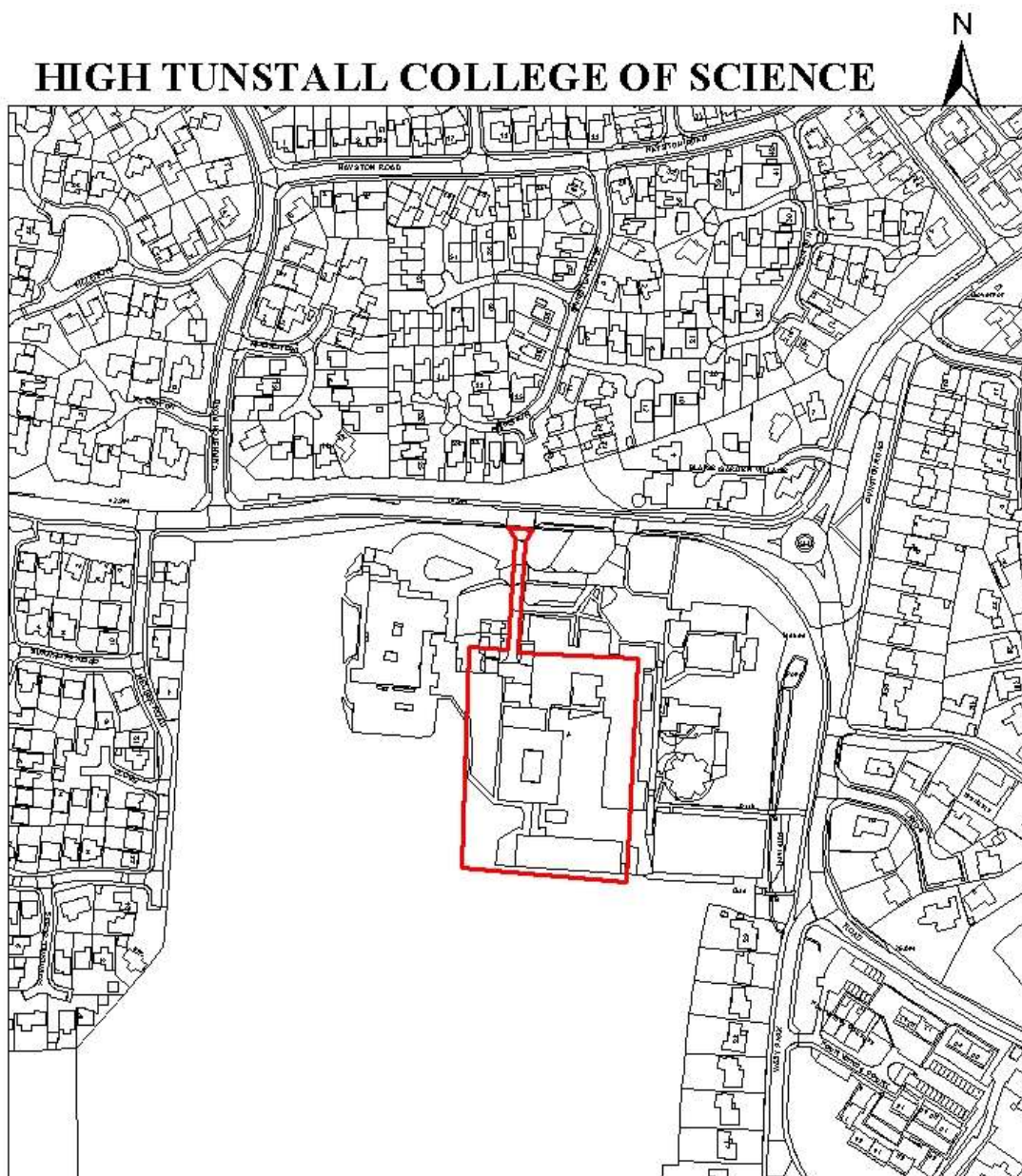
3.53 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

3.54 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)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0418</b>	REV



**No:** 4.  
**Number:** H/2019/0319  
**Applicant:** BIFFA WASTE SERVICES LTD Bickershaw Lane Abram Wigan Greater Manchester WN2 5TB  
**Agent:** MR MIKE HARTY BIFFA WASTE SERVICES LTD West Manchester Depot, Junction Works BIFFA WASTE SERVICES LTD Bickershaw Lane Abram Wigan WN2 5TB  
**Date valid:** 14/08/2019  
**Development:** Materials recycling facility and storage bays, compressor building, amended site layout including screening bunds and other landscaping (part retrospective)  
**Location:** BIFFA MATERIALS RECYCLING FACILITY BRENDA ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2008/0155 - Application to remove condition 2 attached to application EZ3/7/HO/577/83 to allow general industrial use (B2 use), approved 07/11/08.

H/2011/0133 - Application for Certificate of Lawful Development in respect of waste recycling (B2 General Industrial) facility, certificate approved 26/09/11.

H/2011/0242 - Alterations to existing industrial building to raise the height by five metres, approved 27/03/13.

H/2011/0550 - Application for extension of time limit for planning application H/2008/0155 for removal of condition 2 attached to application EZ3/7/HO/577/83 to allow general industrial use (B2 use), approved 27/03/13.

H/2012/0111 - Removal of 1m of topsoil and subsoil and replacement with inert crushed recycled demolition/building material to provide hard standing area for storage of plant and machinery, approved 04/06/13.

H/2013/0039 – Extension to material recovery facility building to provide was reception/tipping area for material prior to recovery/recycling, approved 24/04/13.

H/2013/0349 - Erection of a portal frame processing shed and ancillary storage bays, approved 17/12/13.

## PROPOSAL

4.3 Part retrospective planning permission is sought for the erection of a steel portal framed building for the recovery and recycling of materials (Materials Recycling Facility/MRF), extension to existing material storage bays and the erection of a compressor building.

4.4 The as-built MRF steel portal framed building measures approximately 84m by 47m and approximately 12m to the roof ridge and features profiled composite cladding to external walls and profiled roof sheeting in a grey colour, with a blue wall base, with polycarbonate roof lights and roller shutter doors. The building is located centrally within the site. This application proposes to regularise this building which had previously been granted planning permission in December 2013 (H/2013/0349) but was not constructed in accordance with the approved plans, namely the building was rotated through 90 degrees from its approved position. The current applicant ('Biffa') is a different operator/owner to the previous applicant/operator after acquiring the site in 2017 and through this application are seeking to regularise the situation.

4.5 The proposal includes the extension of existing storage bays from 5 to 12 in the northern most part of the site that would be constructed from steel columns with steel plated sheets at approximate height of 6m (to match existing).

4.6 A compressor building is proposed to be erected to the eastern elevation of the MRF building, which will sit upon a concrete pad. The building would measure approx. 8m by 5m and have a height of approx. 3.7m and house a compressor.

4.7 The external parts of the wider site include areas currently used to contain a number of stockpiles of inert materials; these include an area to the east of the MRF building (non-waste), to the south of the MRF building (for 'additional storage'), to the south west corner (for screened soils and sand) and to the south of the car park in the north west corner of the site (for storage of plant and processing equipment). The submitted details indicate that "significant progress has been made over the last 12 months in removing this material from site. This process will continue so that only the areas identified...will be used for external stockpiling". It is proposed that the stockpiles would not exceed 5m in height.

4.8 The proposed scheme would also include further landscaping to the western boundary and landscaping/screening bunds to the eastern and southern boundaries to provide visual screening and in accordance with the recommendations of the noise assessment.

4.9 The submitted Planning Statement indicates that the operating hours remain unchanged to those permitted, with the only restriction being in terms of operational hours for operations involving external crushing. The supporting Planning Statement also notes that no changes are proposed to the existing waste operations on the site. The site employs approximately 100 staff and there are no changes to current staff

numbers proposed. Parking within the site would also remain unchanged. There are designated areas for staff car parking and HGV vehicles within the site.

4.10 The application has been referred to the Planning Committee as the proposal constitutes a 'departure' from the development plan (discussed in further detail below) in line with the Council's scheme of delegation.

## **SITE CONTEXT**

4.11 The application site relates to the 'Biffa' materials recycling facility, located at the junction of Tofts Road East with Brenda Road; the site lies at the southern end of Brenda Road, with access take from Tofts Road East. The application site is approximately 11.5 ha in area. The site area is generally topographically level.

4.12 The site offices and car parking are situated in the north western corner of the site. HGV parking is provided to the east of the car park. The MRF building that this application relates to is located within the centre of the site, approximately 70m from the closest (northern) site boundary. A workshop is located within the centre of the site, to the south west of the main MRF building.

4.13 The external parts of the wider site, particularly the southern and western areas, currently contain a number of stockpiles of inert materials pending their removal off-site. The stockpiled materials are understood to be typically soils, sand, stone and other inert excavation material as well as screened material from the MRFs. A number of storage bays are located in the north eastern part of the site adjacent to the northern site boundary. The storage bays incorporate concrete hard standing and are formed from steel columns with steel plated fencing approximately 6m high. The bays are used for the storage of materials such as waste metal.

4.14 A storage area is situated adjacent to Brenda Road in the west of the site, close to the site offices. This area is understood to be used for the storage of plant and processing equipment although it is proposed that the equipment within this part of the site will be removed. Additional storage areas are located to the south of the main MRF building. To the east of the site is a small depot operated by Biffa which provides a fleet workshop and a skip storage area.

4.15 The site is bounded to the west by Brenda Road beyond which are commercial and industrial units. To the north of the site are commercial buildings located off Tofts Road East with a large single unit located immediately to the north of the site. To the south of the site is Seaton Meadows Landfill Site.

4.16 Residential properties in Seaton Carew are located some distance to the north and north east of the site, the closest of which are located approximately 400m to the north of the site on Vickers Lane and De Havilland Way with industrial buildings on Tofts Farm East Industrial Estate and Hunter House Industrial Estate are situated between the application site and the residential properties.

## **PUBLICITY**

4.17 The application has been advertised by way of neighbour letters (36), site notice and press notice. One objection has been received raising concerns regarding noise coming from the premises in respect of forklift trucks/vehicles.

4.18 Copy Letters **E**

4.19 The period for publicity has expired.

## **CONSULTATIONS**

4.20 The following consultation replies have been received:

**HBC Engineering Consultancy** – We object to proposals on the basis of flood risk; unrestricted surface water discharge from the site leads to increased flood risk off site. There are existing surface water flooding problems on Brenda Road and Tofts Road in the region of this development which are exacerbated by unrestricted surface water discharge to public sewer in this area.

The planning application, whilst in part retrospective, is for Major Development and as such proposals are required to utilise sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. The National Planning Policy Framework (NPPF) also requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. See also the Hartlepool Borough Council Local Plan policy CC2: Reducing and Mitigating Flood Risk sections 3 and 7 that require no increase in flood risk in vulnerable areas, a reduction in flood risk overall and SuDS to be the preferred method for managing surface water runoff.

Our objection can be overcome by employing SuDS in order to ensure that existing demonstrable surface water discharge rates for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events are reduced by 30% to allow for an increase in rainfall intensity due to climate change. This will also allow proposals to meet the minimum requirement of the DEFRA Non-Statutory Technical Standards for Sustainable Drainage Systems standards S3 and S6. I suggest that this is achieved by on site attenuation measures.

Rainfall modelling must be carried out using approved methods such as the Flood Estimation Handbook (FEH) or the Institute of Hydrology (IH) Report 124 rather than the Flood Studies Report (FSR) rainfall model which has been superseded and is considered unsuitable for modelling small catchments.

### UPDATE 09.10.2019 (Following discussions with the Applicant)

I note from the application form that the site area is 11.5ha which corresponds to the red line/application boundary shown on drawings submitted, this is what we consider to be “the development”. We would require the surface water discharge rate from this area to be reduced by 30%.



As an alternative we would accept that the areas identified as retrospective development and proposed new development on the drawing attached to the email below would have their surface water discharge rates restricted to greenfield runoff rate. It would not be acceptable to just reduce runoff rates from retrospective and proposed new development by 30%.

We acknowledge the practical constraints on site and underground tanks are acceptable for attenuation purposes.

I have no problem with you conditioning the requirement for the retrospective and new development areas have their surface water discharge rates restricted to greenfield run-off rates.

**HBC Public Protection** – I have no objections subject to the conditions applied to the previous approval on this site. I would also suggest a condition requiring that all vehicles operating on the site be fitted with broadband reversing alarms as the noise from this type of reversing alarm does not carry over distance in the way that a reversing bleeper does.

**HBC Landscape Architect** – A sufficient boundary planting scheme has been specified to the site boundary as noted in previous comments. There are no landscape and visual objections to the proposed development.

**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 Ecologist** – I support the delivery of the Landscape Proposals plan (Drawing LA1) which adequately mitigates any adverse ecology impacts through the retention of existing trees and scrub, the planting of native species woodland and the planting of native wildflower grassland (on the bunds). My only requirement regards the ground preparation for the Wildflower Meadow Grassland Areas. Wildflowers fare much better on low nutrient subsoil where they are not out - competed by more vigorous plants such as docks and thistles, and grasses such as couch grass. Mounds should not be topped with fertile top soil, rather the surface should be left as sub- soil. This detail should be noted on the bund creation instructions on the plan, to be implemented at the site preparation stage. The Landscape proposals should be conditioned.

Designated sites at its closest point, the Seaton Common unit of the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) lies 200m to the east. The Defra/ Natural England Magic Map SSSI Impact Risk Zone flags this Waste development as requiring consultation with Natural England.

The application site lies within 200m of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. However, this application falls within the Hartlepool Local Plan 2017 to 2032 policy EMP3 General Employment Land. This policy was included in the Local Plan Habitats Regulations Assessment (HRA) which was approved by Natural England. The HRA concluded that policy EMP3 f (where

the site is located) does not lead to Likely Significant Effect on European Sites. In my view this application does not require a bespoke HRA.

UPDATE 28/08/2019 (on Amended Landscape Plan)

I have studied the amended Landscape Proposals plan which is now acceptable.

**HBC Arborist** – I refer to the Landscape plan Dwg No A109405 -41-24- LA1-Rev A submitted by the applicant. This is quite comprehensive and specifies the forest planting and bund design to help screen the works in this relatively treeless part of the industrial estate. The only mature trees near to the Toft Road East/Brenda Road roundabout will remain but some pruning works are to be carried out. Overall the scheme is well thought out and I have no comments or objections to make on this application.

**HBC Traffic & Transportation** – No highway or traffic concerns.

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

**HBC Economic Development** – Support the application and the jobs it will provide.

**Hartlepool Water** – No comments received.

**Highways England** – No objection.

**Cleveland Fire Brigade** – No comments received.

**Tees Archaeology** – No objection to the application.

**Natural England** – European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development

No objection to the proposal.

**Cleveland Emergency Planning Unit** – No objection.

**Environment Agency** – We offer informative advice to the applicant: The operator has an environmental permit in place at this site for waste transfer and treatment. We would request they review their environmental management system (EMS) documents to ensure they remain appropriate in lieu of the new site infrastructure

and layout. We would request they contact their local office to discuss this further, using the email address N:E -waste@environmentagency.gov..

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters. However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our proprieties so that we can focus on:

Protecting and improving the groundwater that supports existing drinking water supplies  
Groundwater within important aquifers for future supply of drinking water or other environmental use.

**Northern Gas Networks** –Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

**Northumbrian Water** – Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region.

The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

Discharge into ground (infiltration)

Discharge to a surface water body

Discharge to a surface water sewer, highway drain, or another drainage system

As a last resort, discharge to a combined sewer.

**Office for Nuclear Regulation** - Makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

**Health and Safety Executive** – The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Hartlepool (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

**HBC Heritage and Countryside Manager** – No comments received.

## **PLANNING POLICY**

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

### Hartlepool Local Policy (2018)

4.22 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  
EMP3: General Employment Land  
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  
SUS1: The Presumption in Favour of Sustainable Development

### Tees Valley Joint Minerals and Waste Development Plan Document (2011)

MWC6 Waste Strategy

### National Planning Policy Framework (NPPF)(2019)

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

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

PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 038: Decision-Making  
 PARA 047: Determining Applications  
 PARA 091: Promoting healthy and safe communities  
 PARA 124: Achieving well-designed places  
 PARA 127: Achieving well-designed places  
 PARA 130: Achieving well-designed places  
 PARA 150: Planning for Climate Change  
 PARA 153: Planning for Climate Change

#### HBC Planning Policy comments (summarised)

4.24 The site is situated on land which is covered by policy EMP3 of the Local Plan, which deems the land as 'General Employment Land'. The principle of development has been deemed acceptable by virtue of permission H/2013/0349. However, it is acknowledged that the proposal would be a departure from the Local Plan as it is for a waste recycling facility. Proposals for the development or extension of sites for bad neighbour uses will normally only be permitted in the Sandgate area and/or Graythorp industrial estate.

4.25 NPPF section 12 *Achieving well-designed places* expects development to function well, be visually attractive, and be sympathetic to local character and history. Local Plan policy QP4 provides further considerations including ensuring there is no negative impact upon the relationship with existing and proposed neighbouring land uses and that development is of an appropriate layout, scale and form which respects the surrounding buildings, structures and environment.

4.26 It is considered that the scale and density of the proposed development would be acceptable. The new position and orientation of the building is not considered to have any adverse impacts on the site amenity and are appropriate in the context of the site's surroundings, in accordance with policy QP4.

4.27 In order to ensure appropriate on-site green infrastructure, a landscaping scheme is proposed that would include screening bunds and planting, which is considered to improve the visual amenity of the site.

4.28 However as this proposal constitutes major development the proposal is required to be in accordance with policies CC1 and QP7 of the Local Plan. CC1 requires major development to secure where feasible, a minimum of 10% of their energy supply from decentralised and renewable/low carbon sources. In this instance, it is acknowledged that due to the nature of the development, that this is not feasible. However, there is a requirement to include opportunities for charging electric and hybrid vehicles which could be provided on site, this would be secured by the appropriate condition.

4.29 The development should be in accordance with policy QP7 which requires development to be energy efficient. The applicant is required to ensure that the

layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation. The use of sustainable construction and drainage methods is also encouraged. The Council would also encourage an attempt to be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations. We would seek to secure the standard energy efficiency conditions to this application.

## UPDATE

4.30 Following further discussions with the applicant they have confirmed that they are willing to provide on site renewable energy provision and electric vehicle charging points, however they have advised that it is not feasible/practical to improve the building fabric given the nature of the building.

4.31 In response, HBC Planning Policy have commented that the measures taken are acceptable to meet the Policy requirements of CC1 and QP7. In this instance it is accepted that it is not feasible to improve the building fabric and are satisfied that the conditions relating to on-site renewable energy efficiency provision is acceptable in this instance.

## **PLANNING CONSIDERATIONS**

4.32 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 (the principle of development) and in particular the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area, landscape features, the amenity and privacy of neighbouring land users, flood risk and drainage, highway and pedestrian safety and car parking, and ecology and nature conservation. These and all other planning and residual matters will be considered in detail below.

## **PRINCIPLE OF DEVELOPMENT**

4.33 The application site is located within Tofts Farm East as designated by policy EMP3f of the adopted Hartlepool Local Plan (2018) and as set out on the associated Policies Map. Policy EMP3f stipulates that proposals for business development (falling within class B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended) will be permitted within this area. The operation of the current application comprises the recovery and recycling of dry mixed recyclables (DMR) including materials such as plastics, cardboard, wood, metals and non-recyclables (B2 Use) and is therefore contrary to this policy.

4.34 Policy EMP3 states that proposals for the development or extension of sites for bad neighbour uses (such as sorting, composting and/or storage of waste materials, scrapyards, car breakers yards or coal yards) will only be supported in the Sandgate area and/or Graythorp industrial estate, providing they satisfy a number of criterion.

4.35 Notwithstanding the above, Policy EMP3 states that proposals for general industrial development (included within use class B2) and for other uses which are

complementary to the dominant use of a development where the Local Planning Authority is satisfied that such uses would not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites.

4.36 Paragraph 7 of the National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. Notwithstanding this, paragraph 12 of the NPPF stipulates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, although paragraph 12 of the NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.37 It is acknowledged that the use is technically contrary to Local Plan Policy EMP3 by virtue of its B2 Use operation, however it is a material planning consideration that the principle of the use of the site as a materials recycling/management facility has been established as a result of the original, implemented planning permissions detailed in the site history, primarily approval H/2013/0349. At that time, the proposal was considered to be compliant with Policy MWC6 of the Tees Valley Joint Minerals and Waste DPD.

4.38 In this context, the current application primarily seeks to regularise the orientation of the MRF building along with the addition of a number of ancillary buildings and works. Further consideration is given to the site's established location within an existing industrial estate where the site is well related to sources of waste and related industries, and that the site benefits from good transport links. It is further considered that the proposal would remain compliant with Policy MWC6 of the Tees Valley Joint Minerals and Waste DPD by increasing the recovery of commercial waste and by providing facilities that drive waste management up the waste hierarchy.

4.39 In view of the above considerations, the development is not, on balance, considered to be a significant departure from the Local Plan and therefore would not warrant a refusal of the application in this instance on this basis alone; Policy EMP3 also requires that bad neighbour uses are only permitted provided that; there will be no significant nuisance to adjacent premises or highway uses, the site is not visually prominent from a main access road or from the railway, adequate screening of the site is provided, the site is of a sufficient size for the proposed operation, and there are adequate car parking and servicing arrangements. These matters will be considered in detail in the main body of the report.

4.40 The Council's Economic Regeneration team has also been consulted on the application and has confirmed that they support this application and the jobs it will provide.

4.41 In view of the above and subject to the consideration of all other relevant material planning considerations, in particular with respect to the scheme satisfying

the criterion of Local Plan Policy EMP3, on balance it is considered that the principle of development is acceptable in this instance.

## ENERGY EFFICIENCY AND RENEWABLE ENERGY

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

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

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

4.44 The Materials Recycling Facility (MRF) building is a steel portal frame building and is considered to be of a notable scale. As noted above, this application proposes to regularise this building which had previously been granted planning permission but was not constructed in accordance with the approved plans, primarily the orientation of the building (which has been rotated 90 degree through from the original approval).

4.45 Whilst the proposed building is of a considerable size, this is not considered to be significantly out of keeping with other industrial buildings in the immediate vicinity. Similarly, the design of the building is considered to be characteristic of the area and of industrial estate development generally. The Council's Landscape Architect has advised that they consider the colour scheme to be acceptable in this location and it is considered that this assists in reducing the visual impact of the building.

4.46 Views to the site from the west are partially screened by existing planting and existing industrial buildings within the vicinity. Whilst the site can be viewed from other vantage points within the industrial area, the site is considered to be well screened by planting whilst an additional screening bund and landscaping is to be provided along the south, east and west boundaries.

4.47 With respect to other associated ancillary works/buildings, including provision of hard standing to external areas of the storage bays given the nature and scale of these elements of the proposal and their relationship and distances to site boundaries, it is considered that these elements of the proposal would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.



4.48 There are a number of outside storage areas to be provided within the site as shown on the submitted proposed site layout plan. The location of the storage areas appear to be screened by existing and proposed planting and existing buildings within the site. It is considered taking into account the distances from the boundary, the proposed landscaping to be provided within the site, on balance there are no significant adverse impacts upon the visual amenity of the application site or the character and appearance of the surrounding area. Notwithstanding this, final details of these storage areas (heights, size etc) can be secured by appropriate condition.

4.49 As noted above, a comprehensive landscaping scheme has been submitted in support of the proposed development. The scheme includes forest planting and bund design to help screen the development from the wider area of the industrial estate. The existing mature trees adjacent to Toft Road East/Brenda Road roundabout will be retained and pruned to give a balanced form and tidy appearance. The proposal includes a wildflower meadow grassland on top of the screening bunds. The Council's Arboricultural Officer has advised that he has no objections to the application. The landscaping scheme can be secured by appropriate condition within an appropriate timescale (i.e. within the current planting season), given the retrospective nature of the application. Furthermore, the Council's Landscape Architect considers the proposal provides adequate boundary planting and advised that there are no objections to the application.

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

4.51 In view of the above, on balance it is considered that the proposal is acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned landscaping, and in accordance with paragraph 127 of the NPPF and policies EMP3 and QP4 of the Local Plan.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.52 The application site is a former industrial site, located in an established industrial area, designated as employment land within the adopted Hartlepool Local Plan (2018). As such, there are no residential dwellings immediately adjacent to the site. To the immediate north, east and west of the site, are commercial premises/industrial units with residential properties beyond (Seaton Carew) some 400m (approx.), to the south of the site is Seaton Meadows Landfill Site. Consideration is also given to the established location of the site including the previous permission for the MRF building as well as the modest scale of the other ancillary buildings and works proposed. In view of the above, it is therefore considered that there are no significant detrimental impacts on neighbouring land users in terms of loss of amenity through overshadowing, any overbearing effect or poor outlook, or loss of privacy through overlooking.

4.53 It is understood that the main environmental related matters such as waste storage/removal, odour management and general activities will continue to be controlled through an environmental permit (by the Environment Agency/EA), which

is separate to the planning application process (the EA have provided further advice on this).

4.54 Notwithstanding this, given the nature and scale of the proposed operations, the impacts of the proposal on neighbouring land users in terms of noise and general disturbance have been considered. A noise assessment has been submitted in support of the application, in which it concludes that the development is not expected to have a significant adverse impact on health and quality of life. The assessment goes on to identify mitigation measures to restrict crushing times and the provision of a landscape bund which will further reduce noise from the site.

To the north of the site sits approximately 400 metres from existing residential dwellings (Vickers Lane, De Havilland Way) at its closest point. Similarly to the north west of the site, beyond the existing industrial uses immediately adjacent the site, a separation distance of in excess of 1km (approx.) is maintained between the proposed building and the residential properties at Seaton Lane, and these dwellings are also primarily screened from the development by the industrial and commercial buildings within the vicinity.

4.55 The applicant has submitted specifications with respect to the machinery required to operate the facility that will be housed within the building. In response, the Council's Environmental Health Manager has confirmed that they have no objection to the application, subject to relevant conditions which were originally imposed for the site (H/2013/0349) which include conditions relating to dust suppression management and crushing of materials within certain permitted hours.

4.56 An objection has been received from a residential property within Seaton Carew with regard to noise from reversing vehicles. In response, the Council's Environmental Health Manager has considered the impact of noise from the facility and is satisfied that the proposal will have no impact on the closest residential properties. The Council's Environmental Health Manager has requested a condition requiring that all vehicles operating on the site be fitted with broadband reversing alarms as the noise from this type of reversing alarm does not carry over distance in the way that a reversing bleeper does. It has been confirmed by the applicant that vehicles operating within the site have this form of sensor already installed, however it is considered that a control condition be applied to ensure that any additional vehicles brought to site have the broadband reversing alarms fitted.

4.57 It is therefore considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users through undue noise and disturbance subject to the identified planning conditions.

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

4.59 In view of the above, it is considered that the proposal is acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in

accordance with paragraph 127 of the NPPF and policies EMP4 and QP4 of the adopted Hartlepool Local Plan 2018.

## FLOOD RISK AND DRAINAGE

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

4.61 Concerns were raised from the Council's Flood Risk Officer in relation to potential flood risk, unrestricted surface water discharge from the site leads to increased flood risk off site. Discussions have taken place between the Council's Flood Risk Officer and the applicants Flood Risk and Drainage Engineer to establish a method to achieve sustainable drainage given the retrospective nature of the development, and the inclusion of new development within the site. Following the discussions, the Council's Flood Risk Officer raises no objection to the use of a planning condition requiring full details of a scheme for surface water management to be implemented within the site. Given the part retrospective nature of the application, the condition will need to be worded to reflect this and to secure such details (and thereafter implementation) within an appropriate timescale. Northumbrian Water has raised no objection to the proposal but has provided advice on surface water which can be secured by an informative for the applicant's consideration.

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

## HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

4.63 The application site is accessed via an existing access on Tofts Road East. The Council's Highways, Traffic and Transport section has been consulted on the application and has advised that this will not have a significant effect on the local highway network.

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

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

## ECOLOGY AND NATURE CONSERVATION

4.66 The Council's Ecologist has advised that the landscape proposals would adequately mitigate any adverse ecology impacts through the retention of existing trees and scrub, the planting of native species woodland and the planting of native wildflower grassland on the bunds. However following concerns with regard to the ground preparation works required for the Wildflower Meadow Grassland Areas an

amended landscape plan has been provided which the Council's Ecologist has confirmed as being acceptable and can be secured by an appropriate condition.

4.67 The application site lies within 200m of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, and falls within the Local Plan policy EMP3 General Employment Land. This policy was included in the Local Plan Habitats Regulations Assessment (HRA) which was approved by Natural England.

4.68 The HRA concluded that policy EMP3f (where the site is located) does not lead to likely significantly effect on European Sites, it is therefore concluded that a bespoke HRA in this instance is not required. Furthermore, Natural England has confirmed that it has no objections to the application.

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

## OTHER PLANNING MATTERS

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

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

### *Land Contamination*

4.71 The application site is an industrial site. The original contamination report for the site has been submitted in support of this application. The Council's Principal Engineer has therefore been consulted with respect to land contamination and has advised that they have no evidence of contamination issues at this site. The Environment Agency has also confirmed that it has no objections to the development. The application is therefore considered to be acceptable in this respect.

### *Heritage Assets and Archaeology*

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

### *Public Rights of Way*

4.73 The Council's Countryside Access Officer has no raised any concerns or objections with respect to the impacts of the proposal on public rights of way and as such the application is considered to be acceptable in this respect.

### *Waste Management*

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

*Health and Safety*

4.75 The Health & Safety Executive (HSE) has been consulted and has confirmed that they do not advise against, consequently on safety grounds against the granting planning permission in this case. The Office for Nuclear Regulation have been consulted and makes no comment on this proposed development, the site does not lie within a consultation zone around a nuclear site. Cleveland Emergency Planning Unit has also been consulted and has confirmed that they have no objections to the proposals.

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

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

**RESIDUAL MATTERS***Environmental Permit*

4.78 The Environment Agency has advised that the waste recycling facility has an environmental permit in place. However they have advised that the operators review their environmental management system (EMS) documents to ensure they remain appropriate in lieu of the new site infrastructure and layout. This is a separate regulatory regime to the requirement for planning permission however notwithstanding this, a suitable informative note is recommended to advise the applicant to contact the Environment Agency for further advice and to discuss the issues likely to be raised.

4.79 The Environment Agency has also advised that this site was subject of past industrial activity which poses a medium risk of pollution to controlled waters. They have recommended that the applicant refers to published guidance, this can be provided by way of a suitable informative as such a matter would be controlled through separate environmental legislation.

**EQUALITY AND DIVERSITY CONSIDERATIONS**

4.80 There is no evidence of equality or diversity implications.

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

4.81 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.

4.82 There are no Section 17 implications.

## CONCLUSION

4.83 It is acknowledged that the use is technically contrary Local Plan Policy EMP3 by virtue of its B2 Use operation, and therefore a departure from the Local Plan. It is however a material planning consideration that the principle of the use of the site as a materials recycling/management facility was established as a result of the original, implemented planning permissions detailed in the site history of the report, primarily approval H/2013/0349. Whilst the site is a departure from the Local Plan as set out in the report the application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and subject to the identified planning conditions.

## REASON FOR DECISION

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

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

1. The development hereby permitted shall be carried out in accordance with the supporting technical specifications documents received by the Local Planning Authority on 31 July 2019 and the following plans Dwg No(s):  
 MAN - A109405 - PLA01 (Site Location)  
 E081-001 (Topographic Survey)  
 E081-002 (Topographic Survey)  
 E081 - 004 (MRF Building Floorplan)  
 E081 - 003 (MRF Building Elevations)  
 received by the Local Planning Authority on 15 July 2019.  
 MAN - A109405 - PLA04 (Proposed Site Layout)  
 MAN - A109405 - PLA06 (Compressor Building Floor Plan)  
 MAN - A109405 - PLA05 (Compressor Building Elevations)  
 MAN - A109405 - PLA089 (Storage Bay Layout)  
 MAN - A109405 - PLA07 (Storage Bay Elevations)  
 received by the Local Planning Authority on 8 August 2019.  
 A109405 - 41 - 24 - LA1 Rev A (Landscape Proposals) received by the Local Planning Authority on 28 August 2019.  
 For the avoidance of doubt.
2. Notwithstanding the submitted details, details of all external finishing materials including details of the finishing materials of the proposed structures (storage bays, compressor buildings) shall be submitted to and approved by the Local Planning Authority before development commences on such structures. Thereafter the development shall be carried out in accordance with the approved details.  
 In the interests of visual amenity.
3. Within 2 months from the date of this decision, a scheme for the provision of electric and/or hybrid vehicle charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details within 2

months from the date of the written agreement of the Local Planning Authority.

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

4. Within 2 months from the date of this decision, a report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be implemented within 2 months from the date of the written of agreement of the Local Planning Authority.

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

5. Notwithstanding the submitted information, and within 2 month from the date of this decision notice, a scheme for surface water management including the detailed drainage/SUDS design, shall be submitted for approval in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall achieve a 30% Greenfield run off rate (unless otherwise agreed in writing with the Local Planning Authority). With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out the management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented in accordance with the agreed details and timetable and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management and to prevent the increased risk of flooding from any sources.

6. All planting, seeding or turfing comprised in the approved details of landscaping and bunding as detailed on A109405-41-24-LA1 Rev A received by the Local Planning Authority 28.08.19) shall be carried out in the first planting season following the date of the decision notice (i.e. before March 2020 unless an alternative timetable is agreed in writing with the Local Planning Authority). Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. Notwithstanding the submitted details and within 2 months from the date of the decision notice, details of all proposed plant and machinery to be operated on the site and proposed noise attenuation measures including a timetable for implementation shall be submitted in writing by the Local Planning Authority. The noise attenuation measures shall thereafter be implemented in

accordance with the details and timetable so agreed and retained for the lifetime of the development unless some variation is otherwise approved in writing by the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and particularly nearby residential properties.

8. Within 2 months from the date of the decision notice details of 1) a dust suppression scheme, 2) a wheel washing facility, shall be submitted in writing by the Local Planning Authority. Thereafter, the dust suppression scheme and wheel washing facility so approved shall be implemented within 2 months from the date of the written agreement of the Local Planning Authority and shall thereafter remain operational and be available for their intended use at all times during the lifetime of the development unless some variation is otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity, the amenity of neighbours and highway safety.
9. No crushing of materials shall take place outside any building on site other than between the hours of 08:00 and 18:00 on any day and in accordance with the dust suppression scheme approved under the provisions of condition 8 of this permission.  
In the interests of the amenities of the occupants of neighbouring properties.
10. Only segregated recyclable wastes shall be stored outside any building on the site in the identified areas as shown on plan Dwg No: MAN-A109405-PLA04 (Proposed Site Layout, date received by the Local Planning Authority 8 August 2019) with a scheme to identify the management (and where applicable removal) of such wastes to be submitted in writing with the Local Planning Authority within 2 months from the date of the decision notice. The scheme shall include the method of external storage of such materials and waste screening and heights within the site. Thereafter and within 2 months from the date of the written agreement of the Local Planning Authority, the development shall operate solely in accordance with the agreed scheme for the lifetime of the development hereby approved. No other outside storage of materials or waste shall take place unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of visual amenity and in the interests of the amenities of the occupants of neighbouring properties.
11. No burning of waste or materials shall take place on the site.  
In the interests of the amenities of the occupants of neighbouring properties.
12. All vehicles operating within the site hereby approved shall be fitted with 'Broadband' reversing alarms that shall be used and maintained at all times.  
In the interests of the amenities of the occupants of neighbouring properties.
13. The site shall be used only for purposes falling within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
For the avoidance of doubt.



## **BACKGROUND PAPERS**

4.85 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**

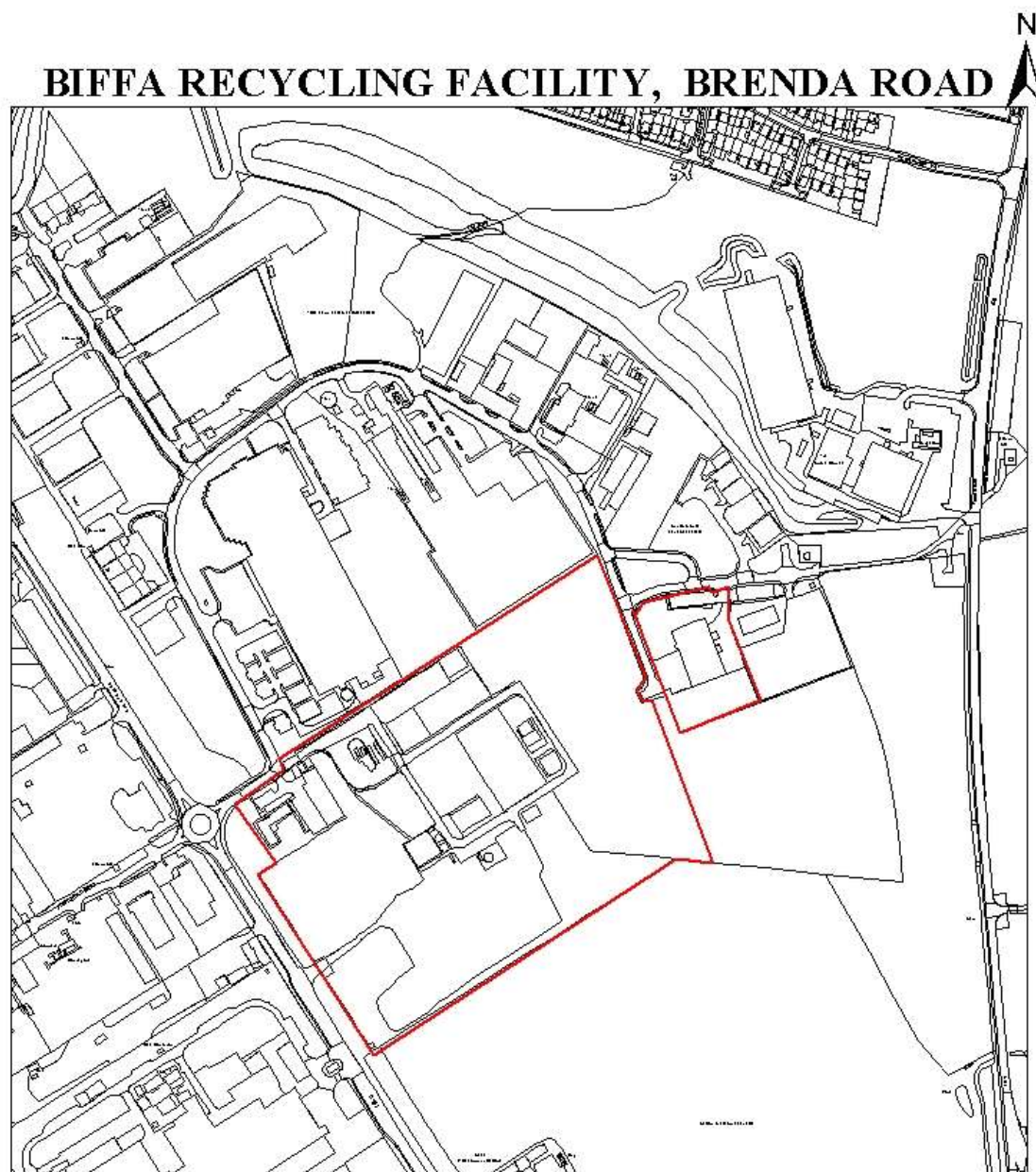
4.86 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

4.87 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)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

Copyright Reserved Licence 100023390 (2018)

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0319</b>	REV

**No:** 5.  
**Number:** H/2019/0440  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
HARTLEPOOL TS24 0LQ  
**Agent:** MR TEMPLE HARTLEPOOL BOROUGH COUNCIL  
REGENERATION & NEIGHBOURHOODS CIVIC  
CENTRE HARTLEPOOL TS24 0LQ  
**Date valid:** 22/10/2019  
**Development:** Change of use from Community Centre (D1) to Youth  
Justice Services Facility (D2)  
**Location:** COMMUNITY CENTRE JUTLAND ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

5.2 The relevant planning history is limited to the following application:

HHDC/1990/0515 – Extension to Community Centre and provision of new car park.  
Approved 26<sup>th</sup> September 1990.

## PROPOSAL

5.3 Planning permission is sought to change the use of the property from a vacant community centre (D1 use class) on Jutland Road to a youth justice services facility (D2 use class). There are no external alterations proposed to facilitate the change of use. The applicant is HBC.

5.4 Some internal changes to the rooms are proposed: these would include altering the 'Residents Room' to a 'Counselling Room', the 'Multi-Use Room' to a 'Workshop', the 'Community Room' to a 'Group Work Room/Chill Out Area (for young people)' and the 'Computer Room' to a 'Group Work Room (Parenting)'. Other rooms indicated on the floor plan would not change from those existing (store rooms, kitchen and dining facilities and WC facilities). The submitted Planning Statement indicates that the intended use for the facility would be to deliver group-work, 1:1 intervention and training for young people aged 10-17 in areas such as joinery, cookery, issue based work and independent living skills. The Statement advises that the current facilities are located at Unit 1 Ladysmith Street but are wishing to relocate due to the cost of the rent, in order to offer a continuation of the service. It is indicated the property would be staffed variably, depending on the service offered on any given day and the opening hours proposed are 8.30am-6pm Monday to Friday, 9am-4pm on Saturdays and on Sundays/bank holidays as required.

5.5 The application has been referred to the Planning Committee due to the number of objections received and the Officer recommendation, in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

5.6 The application site is an existing single storey detached purpose built community centre building, although it has been disused for approximately one year, except for as a polling station on occasion. The property is situated in a residential area on Jutland Road, with a residential property of 1 Jutland Road abounding the site to the south. The main access/egress to the centre is located on the northern side, with a main public highway access road leading to a walkway/cycleway access to the Park View Industrial Estate to the north, beyond which lies 2 Thirsk Grove. To the front (west) lies the main public highway of Jutland Road, beyond which is a recreation ground and children's play area, whilst to the rear (east) is Unit 13 (Adcas) Parkview Road West. There are 6 no. car parking spaces adjacent to the property sufficient on-street parking available nearby. The centre is accessible by public transport, with the number 7 bus stopping on Stockton Road (west), approximately a five minute walk away.

## **PUBLICITY**

5.7 The application has been advertised by way of twelve neighbour letters and 2 site notices. To date, there have been three objections from members of the public.

The concerns raised are:

- Crime, anti-social behaviour and vandalism already prevalent on the estate
- Drug abuse, drug dealing and alcohol abuse
- Residents pay taxes and own their homes and don't want to live in an area with growing issues
- Devaluation of property
- Council's lack of interest in the estate
- The children in the area need more care and attention than other areas
- Need for a youth centre, not a centre for youth justice offenders
- Possibly the only area in Hartlepool with no services for the recreation of youngsters
- If the proposals go ahead, enough notice is given for residents to move
- The centre would be better served as a doctors, dentist or day nursery

## **5.8 Copy Letters F**

5.9 The period for publicity has expired.

## **CONSULTATIONS**

5.10 The following consultation replies have been received in respect of the application:

**HBC Flood Risk Officer:** The Flood Risk Assessment concludes:

The only flood risk identified at the site is that of surface water flooding. Whilst Environment Agency data shows that risk of flooding to be medium (1% to 3.3% Annual Exceedence Probability) to low (0.1% to 1% Annual Exceedence Probability), there are no records of any occurrences of flooding at the site and the highway adjacent to the site is positively drained.

In the event of the most extreme rainfall event combined with failure or exceedence of drainage assets it is considered that the building can still be safely accessed and egressed. Furthermore, this will not be a sudden or unexpected event as persistent severe rainfall will precede such an event.

It is also considered that proposals will not increase flood risk elsewhere.

As such proposals are acceptable in respect of flood risk.

**HBC Arboricultural Officer:** There are mature trees behind this building which are important natural features here and have not been mentioned on the application form. That said, as this is a change of use, these should remain unaffected. As there are issues of surveillance cover here due to anti-social behaviour, any soft landscaping may itself become a problem and I am not attaching any need for this in this instance.

**HBC Children & Joint Commissioning:** no comments received (as they are the applicant)

**HBC Community Safety:** No objections.

**HBC Building Consultancy:** There are no landscape and visual objections to the proposed development.

**HBC Ecology:** I have no concerns or requirements.

**HBC Public Protection:** Regarding the above application we would have no objection.

**HBC Traffic and Transport:** I have no concerns with this proposal.

**HBC Countryside Access:** To the north east of this building is a cycleway/walkway leading towards Brenda Road. At no time can the entrance to this access track be obstructed by vehicles, materials, equipment or other related object.

**Cleveland Police:** Cleveland Police recognise the need for these type of premises however it is important that the premises is well managed and the young people suitably supervised in order not have any negative impact on the local community.

I understand there are proposals that the users of the centre are to be transported to and from the centre if this is carried out then this should prevent any potential negative impact on the local community.

I would expect the building to have appropriate security measures in place to deter unauthorised entry I would also expect that access to the premises is controlled and use of a CCTV system would be of benefit.

I am not aware if the premise has an intruder alarm fitted if not I would recommend a monitored intruder alarm system installed.

**Natural England:** (summarised) Natural England has no comments to make on this application.

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

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

**Northern Gas Networks:** Northern Gas Networks 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 they require the promoter of these works to contact them directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

**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 2:2019, Section B5 for buildings other than Dwellings

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 Vol 2 Section B5 Table 15.2.

#### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

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

**HBC Building Control:** Verbally confirmed that this application would not result in a change of use and therefore no fire protection measures could be requested.

**HBC Housing** – no objections.

## PLANNING POLICY

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

### Hartlepool Local Plan (2018)

5.12 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  
 SUS1: The Presumption in Favour of Sustainable Development

### National Policy

5.13 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 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan  
 PARA 007: Achieving sustainable development  
 PARA 008: Achieving sustainable development  
 PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 038: Decision-making  
 PARA 047: Determining applications  
 PARA 091: Promoting healthy and safe communities  
 PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places  
 PARA 130: Achieving well-designed places  
 PARA 150: Planning for climate change  
 PARA 153: Planning for climate change  
 PARA 212: Implementation

## **HBC Planning Policy comments**

5.14 With regards to the proposed change of use of the community centre at Jutland Road, it is acknowledged that the proposed use class would fall within the main town centre uses, and so policy RC1 of the Local Plan requires a sequential test to be submitted, especially because this site is not within a designated retail centre. The applicant has submitted a sequential assessment with their application and planning policy are satisfied that this assessment establishes that there are no suitable designated centres available to accommodate the proposals, and that the proposed site is located close to sustainable transport links and therefore is deemed acceptable in this instance. It is also considered that the change of use would bring a currently vacant building back into use, and the services offered would provide social benefits to youths in the area. The Highways team must be satisfied that the proposal will not have any detrimental highways impacts.

5.15 Planning policy have no objections, subject to comments from other consultees.

## **PLANNING CONSIDERATIONS**

5.16 The main material planning considerations when considering this application are the principle of development, the character and appearance of the surrounding area, the amenity of neighbouring occupiers, highway safety and crime and community safety. These and any other planning and residual matters are considered as follows.

### **PRINCIPLE OF DEVELOPMENT**

5.17 The proposed use is considered to constitute a town centre use and given the site's location outside of the defined town centre (and other designated local centres) and that the floor space exceeds 300m<sup>2</sup>, Policy RC1 of the Local Plan requires a robust sequential test to be submitted to establish that there are no suitable sites available within the designated centres. Where it is established that there are no such suitable sites available within the designated centres, an alternative location may be considered acceptable where it is one that is accessible by a choice of transport and/or which offers significant regeneration benefits.

5.18 Accordingly and as required by Policy RC1, the applicant has submitted a sequential assessment which considers all of the Borough's designated centres and follows the sequential hierarchy. As the proposed application site is a vacant building owned by the Council, which meets the requirements of the proposed use/service and taking into account the cost of rent of other buildings, the sequential assessment concludes that there are no alternative sites within a designated centre that would be suitable to accommodate the proposals. This view is supported by HBC Planning Policy who have confirmed that they are satisfied that this assessment establishes



that there are no suitable designated centres available to accommodate the proposed use.

5.19 As has been demonstrated by the applicant in the Planning Statement, the proposed site is located close to sustainable transport links, which is one of the criteria necessary to satisfy the requirements of Policy RC1. It is also considered that the change of use would bring a currently vacant building back into use, and the services offered would provide social benefits to young people in the area, which satisfies the second criterion of policy RC1.

5.20 In view of the above considerations, the proposal is considered to constitute a sustainable form of development in the context of the Hartlepool Local Plan and the NPPF and therefore the principle of development is considered to be acceptable in this instance, subject to the scheme satisfying other material planning considerations as set out below.

#### CHARACTER + APPERANCE OF AREA

5.21 The proposal does not include any external amendments, either to the building itself or its immediate garden spaces. Whilst it is acknowledged that the change of use from the existing community centre (D1) to the youth justice service facility (D2) could have potential to change the character of the area, given that that the proposal would bring a vacant building back into use and that the location is considered to be appropriate in planning policy terms for the proposed use, it is considered that the proposed change of use from a community centre (D1) to youth justice services facility (D2) would be acceptable in terms of the general impacts to the character and appearance of the building and surrounding area.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.22 The footprint of the building and window openings would not change from the existing arrangement. In view of the established siting of the building and remaining separation distances to surrounding properties, it is therefore considered that the proposal would not result in an adverse loss of amenity in terms of outlook, overbearing and overshadowing for neighbouring properties.

5.23 The nearest residential property closest to the application site is 1 Jutland Road, which abounds the site to the south. There is a metal railing boundary treatment with an approximate height of 2 metres between the host building and this neighbour.

5.24 To the north, the main building of the application site would be approximately 22 metres from the boundary and approximately 26 metres away from the nearest elevation (south) of the neighbouring property at 2 Thirsk Grove, separated by a public highway. It is acknowledged that the main entrance into the building is on the northern side and that a separation distance of approximately 15 metres would remain between the entrance point of the proposed centre and the boundary with this neighbour at 2 Thirsk Grove.

5.25 The nearest property to the east of the application site lies the Parkview Industrial Estate, with the nearest building affected being 'Adcas' situated approximately 20 metres from the application site building. There would be a separation distance of approximately 11 metres to the boundary with the children's play park to the west, and a distance of approximately 36 metres to the main recreation area, with a highway in between. Given that there are no sensitive land users such as residential properties to the front or rear of the site, the proposal is not considered to adversely affect the amenity and privacy of such neighbouring land users.

5.26 Given the established siting of the building and last known use as a community centre, which if occupied, could operate at similar times to proposed (or longer) from a planning perspective taking into account no known history or conditions to restrict this, and taking into account the operational hours of the proposed youth justice services facility (which can be secured by a planning condition), meaning it would be closed in the evenings, and the above referenced separation distances, it is not considered there would be any adverse impact on the amenity and privacy of neighbouring land users including matters of noise disturbance. The Council's Public Protection section have been consulted in respect of the proposals and have confirmed they have no issues with regard to these issues.

5.27 In view of these distances and boundary treatments and the established siting of the building, it is considered that the proposal would not result in an adverse loss of amenity and privacy for neighbouring properties in terms of outlook, overbearing, overshadowing, overlooking and noise disturbance as to warrant a refusal of the application.

#### HIGHWAY SAFETY AND CAR PARKING

5.28 HBC Traffic and Transport have been consulted with respect to the proposed change of use and have confirmed they have no concerns or requirements. The application is therefore considered to be acceptable in this regard.

#### CRIME & COMMUNITY SAFETY

5.29 The objections received raise concerns about existing criminal activity and anti-social behaviour in the area and whether this would be exacerbated by the current proposal.

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

5.31 Cleveland Police have commented that they recognise the need for these type of premises however that it is important that the premises are well managed and the young people suitably supervised in order not have any negative impact on the local

community. They have provided further advice regarding appropriate security measures such as CCTV which can be secured by an informative for the applicant's consideration. In response, the applicant (HBC Joint Commissioning Services (Children and Adult Services)) has advised that the unit would be staffed whenever the service was in operation. Furthermore, it is indicated by the applicant that most of the users of the centre would be transported to and from the centre with only those approved being permitted to travel to/from the centre by public transport.

5.32 In addition to the above, the Council's Community Safety team have been consulted and have also confirmed that they do not consider the proposals would adversely affect crime and disorder issues in the locality.

5.33 Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the HBC Community Safety and Engagement team. Furthermore and as per the advice from the Police, a number of matters will be down to the management of the use.

5.34 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Policy QP5 and would accord with the guidance in the NPPF, in this respect.

## FLOODING + DRAINAGE

5.35 The application site is in an area identified to be at risk from surface water flooding. To this effect, a Flood Risk Assessment has been undertaken. The Flood Risk Assessment identifies that there are no records of any occurrences of flooding at the site and the highway adjacent to the site is positively drained. The Council's Flood Risk Officer has confirmed that the risk is acceptable. No objections have been received from Northumbrian Water. The proposal is therefore considered acceptable in terms of flood risk.

## OTHER PLANNING MATTERS

5.36 No objections have been received from technical consultees in respect of landscape features or ecology requirements. The proposal is therefore considered to be acceptable in these respects.

5.37 The Council's Countryside Access Officer has commented that a cycleway/walkway leading toward Brenda Road is present to the north east is and that this should not be restricted; an informative can be appended to the decision notice to ensure that the entrance to this access track would not be obstructed by vehicles, materials, equipment or other related object at any time.

## OTHER MATTERS

5.38 Cleveland Fire Brigade has raised no objection regarding the development as proposed but have provided comment on access and water supplies. They would also encourage fire suppression measures to be considered as part of the proposed works. A suitable informative is recommended to make the applicant aware of this advice.

5.39 With respect to the Council Planning Committee's previously adopted position on sprinklers in various types of potentially vulnerable developments, this type of proposed use is not listed as a type of use/development where sprinklers would be encouraged. It should be further noted that HBC Building Control have verbally advised that this type of change of use would not require Building Regulations and therefore any assessment for fire suppression measures such as sprinklers would not be undertaken or be required. In this context, the applicant has advised that there is no intention at this present time to install sprinklers. Ultimately this matter is beyond the remit of the Local Planning Authority.

5.40 In response to the concerns about the suitability of the location, as noted above the principle of the proposed use in this location is deemed to be acceptable. As such appropriate management of the facility and safeguarding would ensure that the needs of potential users are taken into account, and this would not be a consideration of the planning system to determine.

5.41 One of the objections received makes reference to the devaluation of houses in the area as a result of particular development. This is not a material planning consideration and therefore is not relevant in determining the application.

## CONCLUSION

5.42 The principle of the proposed change of use is acceptable in this location, in accordance with Policy RC1 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019). In addition, the proposals are not considered to have a significant detrimental effect with regards to the amenity of neighbouring occupiers, highway safety and parking, crime and community safety or flood risk. As such, the proposals are considered to be acceptable in relation to relevant material planning considerations.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.43 There is no evidence of equality or diversity implications.

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

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

5.45 As per the report, Section 17 implications have been taken into consideration.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE**, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
Clarification of permission
2. The development hereby permitted shall be carried out in accordance with the plans and details Existing Floor Plan received by the Local Planning Authority on 1<sup>st</sup> October 2019; and Site Location Plan (scale 1:1250), Proposed Block Plan (scale 1:500) and Proposed Floor Plan received by the Local Planning Authority on 8<sup>th</sup> October 2019.  
Avoidance of doubt
3. The premises shall only be open to the public between the hours of 0830 and 1800 Mondays to Fridays inclusive, between the hours of 0900 and 1600 on Saturdays, Sundays and Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be used as a D2 youth justice services facility 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.  
In the interests of the amenities of neighbouring land users.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

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

**AUTHOR**

5.49 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)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0440</b>	REV





**No:** 6.  
**Number:** H/2019/0384  
**Applicant:** Mrs S CAWTHORNE GRANGE ROAD HARTLEPOOL  
 TS26 8JB  
**Agent:** JOHN TAYLOR ARCHITECTS LTD THE STUDIO 64  
 HIGH WEST ROAD CROOK DL15 9NT  
**Date valid:** 10/09/2019  
**Development:** Change of use from children's nursery to four residential  
 units  
**Location:** 22 GRANGE ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2007/0681 – Alterations and change of use from doctors surgery to provide 5 self-contained studio apartments, refused by the LPA on 31.10.2007 on the grounds of the impacts on car parking in area.

The application was subsequently allowed at appeal on 21/08/08 (appeal ref APP/H0724/A/08/2070532), the Inspector commenting “that the site is sustainable in transportation terms, and may well suit families without access to private cars”. It is understood that this permission was not implemented.

It is further understood that the use of the building changed from a doctor’s surgery to a children’s nursery circa 2010 which was a permitted change of use.

H/2010/0401 - Rebuild rear wall due to partial demolition of single storey off shoot, installation of patio doors and window and provision of astro turf to rear yard, approved 19.08.2010.

H/2010/0502 - Provision of railings on top of existing front boundary wall, re-surfacing of the front garden with Astro turf and the provision of fencing to provide a bin store (amended description), approved 16.11.2011.

H/2016/0302 - Change of use of roof space to additional classroom, confirmed 26.07.2016 as being permitted development.

## PROPOSAL

6.3 Planning permission is sought to change the use of the property from a children's nursery to four self-contained residential flats at 22 Grange Road. It is proposed that there would be a two-bedroom and a one-bedroom flat on the ground floor, a three-bedroom flat on the first floor and a two-bedroom flat on the second floor.

6.4 Although the plans originally submitted included proposals for additional roof lights (two to the front and one to the rear), this element of the proposals has now been omitted from the scheme and there are no external alterations proposed as part of the application.

6.5 The application has been referred to the Planning Committee due to the number of objections received and the officer recommendation, in line with the Council's Scheme of Delegation.

## SITE CONTEXT

6.6 The application site is a mid-terraced property with rooflights serving the second floor, the property is located on the northern side of Grange Road, to the west of the junction with Grosvenor Street. The applicant property is currently in use as a children's nursery, however surrounding properties are predominantly residential and comprise 2 and 3 storey terraced dwellings. The property is situated within the Grange Conservation Area.

## PUBLICITY

6.7 The application has been advertised by way of 18 neighbour letters, site notice and press notice. To date, three objections have been received.

6.8 The objections/concerns raised can be summarised as follows:

- Parking,
- Proposal has been rejected before,
- Noise nuisance,
- Damage to property during works,
- Rented flats would be detrimental to the area.

6.9 Copy Letters **G**

6.10 The period for publicity has expired.

## CONSULTATIONS

6.11 The following consultation replies have been received:

**HBC Traffic & Transport** – The site does not provide any off street parking, a resident permit scheme is in operation on the opposite side of the road which residents would be able to apply. The current use as a nursery would generate more parking demand and traffic movements than the proposed use. The site is located

close to the town centre and within walking distance of public Transport. It is anticipated that in general residents would exhibit low car ownership levels. There are therefore no objections to this proposal.

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

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

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

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

The application is for the conversion of the property from a nursery to four flats over three floors. In principle, there would be no objection to this change of use.

It is proposed that externally the building will remain the same, however three rooflights are proposed, two to the front and one to the rear of the property to provide means of escape.

The Grange Conservation Area Appraisal notes that, 'Rooflights are not a traditional feature of the area's architecture although the odd historic one is seen, often small metal features or glass slates (small frameless panes of glass placed in the roof). Large modern rooflights have been added to some roof slopes, some more subtle than others, but there is not a great number of them which works to protect the roofscape. Generally, large modern rooflights tend to detract from historic roofscapes through their size, profile and positioning.'

The proposal to add three rooflights, would raise concerns in that this would appear to be a proliferation of lights on the roof, with five existing already an additional three

would create clutter on the roof and as noted above, these are not commonly found within the area. In order to overcome this issue the means of escape for the second floor flat should be reconsidered and where possible the rooflights rationalised. Any new rooflights should be located to the rear where possible.

#### Updated comments regarding amended plans

Thank you for forwarding to me the revised plans for this property. I would confirm that with the removal of the additional rooflights I have no objections to the proposal.

**HBC Public Protection** – I would have no objection to the proposed development but would make the following comments

Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays

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

A sound insulation condition in relation to the party walls of the neighbouring premises.

I have concerns in relation to the internal layout of the proposed development. Rooms intended for different uses located directly above each other as detailed on the proposed floor plan have the potential to lead to noise nuisance causing disturbance to residents.

#### Update

HBC Public Protection provided confirmation of an appropriately worded condition for sound insulation to address their concerns regarding the transference of noise.

**HBC Engineering Consultancy** – In response to the above planning application consultation; information submitted with the application shows negligible external works or modifications to the property and as such we have no objections with respect to surface water management or contaminated land.

**HBC Community Safety** – In response to the above for 22 Grange Road, Hartlepool Community Safety Team do not have any concerns in regards to the proposed change of use to this property.

**HBC Landscape Architect** – Privet hedges to the front boundaries of properties are typical of properties on Grange Road. A privet hedge should be provided to the rear of the retained front boundary wall to continue a consistent boundary treatment from the neighbouring properties and make a positive contribution to the streetscape of Grange Road.

**HBC Ecology** – I have no ecology concerns or requirements.

**Cleveland Police** – These type of premises have the potential to be at risk of increased risk of crime and disorder and can have an adverse impact on the local community this is normally linked to nature of tenants who reside at the premises.

To reduce these risks I would expect the premises is well managed with careful selection of tenants to reside at the premises.

Appropriate security should be in place with secure access control to the building to prevent unauthorised entry I would also recommend that flat doors and accessible windows are to a level of security to ensure the building is a safe and secure place for people to reside. Any replacement doors that are certified to PAS24:2016 would ensure this

Rear of premises can be particular vulnerable and unauthorised entry needs to be prevented with a robust secure gate and boundary.

Secure mail delivery be provided

Secure bin storage be provided

Dusk/Dawn fitted to all entrance doors

CCTV to entrances should be considered

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

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

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

It has been noted that the proposed plans indicate the use of roof light escapes from the second floor of the development. The use and acceptability of roof light escapes should be further explored as this would generally be deemed unacceptable under a building regulations consultation.

It should also be noted that Access and Water Supplies should meet the requirements as set out in Approved Document B, Volume 1, Section B5 for 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 8.

### Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

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

**HBC Building Control** – I can confirm that a Building Regulation application will be required for the works as described.

## **PLANNING POLICY**

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

### Local Policy

6.13 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

### National Policy

6.14 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:

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
185	Positive strategy for the historic environment

#### HBC Planning Policy Comments

6.15 With regards to the proposed change of use from children's nursery to residential, planning policy will seek to ensure that the proposal will not have any detrimental impact on the Grange conservation area which is protected under policy HE3 of the Local Plan. This policy seeks to ensure that the distinctive character of conservation areas is conserved or enhanced, and proposals are required to demonstrate that the conservation area will be positively enhanced. In this instance there are no external alterations (with the exception of the installation of roof lights) proposed and so there is no concern that the development will alter the building and therefore impact upon the conservation area, subject to the comments of the Heritage and Countryside Manager.

6.16 With regards to highways issues, the applicant has highlighted that they consider the proposal may have a positive impact on traffic congestion in the area, due to closure of the business which currently contributes to traffic as a result of drop offs and pick-ups of children, combined with reduced need to park of residents. This is something which would need to be confirmed by the Highways team, and if so, this will render the development in accordance with policy QP3 which seeks to ensure that development has provision of adequate, safe, secure and conveniently located parking. It is considered, however, that the development is located in an area which is in a sustainable location and provides plenty opportunities for walking or usage of sustainable travel.

6.17 The Strategic Housing Market Assessment indicates that there is a lack of flats that are available in the area relative to aspiration and so the provision of the new flats would go towards meeting the required need for this type of dwelling in the town centre.

6.18 Planning policy would have no objections to the proposal in principle, subject to the comments of the Heritage and Countryside Manager regarding the suitability of the development with regards to the conservation area.

## **PLANNING CONSIDERATIONS**

6.19 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 development, the amenity of neighbours, highway safety and parking, and the impact of the proposals on heritage assets. These and any other matters are considered as follows.

### **PRINCIPLE OF DEVELOPMENT**

6.20 Although close to the town centre, the area immediately surrounding the application site is predominantly residential in character. As such, the proposed change of use to flats would be in keeping with the wider area and would be located within a sustainable location close to shops and services. Furthermore, HBC Planning Policy have raised no objections to the proposal, confirming that the provision of the new flats would go towards meeting the required need for this type of dwelling in the town centre in line with the Council's Strategic Housing Market Assessment.

6.21 While it is noted a previous planning application for a similar form of development was refused by the Planning Committee in 2007, this decision was later overturned at appeal and planning permission was granted. This remains a material planning consideration in the assessment of this application. While some time has since passed, it is not considered that the merits of such a use in this location have fundamentally changed and therefore the use of this building for residential purposes is considered to be acceptable.

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

### **AMENITY OF NEIGHBOURS + FUTURE OCCUPIERS**

6.23 A children's nursery is considered to be a relatively intensive use with regular comings and goings, and that this has the potential to be disruptive to amenity in an area that is predominantly residential in character. By comparison, flats, as proposed, are considered to be a less intensive use and therefore it is considered that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues. Furthermore, the Council's Public Protection team have no objection to the scheme subject to conditions to secure adequate soundproofing and to limit hours of construction. Such conditions are duly recommended and the scheme is considered to be acceptable in this respect.

6.24 As noted above, the proposals do not include any proposed external alterations and given the established siting of the building, it would therefore not affect existing separation distances to adjacent properties or result in an adverse loss of amenity in terms of outlook, overbearing and overshadowing.



6.25 Notwithstanding this, the proposal would change the use and nature of a number of existing rooms in the building to habitable rooms (such as bedrooms and living rooms) to serve the proposed flats; such windows are primarily located in the front and rear elevations of the buildings. With respect to the windows in the front elevation (south) these would achieve the minimum separation distance of approximately 20m (as required by Policy QP4) from the properties to the south of the site (9-11 Grange Road) with the presence of a busy highway in between and is therefore acceptable in respect to privacy.

6.26 With respect to windows in the rear/north elevation, the proposed ground floor windows would primarily look onto and be enclosed by the boundary wall. Windows in the main first floor rear elevation and upper floor (second) roof would be positioned approximately 12m from the single and two storey off shoot extensions to the rear of No's 79 and 81 Milton Road (north) and approximately 16m from the main rear elevations of these properties with the presence of an alleyway in between. A two storey element also projects beyond the rear of the main building that would continue to serve as a non-habitable room/area at first floor level (proposed to be communal storage). This element features 2 windows in the north/rear elevation and is located approximately 9m from the two storey off shoots serving the aforementioned neighbouring properties. Such distances would be contrary to the required 20m distance as set out in Policy QP4 of the Local Plan (primarily the distance to the windows in the main rear elevation of the neighbouring properties as it is understood that there are no windows in the gable ends of the off shoot elements to the rear of both neighbouring properties.

6.27 Notwithstanding this, in view of the establishing siting of the building (and windows), the aforementioned remaining separation distances to neighbouring properties that are a characteristic of this area (i.e. back to back terraces), and that it is understood that there are no windows in the rear (south) elevations of the off shoot elements serving 79 and 81 Milton Road, it is considered, on balance, that the proposals would not result in a significant adverse impact on the privacy of neighbouring properties in terms of overlooking as to warrant a refusal of the application.

6.28 The existing projecting two storey extension to the rear of the host property features a single window in the first floor side elevation. This would primarily look onto the blank two storey side elevation of No 24 Grange Road and given that the window would continue to serve a non-habitable room (communal storage, previously used as toilets), it is not considered that the proposal would result in an adverse loss of privacy for the neighbouring property.

6.29 Furthermore, it is considered that there would be no direct views between windows serving the three flats themselves. The site also features an enclosed rear yard that would provide access to all three of the proposed flats thereby providing external amenity space.

6.30 In view of the above considerations, it is considered that the proposal would not result in a significant adverse loss of amenity and privacy for neighbouring land users or future occupiers of the flats.

## HIGHWAY SAFETY AND PARKING

6.31 The existing use of the premises as a day nursery is likely to generate higher vehicle trips and demand for parking than the proposed four residential units, as noted by HBC Traffic and Transport. As such, the proposed development is unlikely to worsen any existing highway safety or parking concerns in the area. In addition, the site is within a short walking distance of the town centre and associated services and public transport links and therefore any future occupants would not be reliant on the use of a car.

6.32 It is not considered the proposed development would have a significant impact on highway safety or parking, this is reflected in the response of no objections from the Council's Traffic and Transport team. The proposed development is therefore considered to be acceptable in this respect.

## CHARACTER + APPEARANCE OF THE CONSERVATION AREA + EXISTING BUILDING

6.33 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.

6.34 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.

6.35 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).

6.36 As identified in the comments received from the Council's Heritage and Countryside Manager above, the principle of the proposed change of use is not considered to be detrimental to the character of the conservation area. The submitted scheme has been amended and as a result there are no external alterations proposed as part of the development. As such, it is not considered there would be any impact on the appearance of the conservation area and the Council's Heritage and Countryside Manager has confirmed there are no objections. Furthermore, the proposed use as flats is considered to be appropriate for this location and would not adversely affect the character and appearance of the existing building and the surrounding area. The proposed development is considered to be acceptable in this respect.

## OTHER PLANNING MATTERS

6.37 The Council's Landscape Architect has indicated that privet hedges behind low boundary walls to the front are characteristic of the area and recommends the reintroduction of a hedge in this instance. While it is noted this would be a positive addition to the street, given there are no proposals to alter the boundary treatment to the property or landscaping, it is not considered necessary to make the development acceptable in planning terms.

6.38 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. In response, the Council's Community Safety Team have confirmed there are no objections regarding the proposed development, while Cleveland Police have made some recommendations to improve security, which have been relayed to the developer and can be secured as an informative.

6.39 No concerns have been raised by technical consultees with regards to ecology, drainage or contaminated land.

6.40 The existing property (and proposed flats) would be served by an enclosed yard area to the rear which is likely to be able to accommodate waste storage facilities however final details of this can be secured by a planning condition.

## RESIDUAL MATTERS

6.41 Cleveland Fire Brigade have indicated that fire suppression measures should be considered as part of the proposed works. A suitable informative is recommended to make the applicant aware of this advice.

6.42 Notwithstanding the above, in view of Cleveland Fire Authority's position statement on suppression systems and the Council Planning Committee's previously adopted position on sprinklers in various types of potentially vulnerably developments (including flats), the applicant has been asked whether the provision of a sprinkler system in the building has been considered, and the applicant has confirmed that fire safety measures will be in accordance with the relevant building regulations, and that this level of detailed design will progress after the planning stage. Ultimately this is a building regulations matter and is therefore beyond the remit of the Local Planning Authority.

6.43 Concerns raised by an objector regarding potential damage during construction works would be a civil matter between land owners and is not a material planning consideration in determining this application.

6.44 There is nothing to suggest that if the proposed flats were rented rather than owner occupied this would have a detrimental impact on the wider area, as indicated by an objector. Notwithstanding this, such a matter is not a material planning consideration.

6.45 With respect to the request from HBC Public Protection to condition no open burning, this is a matter that can be controlled through separate environmental legislation and is therefore not recommended in this instance.

## CONCLUSION

6.46 The proposed development would see the change of a property currently in commercial use to a residential use in a broadly residential area. In principle, this use is considered to be acceptable. It is not considered there would be a negative impact on neighbour amenity, parking, highway safety or the character and appearance of the conservation area as a result of the proposed development, and is acceptable in all other respects, as such officer recommendation is to approve subject to the conditions identified below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.47 There is no evidence of equality or diversity implications.

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

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

6.49 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Site Location Plan at scale of 1:500, received 22/08/19 and drawing number 193502, revision B (Proposed Plans and Elevations), received by the Local Planning Authority 05/11/19.  
For the avoidance of doubt.
3. The residential accommodation hereby approved shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority, and an approved scheme of sound insulation works has been installed and thereafter retained in perpetuity. Such a scheme of works shall be capable of restricting noise breakout from residential accommodation located on each storey of the premises to levels complying with the levels set out in BS 8233: 2014 and an LAFMAX 45dB (max 10 events per night) in all habitable rooms.

- In the interests of the amenity of future occupiers of the development and neighbouring occupiers.
4. Notwithstanding the submitted information and prior to the occupation of the 4no. flats hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.  
In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
  5. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.  
In the interests of the amenities of the area.
  6. The development hereby approved shall be used as 4no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.  
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

6.51 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**

- 6.52 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**

6.53 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)



**HARTLEPOOL**  
BOROUGH COUNCIL

GS

25/11/2019

**1:1000**

**H/2019/0384**

123





**No:** 7  
**Number:** H/2019/0337  
**Applicant:** MR A MOUTREY STOCKTON ROAD NEWTON  
BEWLEY BILLINGHAM TS22 5PQ  
**Agent:** MR A MOUTREY MANOR HOUSE FARM STOCKTON  
ROAD NEWTON BEWLEY BILLINGHAM TS22 5PQ  
**Date valid:** 15/08/2019  
**Development:** Amendment to planning application H/2018/0290 for  
retrospective application for conversion and alterations to  
former barn to create a single two storey dwelling in order  
to amend doors and windows and provide garage  
**Location:** MANOR HOUSE FARM STOCKTON ROAD NEWTON  
BEWLEY BILLINGHAM

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2011/0372 – Outline planning application with some matters reserved for residential development comprising the conversion of farm buildings to three dwellinghouses and the erection of a dwellinghouse, approved 20/10/11.

H/2015/0275 – Conversion and alterations/extension to former barn and milking parlour to create a single dwelling (Plot 2), approved 21/09/15.

H/2017/0533 – Retrospective application for conversion and alterations to former barn to create a single two-storey dwelling, refused 04/07/18.

H/2018/0290 – Revised retrospective application for conversion and alterations to former barn to create a single two-storey dwelling, approved 06/09/18.

## PROPOSAL

7.3 This application seeks to amend the most recent planning permission (H/2018/0290) granted at the site to convert a former barn to a dwelling to allow the inclusion of a door to the north elevation and the replacement of glazing within the west elevation with a garage door and consequent changes to the internal layout to allow the formation of an integral garage.

7.4 The application has been referred to the Planning Committee at the request of a ward councillor and due to the number of objections received in line with the Council's scheme of delegation.

## **SITE CONTEXT**

7.5 The application site is an area of land and former barn buildings to the north east of Manor House Farm on the south side of the A689 in Newton Bewley. The former agricultural buildings have been partially converted to a dwelling, though not completed, however the works do not reflect the approved plans when planning permission was granted and therefore the applicant seeks to amend that approval.

7.6 The area of land to the front of the site is within the ownership of the applicant; however it is designated as Village Green and does not form part of the red line boundary of the proposed development.

## **PUBLICITY**

7.7 The application has been advertised by way of 16 neighbour letters and site notice. To date, there have been 10 objections including from the Newton Bewley Parish Meeting and the Rural Neighbourhood Plan Group (set out in full below), and 1 response of no objection received.

7.8 The concerns raised by objectors are:

- Loss of village green,
- Development not in accordance with previously approved plans,
- Loss of trees and shrubbery,
- Cars have been parked on the village green,
- Hard standing introduced on village green,
- Building work has been carried out without planning permission,
- Building materials left on the village green,
- Change of use of the land,
- Does not conform with Rural Plan,
- Access to front previously refused.

7.9 Copy Letters **H**

7.10 The period for publicity has expired.

## **CONSULTATIONS**

7.11 The following consultation replies have been received:

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

**HBC Heritage & Countryside Manager** – The application site is adjacent to Manor House Farm, a locally listed building and therefore recognised as a heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy

Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF). Policy HE5 of the Local Plan states where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal. It is considered that the proposal will not impact on the setting of the heritage asset; no objections.

**HBC Public Protection** – Not object.

**HBC Building Control** – The gradient annotated on the ramp would comply, a level threshold on the door along with the ramp and landing being of flat flagstones or similar would mean that this access would be compliant with Part M of our guidance documents.

**HBC Ecologist** - Biodiversity enhancement

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

The site is in an area that supports declining countryside birds such as house sparrow and tree sparrow. These can be helped through the provision of robust nest boxes such as a sparrow terrace.

The following should be conditioned: the fitting of one sparrow terrace nesting box (the box to be > 3m above ground level and preferably on the east elevation. It can be placed on a garage if suitable).

**HBC Engineering Consultancy** - In response to the above planning application consultation; we have no objections to proposals with respect to surface water management or contaminated land.

**Newton Bewley Parish Meeting** - The Parish Meeting strongly objects to the application. Despite previous refusal the developer has included a door which leads directly onto the Village Green. Although no pathway is shown on the plans the necessity of a door implies direct access will be needed. This can only be via the Green. The property does have other doors and these are easily available.

The applicant has continued to desecrate the Village Green in order to service the needs of the development.

- Building work has continued despite no planning permission.
- Building materials litter the Green.
- Change of land use.
- Hard standing area has been incorporated into the Green. This should be removed immediately.
- The trunk of a felled tree has been ravaged.

- The application does not meet the criteria of the Rural plan objectives.
- Misuse of the Village Green is an offence.

The applicant has not recognised the status of a registered village green and unless he accepts this, we feel he will continue to desecrate our Village Green.

**Hartlepool Rural Plan Group** - There is serious concern regarding the safeguarding of the village green at Newton Bewley which is enshrined in Hartlepool Rural Neighbourhood Plan (HRNP) policy C1. The area is shown as accessible green space on the HRNP policies map. The registered village green, small as it is, is the only such space in the village of Newton Bewley.

The original single storey barn which has been converted to a two storey home presented a simple, plain brick wall (no access) directly abutting the village green. An application, H/2017/0533, which included an access directly off the village green was refused on the following grounds: -

The proposed development would result in the loss of public open space in the form of the Newton Bewley Village Green, which would be detrimental to the visual amenities of the area and the recreational amenity of residents, contrary to Hartlepool Local Plan 2018 policies LS1, QP4 and NE6, as well as the objectives of the Hartlepool Rural Neighbourhood Plan, and the provisions of the NPPF.

A later application, H/2018/0290, to convert the barn without any access from the village green was approved subject conditions which included (condition 2) that the development be carried out in accordance with the plans that were submitted at that time. This condition has clearly been flouted. A door onto the village green has been installed where a window was shown on the approved plans. With a door there inevitably follows a need to provide access taking more of the public space for private gain.

Parish Councils are all too aware of the problems that can result from private access verses public use on village greens. HRNP Group OBJECT to the addition of the door directly onto the village green. In order to safeguard the registered village green the unapproved door should be removed and replaced by the window as detailed in the approved plans for application H/2018/0290.

## PLANNING POLICY

7.12 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

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy

QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE5	Locally Listed Buildings and Structures
NE6	Protection of Incidental Open Space
RUR1	Development in the Rural Area

7.14 The following policies of the Rural Neighbourhood Plan are also relevant to the determination of this application:

GEN2 – Design Principles

C1 – Safeguarding and Improvement of Community Facilities

HA4 – Protection and Enhancement of Locally Important Buildings

### National Policy

7.15 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	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

## HBC Planning Policy Comments

7.16 The principle of this proposal is acceptable.

### **PLANNING CONSIDERATIONS**

7.17 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, design and visual amenity, impact on heritage assets and highway safety. These and any other matters are considered as follows;

#### **PRINCIPLE OF DEVELOPMENT**

7.18 The principle of converting the former agricultural buildings to form a dwelling has already been established. Although an earlier application to convert the buildings was previously refused (H/2017/0533), this was due to the inclusion of the village green within the red line boundary, which would have effectively changed the use of the green to private domestic curtilage, resulting in the loss of the public open space. The loss of the village green as public open space was not considered to be acceptable in planning terms.

7.19 A resubmitted application (H/218/0290) saw the red line boundary revised to exclude the village green area to the front of the site, that application therefore principally considered the conversion of the building itself and a small amount of land to the rear. As the proposals no longer represented the loss of public open space and other material planning considerations were deemed to be acceptable, that application was approved.

7.20 The current amendment application seeks to make alterations to the appearance and layout of the building but does not include any changes to the red line boundary. As such, the residential curtilage of the property would remain as previously approved and would not result in the change of use of the village green.

7.21 The proposed dwelling would effectively have two entrance points if the current proposals were approved. Concerns have been raised by objectors regarding the potential for a footpath to be installed leading to the door at the front if permission were granted, resulting in the loss of village green. This is a concern shared by the Local Planning Authority and therefore the developer has provided details to demonstrate that a level threshold and access could be achieved if required at the rear of the property that would be compliant with Building Regulations. The Council's Building Control section is not dealing with the associated building regulations for the development, however they have confirmed suitable means of entry have been shown on the submitted details.

7.22 Given a suitable means of access can be achieved to the rear of the property there would be no necessity to form a level threshold and access to the front of the property and therefore it is not considered an undesirable precedent would be set if the current proposals were approved. If in the future an application to lay

hardstanding to the front of the property, it would therefore be considered on its own individual merits in light of the ability to form an access to the rear. The principle of the development currently proposed (i.e. a doorway to the front without a footpath or level threshold) are therefore, on balance, considered to be acceptable.

7.23 Concerns are raised by objectors, the Rural Group and Parish Meeting that presenting a door to the front would result in increased use of/access over the village green in order to reach it. This is acknowledged, however this would not prevent the use of the village green for amenity or recreational purposes. It would be the responsibility of the land owner to ensure maintenance to avoid damage through use of the land. This would be a civil matter and is not therefore a material planning consideration.

7.24 In view of the above considerations and the nature of the application, namely minor amendments to the appearance of the dwelling of an extant planning permission, it is considered the principle of development remains acceptable.

## DESIGN & VISUAL AMENITY

7.25 The fundamental changes to which this application relates are the introduction of a door with glazed panel alongside within the front elevation rather than a window as previously approved, and the introduction of a garage door to the west elevation rather than glazing. The latter of these changes would not be visible from the public highway and could not therefore be said to have a significant impact on the overall appearance of the property or the character of the area. It is therefore considered to be acceptable in visual amenity terms.

7.26 The proposed doorway to the front of the property is evidently much more visible, however it is not considered to be a significant change to the window arrangement previously approved in visual terms and is not considered to detract from the appearance of the property or the character of the wider area. Given this assessment, the proposal is considered to be acceptable in terms of visual amenity.

## HERITAGE ASSETS

7.27 The farmhouse at Manor House Farm is locally listed and therefore a recognised heritage asset, accordingly the proposed development has the potential to impact the setting of the locally listed building. Notwithstanding the changes to the building proposed, the overall character of the group of buildings is not considered to be detrimentally altered. The farmhouse would retain its appearance as the more substantial building within a group of associated ancillary buildings. It is therefore considered that the setting of the heritage asset will not be significantly affected.

7.28 The Council's Heritage and Countryside Manager has confirmed there are no objections to the proposed development and therefore it is considered to be acceptable in this respect.

## HIGHWAY SAFETY

7.29 The proposed development would see the use of what was previously intended to be part of the living accommodation of the property as an integral garage. Along with in-curtilage parking to the rear of the property this would increase parking provision at the site, though the proposed access would remain as previously approved. HBC Traffic and Transport have confirmed there are no highway safety or traffic concerns in relation to this proposal. As such, the development is considered to be acceptable in this respect.

## AMENITY + PRIVACY OF NEIGHBOURING LAND USERS

7.30 The proposed alterations to the building would reduce the amount of glazing within the property, particularly to the rear where the garage is proposed. It is not therefore considered the proposed development would have an adverse impact on the privacy of any neighbouring occupier. As the proposed amendments would not result in a change in the size or position of the building itself, it is not considered there would be any loss or amenity to neighbouring occupiers in relation to light or overbearing appearance. In addition to this, there are no objections from HBC Public Protection and therefore the application is therefore considered to be acceptable in relation to neighbour amenity. Conditions of the original approval (H/2018/0280) required details of obscure glazing to a number of upper floor windows would remain applicable to this application should it be approved as would any other relevant planning conditions. These are again re-secured on this current application.

## OTHER PLANNING MATTERS

7.31 The Council's Ecologist has requested that biodiversity enhancement be secured in the form of bird boxes be applied to the dwelling. Whilst these comments are acknowledged, in the context of the nature of the current application and that such provision was not secured on the original planning permission (H/2018/0290), it is considered that this requirement for the current amendment would be unreasonable in this instance and contrary to Government advice on adding conditions to s73 planning applications.

7.32 No objections have been received from technical consults to the proposed amendments in respect of flooding and contamination.

7.33 While it is noted that the works for which planning permission are sought have already been carried out, the retrospective nature of the application is not in itself a reason to refuse planning permission.

7.34 An area of hard standing laid on the village green without planning permission has since been removed, this does not therefore have a bearing on the current application.



## RESIDUAL MATTERS

7.35 Objections received raise concerns about the previous loss of a tree and shrubbery on the village green, while regrettable these would not have required planning permission and do not relate to what is proposed by the current application.

7.36 The storage of building materials on the village green or other concerns in relation to impeding use of the village green are not controlled under planning legislation and must be addressed by interested parties under the relevant legislation.

## CONCLUSION

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

## EQUALITY AND DIVERSITY CONSIDERATIONS

7.38 There is no evidence of equality or diversity implications.

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

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

7.40 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following plans: drawing number 170901-03f (Proposed Ground Floor Plan), drawing number 170901-04e (Proposed First Floor Plan), drawing number 170901-05e (Proposed Roof Plan & Location Plan), drawing number 170901-06d (Proposed Elevations & Section) and drawing number 170901-07c (Proposed Block Plan), all received by the Local Planning Authority 23/07/19. For the avoidance of doubt.
2. Notwithstanding the submitted information and prior to the occupation of development, the 2no. windows to be installed within the first floor east elevation (serving 'Bedroom 2') and the 1no dormer window (serving

- 'Bedroom 3'), 1no first floor window (serving 'Bedroom 1') and 1no roof light (serving the 'landing area') to be installed within the south elevation detailed on drawing number 170901-06d (Proposed Elevations & Section) and 170901-04e (Proposed First Floor Plan), received by the Local Planning Authority 23rd July 2019 shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale and non-opening, and shall remain as such for lifetime of the development hereby approved unless an alternative scheme to protect the privacy of neighbouring occupiers is submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details for the lifetime of the development. In the interests of the privacy of neighbouring occupiers.
3. The external materials used for this development shall match those of the adjoining building to the south unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
  4. Demolition or construction works and deliveries or dispatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of neighbouring occupiers.
  5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
  6. 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 property.
  7. The residential curtilage of the dwelling hereby approved shall be limited to the area bounded in red on the submitted on Proposed Block Plan (drawing number 170901-07c), received by the Local Planning Authority 23/07/19.  
For the avoidance of doubt.

## BACKGROUND PAPERS

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

## **CONTACT OFFICER**

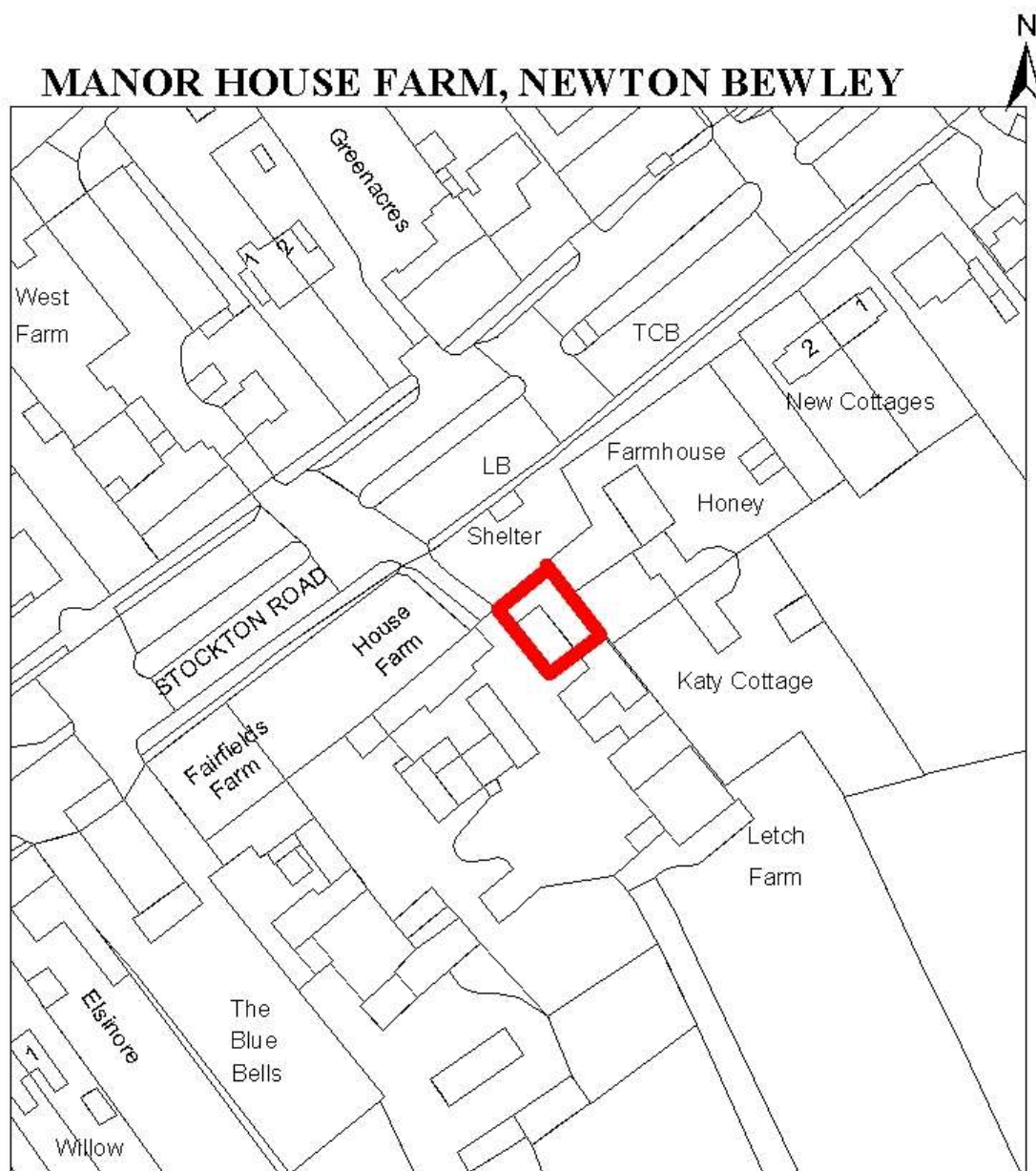
7.43 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

7.44 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)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0337</b>	REV

**No:** 8  
**Number:** H/2019/0460  
**Applicant:** MR M JUKES-KEEYES WOODHOUSE LANE  
HARTLEPOOL TS26 0XX  
**Agent:** MR M JUKES-KEEYES 5 WOODHOUSE LANE  
HARTLEPOOL TS26 0XX  
**Date valid:** 14/11/2019  
**Development:** Erection of a first floor extension to rear  
**Location:** 5 WOODHOUSE LANE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## PROPOSAL

8.2 The application seeks planning permission for the erection of a first floor extension to the rear of 5 Woodhouse Lane. The proposed extension would be built over the existing single storey rear extension and measure approximately 3.8m wide and project approximately 3.3m from the rear elevation of the host dwelling. The proposed extension would have an eaves height of approximately 3.5m, with a maximum roof height of approximately 5m. The proposal would feature a window in the first floor rear/west elevation and a roof light in each of the side elevations. The proposal would facilitate a bedroom extension.

8.3 The application is being referred to the planning committee in line with the Council's scheme of delegation as the applicant is an Officer at Hartlepool Borough Council.

## SITE CONTEXT

8.4 This application site relates to a two-storey detached dwelling located on Woodhouse Lane to the north-west of Hartlepool. The property was built by Bellway Homes on the recently developed Elwick Grove, formerly known as Quarry Farm phase 1. The area is predominantly residential in nature, with house types comprising of 3 and 4 bed detached dwellings.

8.5 No. 7 Woodhouse Lane abounds the application site to the north, with No. 3 Woodhouse Lane to the south. A collection of 4 no. garages which serve properties in Fontburn Close abounds the site to the rear (west), along with No. 12 and 13 Fontburn Close (north west and south west respectively). No's. 4 and 16 Woodhouse Lane are located beyond the highway to the front of the host dwelling (east).

## **PUBLICITY**

8.6 The application has been advertised by way of neighbour letters (7) and notification to ward councillors. To date, no responses have been received.

8.7 The period for publicity will expire on 6<sup>th</sup> December 2019. This report has been written prior to this date and any further representations received will be tabled before Members at the planning committee.

## **CONSULTATIONS**

8.8 The following consultation responses have been received:

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

## **PLANNING POLICY**

8.9 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

8.10 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 Policy

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

PARA 007: Purpose of the planning system  
 PARA 011: Presumption in favour of sustainable development  
 PARA 038: Decision making  
 PARA 047: Determining applications in accordance with the development plan  
 PARA 055: Planning conditions  
 PARA 056: Planning obligations  
 PARA 124: High quality buildings and places  
 PARA 127: Design principles

## PLANNING CONSIDERATIONS

8.12 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 and highway safety and car parking.

### IMPACT ON CHARACTER AND APPEARANCE OF THE HOST DWELLING AND THE SURROUNDING AREA

8.13 The application site and surrounding estate is predominately open plan and consists of a range of detached dwellings, all of which are a mix of 3 and 4 bedroom homes. The host dwelling is a two-storey detached 4 bedroom home.

8.14 The proposed first-floor rear extension to the rear is generally considered to be of a modest scale and design that respects the host dwelling and the application site as a whole. It is acknowledged that the proposal would be visible from within the street scene by virtue of its location at first floor level, particularly from the rear of the site in Fontburn Close (west). Notwithstanding this, it is noted that there are a range of house types within the streetscene that have off-shoots to first floor level as part of their original design, in particular No. 12 Fontburn Close to the rear of the host dwelling and No. 16 Woodhouse Lane, which is located beyond the highway to the front of the host dwelling.

8.15 Whilst there are no extensions in the immediate surroundings of the host dwelling that are immediately comparable, it is considered that the proposal would not significantly unbalance the host property, or result in a significant incongruous feature within the street scene. As such, it is therefore considered that the proposal would not result in an adverse impact on the character and appearance of the area as to warrant a refusal of the application in this instance.

8.16 On this basis, the proposals are therefore considered to accord with the provisions of policies HSG11 and QP4 of the Hartlepool Local Plan (2018).

### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

#### Impact on No. 3 Woodhouse Lane (south)

8.17 The proposed extension would protrude from the rear elevation of the host dwelling at first floor level by approximately 3.3m. The rear elevation of the host

dwelling is set marginally further back into the rear of the site (west) than that of the No 3 with the presence of a detached single garage (serving the hoist property) in between. The proposal would be set off from the adjacent boundary by approximately 4m. As a result, the proposal would be situated at an oblique angle approximately 5m-6m from the nearest windows in the ground and first floor rear of No. 3 Woodhouse Lane, with the presence of an open boarded fence (approximately 1.84m high) in between. Based on the approved house type/plans for the estate, the windows at ground floor level to the rear of No.3 Woodhouse Lane are understood to serve a family room (the window nearest to the host dwelling) and kitchen. At first floor level, the windows to the rear serve the fourth bedroom (the window nearest to the host dwelling), a bathroom, and the third bedroom.

8.18 In terms of amenity, consideration must be given to the above referenced distance and relationship between the proposal to the adjoining boundary and the windows in the main rear elevation of No. 3 Woodhouse Lane. It is also noted that the proposal would feature a roof design that would pitch away from the adjacent boundary and therefore assist in reducing its massing. As such, it is considered that the proposal would not, on balance, result in an unacceptable loss of amenity for the neighbouring property in terms of outlook, overbearing, overshadowing and loss of light to habitable room windows or the immediate garden area serving this property, as to warrant a refusal of the application.

8.19 In relation to privacy, it is noted that the proposed first floor rear extension would not feature any windows in the first floor side (south) elevation, but would feature a window in the first floor rear (west) elevation, and 2 no. rooflights, one in the north roof pitch and one in the south. The Applicant has confirmed that the rooflights would be 'cut' into the ceiling at approximately 0.53m above the proposed storey height of 2.4m (approx.). On this basis, it is considered that there would be no direct views achievable from the window in the rear elevation of the proposal towards the rear of No 3 or from the roof lights in the proposed extension towards windows in the rear of No. 3 Woodhouse Lane. Notwithstanding this, a planning condition can ensure that no windows are to be installed in the southern elevation of the proposed extension without the prior written approval of the Local Planning Authority.

8.20 In view of the above, it is considered that the proposed extension would not result in an unacceptable impact on the amenity and privacy of 3 Woodhouse Lane in terms of loss of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

#### Impact on No. 7 Woodhouse Lane (north)

8.21 The proposed extension would protrude from the rear elevation of the host dwelling at first floor level by approximately 3.3m. As a result, the proposal would be situated at an oblique angle approximately 8m from the rear of No. 7 Woodhouse Lane, with the presence of an open boarded fence (approximately 1.84m high) in between. The distance between the proposed extension of the host dwelling and the shared open boarded fence is approximately 7m. Based on the house types/approved plans for the original estate, it is understood that the windows at ground floor level to the rear of No.7 Woodhouse Lane serve a kitchen (the window nearest to the host dwelling) and a family/dining room. At first floor level, the



windows to the rear serve the second bedroom (the window nearest to the host dwelling), a bathroom, and the forth bedroom. The distance between the side elevation of the proposed extension and ground and first floor rear windows of No. 7 nearest to the host dwelling is approximately 8.5m.

8.22 In terms of amenity, consideration must be given to the above referenced distance and relationship between the proposal to the adjoining boundary and the windows in the main rear elevation of No. 7 Woodhouse Lane. It is also noted that the proposal would feature a roof design that would pitch away from the adjacent boundary and therefore assist in reducing its massing. As such, it is considered that the proposal would not, on balance, result in an unacceptable loss of amenity for the neighbouring property in terms of outlook, overbearing, overshadowing and loss of light to habitable room windows or the immediate garden area serving this property, as to warrant a refusal of the application.

8.23 In relation to privacy, it is noted that the proposed first floor rear extension would not feature any windows in the first floor side (north) elevation, but would feature a window in the first floor rear (west) elevation, and 2 no. rooflights, one in the north roof pitch and one in the south. As previously mentioned, the Applicant has confirmed that the rooflights would be 'cut' into the ceiling at approximately 0.53m above the proposed storey height of 2.4m (approx.). On this basis, it is considered that there would be no direct views achievable from the window in the rear elevation of the proposal towards the rear of No 7 or from the roof lights in the proposed extension towards windows in the rear of No. 7 Woodhouse Lane. Notwithstanding this and as considered above, a planning condition can ensure that no windows are to be installed in the northern elevation of the proposed extension.

8.24 In view of the above, it is considered that the proposed extension would not result in an unacceptable impact on the amenity and privacy of 7 Woodhouse Lane in terms of loss of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

#### Impact on No. 12's and 13 Fontburn Close (north west and south west respectively)

8.25 12 Fontburn Close is situated to the rear of the host dwelling. No. 12 partially shares their rear boundary with the host dwelling and the existing boundary treatment of which consists of an open boarded fence approximately 1.84m high. In terms of topography, No. 12 Fontburn Close is set on a higher level than the host dwelling. At ground floor level, the French doors in the rear elevation of No. 12 are understood to serve a family room (the French doors nearest to the host dwelling set in the off-shoot of the property) and a living room. At first floor level, the window nearest to the host dwelling are understood to serve the a bedroom. There is also a window on the rear elevation serving the third bedroom, however this is set back from the host dwelling and therefore views are considered to be limited.

8.26 The oblique separation distance between the proposed extension and the rear elevation of No. 12 is approximately 20m, which accords with Policy QP4 of the Hartlepool Local Plan 2018. With respect to No 13 (south west) the proposal would be sited at an oblique separation distance of approximately 19m to the principal elevation of this property and would also accord with the requirements of QP4. On

this basis, it is considered that the proposal would not create a significant adverse impact on the amenity and privacy of this neighbour in terms of loss of outlook, overbearing, overshadowing and overlooking.

#### Impact on 4 no. Garages to the rear (west)

8.27 To the rear of the host dwelling there is a block of 4 no. garages that serve properties in nearby Fontburn Close. The garages form part of the boundary treatment of the host dwelling. Given that there are no windows installed in the garage block and that these are an ancillary use to the neighbouring properties and do not serve habitable rooms, it is considered that there will be no significant impact on the amenity and privacy of these garages in terms of loss of outlook, overbearing, overshadowing and overlooking.

#### Impact on No.'s 4 and 16 Woodhouse Lane (east)

8.28 No's. 4 and 16 Woodhouse Lane are located to the east of the host dwelling, and would be primarily screened from the proposal by virtue of it being located to the rear of the host property with the presence of a highway in between. It is considered that the proposal would not create a significant adverse impact on the amenity of this neighbour in terms of loss of outlook, overbearing, overshadowing and overlooking.

### HIGHWAY SAFETY AND CAR PARKING

8.29 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should not prejudice highway safety. The proposal would not increase the existing number of bedrooms or affect the existing car parking provision.

8.30 The Council's Highways, Traffic and Transport section has been consulted and has confirmed that there are no highway or traffic concerns. The application is therefore considered to be acceptable with respect to highway safety and in accordance with the relevant policies of the Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2019).

### CONCLUSION

8.31 For the reasons set out in the report, it is considered, on balance, that the proposed extension is acceptable in respect of the impact on the character and appearance of the host property and surrounding area, and in respect of the privacy and amenities of neighbouring properties.

### EQUALITY AND DIVERSITY CONSIDERATIONS

8.32 There is no evidence of equality or diversity implications.

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

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

8.34 There are no Section 17 implications.

## **REASON FOR DECISION**

8.35 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 following plans and details; Site Location Plan (scale 1:1250),; Existing Block Plan (1:500) and Proposed Block Plan (1:500) received by the Local Planning Authority on 25/10/2019; and dwg. '5 Woodhouse Lane' Rev A, received by the Local Planning Authority on 11/11/2019.  
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the first floor, north facing elevation of the extension hereby approved (facing 7 Woodhouse Lane), and in the first floor, south facing elevation of the extension hereby approved (facing 3 Woodhouse Lane), without the prior written consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

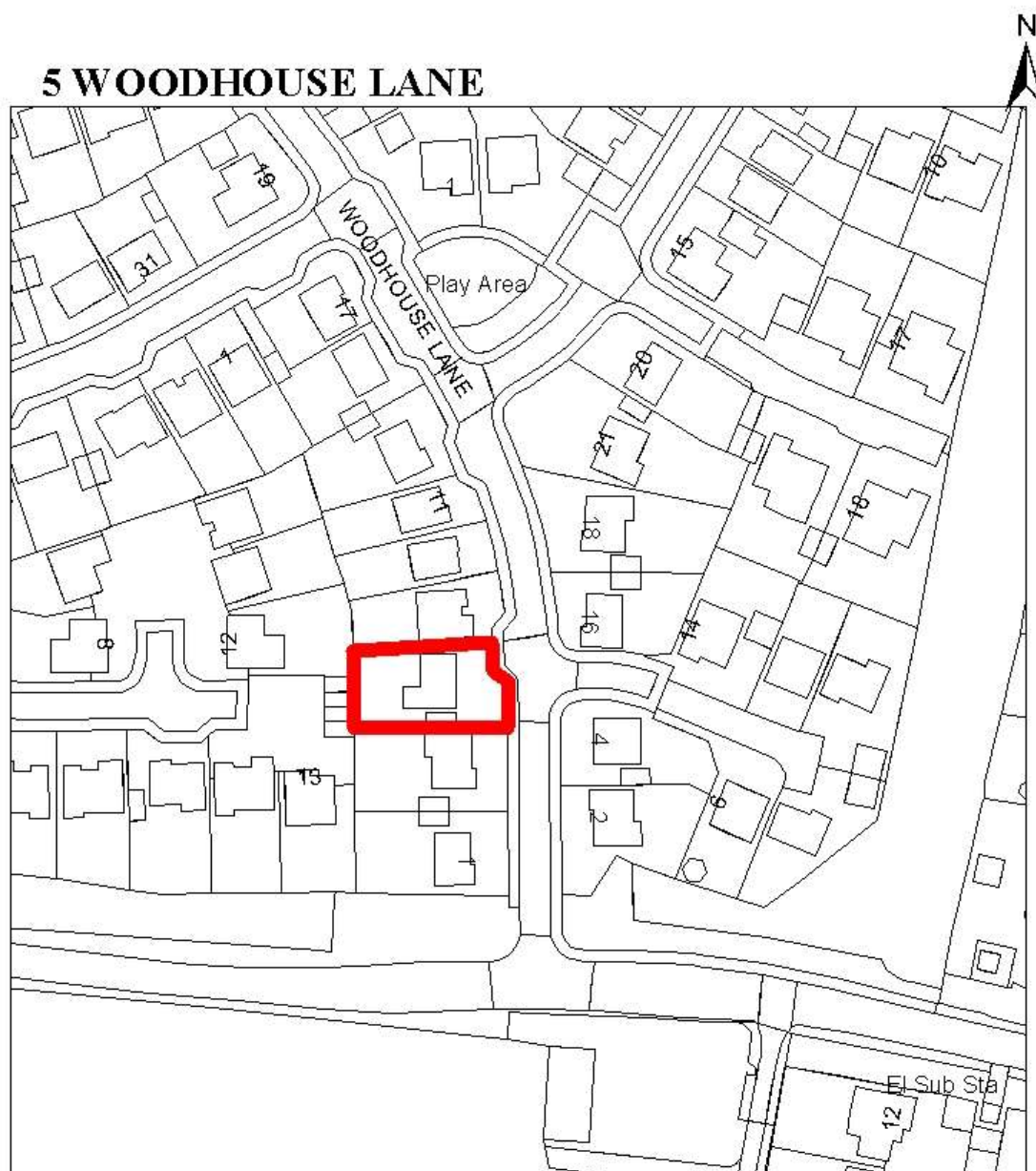
8.37 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

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

## **AUTHOR**

8.38 Caitlin Morton  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523280  
E-mail: [Caitlin.Morton@hartlepool.gov.uk](mailto:Caitlin.Morton@hartlepool.gov.uk)



Copyright Reserved Licence 100023390 (2018)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>25/11/2019</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0460</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>

## PLANNING COMMITTEE

18<sup>th</sup> December 2019



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

**Subject:** APPEAL AT 23 REDWOOD CLOSE, HARTLEPOOL,  
TS27 3QN  
APPEAL REF: APP/H0724/D/19/3236912  
Erection of a two storey extension at the side  
(H/2019/0273)

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of an application for the erection of a two storey extension at the side (H/2019/0273) at 23 Redwood Close, Hartlepool.
- 1.2 The application was refused by Officers under delegated powers as it was considered that the proposal would result in an overbearing appearance that would be detrimental to the visual amenities of the surrounding area by virtue of the design, scale and prominent position. It was also considered that the applicant had failed to demonstrate that a safe vehicle access could be formed to the front and sufficient car parking provision can be made to serve the property as extended, to the potential detriment of highway safety. (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

## DELEGATED REPORT

**Application No** H/2019/0273

**Proposal** Erection of a two storey extension at the side

**Location** 23 REDWOOD CLOSE HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>  <b>1) Publicity Expiry</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	12/07/2019 N/A N/A 14/07/2019 08/08/2019
<b>2) Publicity/Consultations</b>  <b>PUBLICITY</b> The application was advertised by way of 7 neighbour letters, to date one response of no objection has been received from neighbouring occupiers.  <b>CONSULTS</b>  <b>HBC Traffic &amp; Transport</b> – The access would be possible so long as the drive crossing is located on a straight section of kerbs and not on the kerb radius. This could be achieved by extending the neighbouring drive crossing.  We would object to the crossing of the kerb radius due to safety issues exiting onto a bend and the resulting driveway would be below the required 5 metres.  <b>HBC Ecology</b> – One integral bat roost brick required. The site is in an area of the borough that supports good populations of bats, due to adjacent wooded areas. I therefore require Biodiversity enhancement as per NPPF in the form of one integral bat roost brick built into the wall of the extension. Bat brick to be situated at a minimum height of 4m. The aspect of the wall should capture the sun for part of the day, therefore a sunny location on the east or south facing side of the building is preferred.		
<b>3) Neighbour letters needed</b>	Y	
<b>4) Parish letter needed</b>	N	

## 5) Policy

### Planning Policy

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

PARA 47: Primacy of the Development Plan

PARA 124: Ensuring good design

PARA 130: Refusing bad design

### Relevant Planning Policies

#### Hartlepool Local Plan 2018

QP4: Layout and Design of Development

HSG11: Extensions to Existing Dwellings

## 6) Planning Consideration

### RELEVANT PLANNING HISTORY

There are no relevant planning applications associated with the site.

### SITE AND SURROUNDINGS

The application site is a corner plot within a residential cul-de-sac occupied by a detached dwelling. The property benefits from a generous side garden to the north, front and rear gardens and vehicular access is taken from the rear with a driveway and detached garage to the east of the main house. As with the majority of properties in the street, it is gabled and narrower to the front and rear being of a greater depth to the side. The property's main access is to the side with a ground floor bow window and small arched window alongside within the front elevation, again characteristic of the area.

The street has a cohesive appearance with very few of the properties having been notably altered to the front and/or side and therefore the original character is

retained. This includes an open plan character with only limited low level post and rail fencing to some frontages.

## PROPOSAL

Permission is sought for a two-storey extension to side spanning 6m in width with an overall height of 6.3m. The extension would have a dual pitched roof, pitched front to back and gabled to the side. The extension would span the full depth of the existing property at ground floor, although it is to be set back by 1m at first floor level.

The ground floor of the extension would incorporate a garage to the front and kitchen to the rear, it would also include the creation of a new access and porch to the front of the property. The property is currently has 4 bedrooms, the proposed extension would result in the creation of a fifth bedroom.

## MATERIAL PLANNING CONSIDERATIONS

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

## IMPACT ON EXISTING DWELLING CHARACTER OF SURROUNDING AREA

As noted above, the area is characterised by a relatively uniform, cohesive appearance. There are two notable house types within the cul-de-sac from the time the properties were built, however those of the same type as the applicant property are much greater in number. These properties are gabled front and rear with access taken to the side, bow windows and arched windows characteristic to the front.

The street has a green, open feel to front gardens due to the use of low level, open designed post and rail fencing to some front boundaries, while others are denoted by soft landscaping. The northern extent of the street has a strong uniform building line, although the layout of the cul-de-sac means this is less prevalent on the southern side, the applicant property and the two properties to the west on the opposite side of the road do replicate a uniform building line.

The proposed extension to side would virtually double the footprint of the existing property, measuring 6m in width while the host property is 6.6m. Although somewhat lower in height than the main house and a 1m set back of the first floor element has been incorporated, the sheer bulk of the extension is not notably mitigated by these measures. The extension is not therefore considered to be subservient in design and would dominate the appearance of the property.

Introducing a design whereby the door has been relocated to the front of the property and the roof is pitched front to back rather than being gabled would be a notable departure from the prevailing character of the host property and those in the immediate area. While noting the area is not a conservation area and that not all properties are identical, it would be preferable to maintain the cohesive character of the street scene which the current proposals would notably detract from.

An extension to side, particularly at two-storey and of the substantial size proposed, would disrupt the apparent building line on the south side of the road and more significantly would result in the loss of the side garden to the property and the sense of openness this creates at a prominent junction location. Overall, the design of the proposed extension would be obtrusive in the street scene and would not respect the character and appearance of the host property due to its scale. This would not therefore accord with the requirements of Local Plan policy HSG11.

The applicant has been advised of the officer concerns in relation to the size and design of the extension and given the opportunity to reconsider the proposals and submit revised plan, they have however declined to do so and wish the application to be determined as submitted.

#### IMPACT ON THE AMENITY OF NEIGHBOURING OCCUPIERS

The neighbouring property to the east would be located approximately 20m from the proposed extension and it is considered that this separation would prevent a loss of light or overbearing appearance, and would accord with separation distances in terms of protecting privacy. Notwithstanding that, any windows within the proposed extension would be directed towards the neighbouring property's garden rather than directly towards windows within primary habitable rooms.

It is considered that the neighbouring property to the south would not be adversely affected in terms of loss of light, privacy or overbearing appearance due to the position of the extension to the north of the property.

The neighbouring property to the south east would be separated from the extension by approximately 14m with the applicant property's detached garage to rear between the two. This relationship is considered sufficient to prevent an overbearing appearance or loss of light. Windows within the extension would be directed to the east, given the offset layout of the property and the separation it is not considered there would be an appreciable impact on privacy to this neighbour.

The neighbouring property directly to the east is located approximately 42m from the proposed extension, this separation would prevent any appreciable impact in terms of loss of light, privacy or overbearing appearance.

Neighbouring properties to the north would be approximately 14m from the proposed extension and it is considered that this separation would be sufficient to overcome a loss of light and although the aspect of the property would change it is not considered this would result in an overbearing appearance. There are no windows proposed in the northern elevation of the extension and therefore there would not be an impact on privacy.

#### HIGHWAYS

The submitted block plan lacks any detail of the position of the proposed access, with just an annotation to say a driveway would be formed. Given the corner plot location within the street, the Council's Highways team have raised concerns about

the ability to form a suitable access and have confirmed they would object to any access on the radius of the road, which would be directly in front of the proposed garage. Concerns have also been raised about whether a driveway of a sufficient length can be created in front of the garage as proposed. A minimum of 5m would be required, the proposed block plan shows the area to the front of the garage to be only approximately 3.5m (it is difficult to determine this precisely due to the lack of detail provided).

The applicant was not willing to provide revised plans to detail the drive and garage arrangements proposed and therefore it is not possible to determine whether and safe and appropriate access can be formed to meet the parking requirements for the extended property.

The integral garage as proposed as part of the extension would not meet the size requirements to be counted as a parking space. The Highways Design Guide and Specification requires garages to be a minimum of 6m by 3m when measured internally in order to count as a space. The garage as proposed measures 5.3m by 3.3m and therefore does not meet this requirement.

Five bedroom properties are required to provide 3 parking spaces, the property currently benefits from an existing garage and driveway that can be counted towards this provision, however the garage proposed cannot be counted and has not been demonstrated that a suitable access and parking space can be created to the front to meet the requirement for an additional space. As such, suitable parking provision for the property as extended has not been made and the requirement to do so under policy HSG11 of the Local Plan has not been met.

#### OTHER PLANNING MATTERS

The Council's Ecologist has been consulted on the proposals but has no concerns subject to the inclusion of a bat roost brick.

#### CONCLUSION

The proposed extension is considered to be of a scale and design that would be disproportionate in relation to the existing house and out of keeping with the character and appearance of the area and would therefore have a detrimental impact on the visual amenities of the area. The proposal does not allow for the provision of sufficient parking and lacks detail to show that a safe vehicle access to the front can be formed. As such, the relevant policy tests of the Local Plan and NPPF have not been met and officer recommendation is to refuse.

#### 7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

<b>8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS</b>	
There are no Section 17 implications.	
<b>9) Alternative Options Considered</b>	
Yes as per report.	
<b>10) Any Declared Register of Interest</b>	
No	
<b>11) Chair's Consent Necessary</b>	N
<b>12) Recommendation</b>	
REFUSE for the following reason:	
<b>CONDITIONS/REASONS</b>  1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and prominent position within the street scene would result in an overbearing appearance that would be detrimental to the visual amenities of the surrounding area, this is contrary to the requirements of Local Plan policy HSG11 and paragraphs 124 and 130 of the NPPF.  2. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that a safe vehicle access can be formed to the front and sufficient car parking provision can be made to serve the property as extended, to the potential detriment of highway safety. This is contrary to the requirements of Local Plan policy HSG11 and paragraph 108 of the NPPF.	
<b>INFORMATIVES</b> <b>1. Statement of Proactive Engagement</b> The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.	

**Author of Report: Laura Chambers**

**Signed:** Laura Chambers

**Dated:** 08/08/19

**Signed:** D.JAMES

**Dated:** 08/08/2019

Planning Team Leader DC

## PLANNING COMMITTEE

18th December 2019



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

**Subject:** APPEAL AT 183 PARK ROAD, HARTLEPOOL,  
TS26 9LP  
APPEAL REF: APP/H0724/W/19/3234896

Change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis)

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an enforcement planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced property at 183 Park Road, Hartlepool.
- 1.2 A planning application was submitted to the local planning authority on 23<sup>rd</sup> January 2019 for a change of use from a house in multiple occupation (C4) to a large house in multiple occupation (Sui- Generis). The application was refused by Planning Committee, contrary to officer recommendation, on 10<sup>th</sup> May 2019 on four grounds including 1) impact on the character of the area, 2) impact on highway safety and car parking, 3) issues of crime and fear of crime and 4) impact on residential amenity.
- 1.3 The appeal was allowed and planning permission was granted on 19<sup>th</sup> November 2019. 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)



## The Planning Inspectorate

---

### Appeal Decision

Site visit made on 28 October 2019

by **Adrian Caines BSc(Hons) MSc TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

---

**Appeal Ref: APP/H0724/W/19/3234896**

**183 Park Road, Hartlepool, TS26 9LP**

- 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 Saeed Khalid against the decision of Hartlepool Borough Council.
  - The application Ref H/2019/0051, dated 23 January 2019, was refused by notice dated 10 May 2019.
  - The development proposed is change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis).
- 

#### Decision

1. The appeal is allowed and planning permission is granted for change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis) at 183 Park Road, Hartlepool, TS26 9LP in accordance with the terms of the application, Ref H/2019/0051, dated 23 January 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2051-SLP Rev A; 2051/P/4 Rev A; 2051/P/2 Rev A.
  - 3) The use of the property as a house in multiple occupation shall not exceed more than 8 residents at any one time.

#### Procedural Matter

2. I have taken the description of development from the decision notice as it more accurately describes the development and is used by the appellant in his appeal form and statement of case without raising objection to it.

#### Main Issues

3. The main issues are the effect of the development on:
  - i) the character and appearance of the surrounding area;
  - ii) the living conditions of occupiers of neighbouring residential properties, with particular regard to noise and disturbance, and fear of crime; and
  - iii) highway safety, with particular regard to parking congestion.

---

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

## Reasons

### *Character and appearance*

4. Park Road has a busy arterial character, which leads into the Hartlepool town centre a short distance away. The appeal site is located on the southern side of the road, outside the Grange Conservation Area (CA), which lies to the north. It is a large two-storey, mid-terraced property with additional accommodation in the roof and a rear outrigger. A passageway shared with No 185 provides access through to an enclosed rear garden for the use of residents and where the bins are kept out of sight.
5. There appears to be no dispute that the property is currently in lawful use as a 6 bedroom house in multiple occupation (HMO). The proposal would create two further bedrooms utilising existing rooms at ground floor.
6. As the property is already a HMO and no external alterations are proposed, the building would retain its current appearance in the street scene and in turn, the character and appearance of the adjacent CA would be preserved. Furthermore, the property is in a residential part of the road and a HMO is a residential use. To that extent there is compatibility in use.
7. Whilst two additional bedrooms would intensify the residential use of the property, this would be at a modest level. In the context of the busy character of Park Road, and in the absence of any external changes to the building, it is unlikely that the intensification through two additional occupants would lead to any discernible change in the nature and appearance of the current residential use.
8. Moreover, the proposal would have no effect on the mix of residential accommodation in the area other than through addition of two bedrooms in the existing HMO. There is also no evidence before me of an overconcentration of such uses in the area, which would otherwise change the predominant character of the area and go against the aims of the National Planning Policy Framework (the Framework) of building sustainable neighbourhoods and balanced communities with a wide choice of housing sizes, types and tenures.
9. I conclude that the development would not be harmful to the character and appearance of the surrounding area. In this regard, the proposal accords with Policy QP4 of the Hartlepool Local Plan 2018 (LP), in so far as it seeks to ensure development is appropriate to the local area and sustains the setting of the historic environment.

### *Living conditions*

10. During my site visit I had the opportunity to observe the general activity associated with the appeal site and the surrounding area, including the occupiers of other residential properties coming and going from their properties and parking on the road.
11. Bearing in mind that the property is already in use as a HMO for six residents, there was nothing about its use that distinguished it in any way from the surrounding residential properties in respect of noise, odour or comings and goings. Whilst activity during the evenings and at weekends is likely to be greater, that would be the case for most residential properties, and given the size of the appeal property, it would in any event be capable of being occupied



by a large single household family with not too dissimilar trip patterns relating to travel to work and for education, leisure and shopping purposes. Furthermore, there is no substantive evidence to indicate that the existing HMO has led to any direct identifiable noise and disturbance, or other nuisance impacts on the occupiers of neighbouring properties.

12. Given the above, and in the context that Park Road is a busy thoroughfare close to the town centre and with relatively high background noise levels from traffic, the effect from two additional occupants would not be likely to lead to any significant increase in noise and disturbance from comings and goings, or other general use of the property. I note the Council's Environmental Health (Public Protection) Section did not raise any objections in this respect.
13. In addition, whilst not explicitly referred to in the refusal reasons, the Council's appeal statement expresses concerns over potential internal noise transfer to rooms in the adjoining properties. However, the only change to the internal use of the rooms would be at the ground floor. As those rooms were previously used as communal living areas where socialising, tv and playing music are likely to have taken place, it is very unlikely that their use as bedrooms would lead to significantly greater noise and disturbance to neighbours. Moreover, the new bedrooms do not abut the party walls of the adjoining neighbours as they are separated by the existing hallway on the side of No 181 and the shared passageway on the side of No 185. Therefore, even though I note that the appellant would be willing to introduce sound insulation, this would be unnecessary to make the development acceptable.
14. I have also had careful regard to the numerous comments relating to fears over crime and anti-social behaviour. Whilst Cleveland Police have commented that HMOs have the potential to be of concern in relation to increased incidents of crime and disorder, they have not formally objected to the proposal, nor have they identified the appeal property, which is already an HMO, as generating any incidents of crime and disorder. Furthermore, claims that the area suffers from high rates of crime and anti-social behaviour are not supported by the crime figures provided by the Council's Community Safety Section, which did not identify the appeal site or surrounding area as being higher than average for crime and anti-social behaviour incidents.
15. Therefore, whilst I appreciate that local residents may have genuine concerns about the fear of crime, there is no substantive evidence before me that establishes a link between the use of the appeal site and increased crime and anti-social behaviour. Nor is there any evidence that the proposal would significantly exacerbate any ill effect, including community cohesion and the quality of the local environment.
16. In addition, as the HMO will be registered, it will be subject to management and monitoring by the Council, which would be the appropriate means to deal with un-neighbourly conduct and incorporation of the general management and security recommendations suggested by Cleveland Police.
17. I conclude that the development would not be harmful to the living conditions of the occupiers of nearby residential properties, by reason of noise and disturbance, and increased fear of crime. In this regard, the proposal accords with LP Policy QP4 and paragraph 180 of the Framework, where they seek to protect the amenity of occupiers of neighbouring properties from noise and disturbance. The proposal also accords with LP Policy QP5 and paragraphs 91

and 127(f) of the Framework, which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

#### *Highway safety and parking*

18. The Council has referred to a typical requirement of 1 parking space per 5 occupants for this type of development, which cannot be achieved on-site at the appeal property. However, it is not clear where this requirement is derived from and whether it makes allowance for on-street provision where it is available, so I can only give it limited weight.
19. I note that the local Highways Authority did not object to the proposal on the basis that HMOs generally exhibit lower levels of car ownership than equivalent sized occupancy as a single household. As the appeal site is close to bus stops and in close walking and cycling distance of the range of services and facilities in the town centre, it seems likely that in such a highly accessible location, car ownership associated with the HMO would be low, such that any additional parking demand generated from the proposed development would be very modest.
20. Irrespective, even if the additional occupants were car owners, Park Road is wide and straight with unrestricted designated parking bays along its length. This allows parking to take place on the road without inhibiting the passage of vehicular and pedestrian traffic. Furthermore, nearly all of the properties on the north side of Park Road, and many on the south side as well, are semi-detached and have their own on-site parking. At the time of my mid-day site visit there were many spaces available on both sides of the road, and also down the side streets where there appeared to be no parking restrictions.
21. I appreciate my observations are only a snap shot of local parking conditions, and it would be reasonable to assume that on-street parking demand would be greater in the evenings and at weekends. However, I have not been presented with any firm evidence that parking pressure is at a level where there would not be capacity through local on-street parking for the modest parking needs that might be generated by the development, or that this would cause highway safety problems, including prejudicing any plans for a school crossing patrol on Park Road and effecting visibility at junctions. I also have no evidence of speeding problems or that the proposal would exacerbate this.
22. I conclude that the development would be unlikely to have a significant adverse effect on highway safety, having particular regard to parking congestion. In this regard, the proposal accords with LP Policy QP3, which seeks to ensure development is safe and accessible in highway terms.

#### **Other Matters**

23. I have also noted the variety of other issues raised by local residents that have not already been encapsulated within the main issues above. This includes the impact on property values and the financial motives of the owner, but such private interests would not be reason to withhold planning permission. There would also be no additional overlooking of residential properties given the proposals relate to the ground floor of the property and no physical alterations are proposed. In addition, there is no evidence that local amenities, services



and infrastructure are under stress and would not be able to cope with the small scale of the development.

24. The standard of facilities within the property would have to be assessed as part of the licencing process and I note the Council has not raised any objections in this respect. Waste is stored appropriately at the rear of the property and there is no evidence that the property attracts vermin. Even if other properties may be empty or available elsewhere, I have determined the proposal on its own merits and found it to be acceptable. Any future proposals would also be considered on their own merits and therefore I do not consider any precedent would be set by allowing the appeal.

25. Consequently, none of the other issues raised alter or outweigh my findings on the main issues.

### Conditions

26. I have considered the planning conditions that have been suggested by the Council against advice in the Framework and the Planning Practice Guidance to ensure they meet the relevant tests.

27. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. Instead of a restriction on the use of the property, I have imposed a condition limiting occupation of the building to no more than 8 persons to provide certainty. Both main parties have had the opportunity to comment on the condition and raised no objection to it.

28. A requirement to provide a scheme for the storage of waste would be unreasonable as the property is already in use as a HMO and appropriate arrangements already exist, so it is not imposed.

29. A requirement to provide a noise report and a scheme of sound insulation would also be unreasonable for the reasons already stated, so it is not imposed.

### Conclusion

30. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be allowed.

*Adrian Caines*

INSPECTOR

## PLANNING COMMITTEE

18th December 2019



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

**Subject:** APPEAL AT AMIGO'S FUN BAR, 1-3 VICTORIA ROAD, HARTLEPOOL TS4 7SE  
APPEAL REF: APP/H0724/C/18/3219886

Change of use from restaurant/fast food outlet (A3 Use Class) to drinking establishment (A4 Use Class) and provision of timber panels to shopfront

---

### 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 – 3 Victoria Road, Hartlepool.
- 1.2 An enforcement notice was issued on 4<sup>th</sup> December 2018 for the breach of planning control for a change of use from a restaurant/fast food outlet (A3 Use Class) to a drinking establishment (A4 Use Class) and provision of timber panels to the shopfront without planning permission. The notice required removal of the timber panels from the shopfront and restore to its original condition and that the premises shall be closed to the public and any deliveries between the hours of 2330hrs and 0700hrs.
- 1.3 The appeal was allowed in part, in granting planning permission for the change of use with a condition restricting operating hours and deliveries (As required by the Enforcement Notice), but was also part refused with regard to the provision of timber panels whereby the enforcement notice was upheld and therefore the panels will need to be removed. 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 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)





The Planning Inspectorate

## 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: 18 November 2019

**Appeal Ref: APP/H0724/C/19/3219886**

**Amigo's Fun Bar, 1-3 Victoria Road, Hartlepool TS24 7SE**

- 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 Mr Andrew Grylls, Amigo's Bar Ltd, against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 4 December 2018.
- The breach of planning control as alleged in the notice is Without planning permission, the change of use from a restaurant / fast food outlet to a drinking establishment, and the application of timber panels to the shopfront.
- The requirements of the notice are (i) The premises shall be closed to the public and for any deliveries between the hours of 2330hrs and 0700hrs; (ii) Remove the timber panels and any associated fixings from the shopfront, and restore the shopfront to its previous condition before the breach took place.
- The period for compliance with the requirements is Step (i) above within 2 weeks from the date this notice takes effect; Step (ii) above within 2 months from the date this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal succeeds in part and permission for that part is granted (however see relevant condition), but otherwise the appeal fails, and the enforcement notice is upheld as set out below in the Formal Decision.**

### Preliminary Matters

1. In this case the enforcement notice is not seeking the unauthorised use to cease altogether, rather the lesser requirement that the time it is open to the public and for deliveries should be restricted. However requirement (i) of the notice is set out as an ongoing condition and because open-ended requirements are not generally appropriate in the context of an enforcement notice, in the event that I am minded to uphold the notice in relation to the use, the correct approach would be for me to grant planning permission for the use subject to a similarly restrictive condition.
2. The appeal is lodged on grounds (a) and (f). Section 173(3) of the Act says an enforcement notice shall specify the steps in order to achieve wholly or partly, any of the purposes set out in Section 173(4). These include, remedying any injury to amenity which has been caused by the breach.
3. The scheme advanced by the appellant, as an alternative 'lesser step' to allowing the restricted use of the site, would be to introduce less restrictive operating hours in comparison to those proposed by the Council, such that the

Appeal Decision APP/H0724/C/19/3219886

---

premises shall be closed to the public and for any deliveries between the hours of 0300hrs and 0700hrs.

4. Accordingly, in order to consider this alternative I need to deal with it under ground (a) and consider whether this outcome could be achieved by granting planning permission "in relation to the whole or any part" of the matters alleged in the notice in accordance with Section 177(1)(a) of the Act.

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

#### **Reasons**

##### **Main Issues**

5. Because the Council is not opposing the principle of the alleged land use in this location the main issues are i) whether the Council's proposed operating times would be appropriate, having particular regard to the living conditions of nearby residents and ii) the effect of the timber panels on the character and appearance of the area.

##### *Living Conditions*

6. The appeal site comprises a ground floor unit, located within a three-storey terraced building. The site is situated within the town centre, as defined in the Hartlepool Local Plan 2018 (LP). Policy RC2 of the LP states, amongst other things, that unless located within the 'late night uses area', businesses will not be permitted to operate between 11.30pm and 7.00am. The supporting text to this policy explains that drinking establishments and hot food takeaways can if allowed to proliferate, alter the character and function of the town centre, indicating that such uses can be associated with crime and anti-social behaviour, potentially leading to disturbance in surrounding residential areas. The policy therefore seeks to strictly control late night uses.
7. There is no dispute that the appeal site lies outside the designated 'late night uses area'. However the appellant has cited that the appeal site is adjacent to this area and that there are several businesses, constituting late night uses in the vicinity. These businesses include a hot food takeaway next door and bars on the opposite side of Victoria Road. It is undisputed that they are permitted to operate until various times in the early morning, up until 4.00am. The Council suggests, undisputed by the appellant, that this is because of historical use rights associated with the sites in question.
8. From the information provided, the boundary of the 'late night uses area', as defined by Policy RC17 of the LP, is some way to the east of the appeal site, on the north site of Victoria Road beyond the Civic Centre building. It seems to me that although there are similar businesses operating in the locality with more flexible opening hours, using this as a reason to justify similar less regulated development would nevertheless be at odds with the objectives of Policy RC2, which seeks to resist the potential harmful cumulative effects of such developments on surrounding residents. I do not therefore consider that this justifies the proposal.
9. I have taken into consideration that the business would contribute to the local economy; that the site was historically a drinking establishment; the appellant's representation that restrictive opening hours may force the business to close and there is no compelling evidence that it is causing harm;

Appeal Decision APP/H0724/C/19/3219886

---

that economic development is supported by the National Planning Policy Framework (the Framework) and that Policy LS1 of the LP seeks to protect the vitality and viability of the town centre.

10. Whilst I sympathise with the appellant's concerns, it was his choice to locate the business in this location and there is no evidence before me to suggest that it would be unable to continue if the operating hours were restricted in accordance with the Council's requirement. Furthermore, whilst supporting economic development, it is not the intention of national and local planning policy to allow businesses to operate without restrictions at times of night which may put at risk the peaceful enjoyment of people's homes. Even if the opening hours of the business were to be restricted as suggested by the appellant, I am not therefore persuaded that these are sufficiently compelling reasons to set aside the policy presumption against late night uses in this specific location.
11. I conclude that the Council's proposed operating times as set out in the notice would be appropriate, having particular regard to the living conditions of nearby residents. Accordingly the unrestricted operation of the development or its restricted operation in line with the hours suggested by the appellant would be in conflict with Policy RC2 of the LP insofar as it seeks to protect the living conditions of residents and with the Framework insofar as it seeks to create places that are safe, inclusive and accessible, avoiding crime or the fear of crime.
12. The appellant has referred to a licence granted by the Council permitting the premises to open until 4.30am. This however is a separate regime of control and does not have a bearing on my deliberations in this case.
13. Reference has also been made to the previous use of the site being a hot-food takeaway with unrestricted opening hours. However because there is no evidence before me to indicate that this use would have been lawful, I am not persuaded that the prospect of its resumption amounts to a compelling fallback position that would support a similarly unregulated development in this case.
14. In terms of the time required to secure compliance with the Council's opening hours condition, the appellant requests 12 months with a view to winding the business down and the staffing implications of this. I accept that the business may need to modify the way it operates and that, as such, the 2 weeks allowed for by the Council would be unreasonably restrictive. However, on the other hand, the lengthy period requested would run the risk of undermining confidence in the planning system, and it seems to me that a period of 2 months would allow sufficient time for the business to begin operating in accordance with the restrictions of the planning condition.

#### *Character and Appearance*

15. The surrounding area is characterised by a variety of building designs, ages and materials. The frontage of the terrace, in which the appeal site is located, features significant glazing, particularly at ground floor level, with regimented window alignments at upper floor levels.



Appeal Decision APP/H0724/C/19/3219886

---

elevation, and despite the variety of building designs in the wider area, I am in no doubt that it stands out as an incongruous addition, against the substantially glazed frontage of the other units in the terrace and the building as a whole. Furthermore, the panelling serves to 'board up' a significant part of the fenestration which creates a sense of dead frontage, detrimental to the relationship between the unit and adjacent street.

17. I conclude that the timber panelling results in harm to the character and appearance of the area. Accordingly it is in conflict with Policy QP4 of the LP; the Council's Shop Front and Commercial Frontages Design Guide Supplementary Planning Document 2014 and with the Framework insofar as they seek to secure high quality design that respects the character of surrounding buildings and the wider street scene. Whilst I acknowledge that the Framework says that sites should be allowed to develop and modernise, this should not be at the expense of poor design.
18. The appellant has suggested that the boarding would help protect the glazed frontage from breakage, and therefore the health and safety of clientele within the premises. However the building is separated from the carriageway by a wide expanse of pedestrian footway. It therefore seems to me that the risk of a collision occurring with the front of the property, or the shattering of glass for any other reason, would be relatively low and would not outweigh the harm I have identified above.

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

19. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. Specifically the appellant seeks less restrictive opening hours. As I have dealt with this matter under ground (a) there is no need for me to consider this ground further.

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

20. The appeal is that the time given to comply with the requirements is too short. I have dealt with the time allowed to begin complying with the restrictive condition on the operation of the premises under the ground (a) appeal above.
21. The appellant has not set out why a longer period is required to remove the timber panels. I am not persuaded that it would be necessary to allow more than the two months given by the Council for compliance with this requirement.

#### **Conclusion**

22. Drawing the above considerations together, I conclude that planning permission should be granted for the use of the premises subject to a planning condition restricting the opening and delivery hours. However the appeal should be dismissed in relation to the application of timber panels to the shop front.

Appeal Decision APP/H0724/C/19/3219886

---

### **Formal Decision**

23. The appeal is allowed insofar as it relates to the land shown outlined in red on the plan annexed to the notice and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the change of use from a restaurant / fast food outlet to a drinking establishment at Amigo's Fun Bar, 1-3 Victoria Road, Hartlepool TS24 7SE subject to the following condition:
- 1) No later than two months from the date of this permission the development shall thereafter continue to be operated in accordance with the following requirement: - The premises shall be closed to the public and for any deliveries between the hours of 23.30hrs and 07.00hrs.
24. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the land shown outlined in red on the plan annexed to the notice and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended, in respect of the application of timber panels to the shopfront at Amigo's Fun Bar, 1-3 Victoria Road, Hartlepool TS24 7SE.

*Roy Merrett*

INSPECTOR

# PLANNING COMMITTEE

18 December 2019



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

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

1. The paving over of a front garden at a residential property in Spalding Road.
2. The use of rooms above a commercial premises in Church Street as residential accommodation.
3. The installation of storage silos on agricultural land off Worset Lane.
4. The erection of an outbuilding in the rear garden of a residential property in Fens Crescent.
5. The installation of lighting to the exterior of a licensed premises on Brenda Road.
6. Running a massage therapy business at a residential property in Inglefield.
7. The display of parking restrictions signage at a commercial premises car park at The Lanyard.
8. The change of use from offices to a bed and breakfast at a commercial complex at Tees Road.
9. Running a child minding business at a residential property in Benmore Road.
10. The erection of a high wall at the front of a residential property in Spalding Road.

11. The sub-division of the unit and change of use to retail at a commercial premises at Navigation Point.
12. Non-compliance with conditions at a residential development site off Dalton Piercy Road.
13. The installation of illuminated projecting signage at a commercial premises on Northgate.
14. The storage of fairground ride equipment at the rear of commercial premises at The Front.
15. Non-compliance with the approved plans in relation to a household development at a residential property in Elwick Road.

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

1. The erection of high timber fences at two residential properties in Queensway, Greatham. Retrospective applications seeking to regularise the developments have since been approved.
2. The paving over of a front garden at a residential property in John Howe Gardens. It was found that there had been no breach of planning control in this instance. The matter was redirected to the Council's Traffic and Transport section for action as appropriate.
3. Running a retail business at a residential property in Cropston Close. It was found that the retail business did not result in a material change of use of the property.
4. The erection of high walls to the front of a residential property in Jutland Road. Permitted development rights applied in this case.
5. The repair and sale of motor vehicles at a residential property in Queensland Road. It was found that no material change of use had occurred.
6. Unauthorised works and use of a dwellinghouse as site office at a group of residential properties at Romaine Park. A planning application submitted in respect of the works has since been approved. The use of the dwellinghouse as a site office is limited to the duration of the approved works.
7. The installation of pole mounted ANPR apparatus at the car park of a licensed premises in Stockton Road. A retrospective planning application seeking to regularise the development has since been approved.

8. The installation of bollards to a car park and ANPR apparatus attached to the side of a building at a mixed commercial and residential complex at Navigation Point. Permitted development rights applied in this case.
9. The installation of a roof dormer to the front of a residential property in Ardrossan Road. A retrospective application seeking to regularise the development has since been approved.
10. The erection of fencing to enclose land at the rear of a commercial property on Northgate. The planning related aspects of the matter were reported to a previous meeting of planning committee where it was resolved that no further action be taken. The matter is now a civil land ownership dispute.
11. The installation of solar panels on the roof of a residential property in Stanhope Avenue. Permitted development rights apply in this case.
12. The erection of an external garden centre at a commercial premises on Clarence Road. A retrospective planning application seeking to regularise the development has since been approved.
13. The installation of a composite door at a commercial premises in Scarborough Street. The premises is located within the Church Street conservation area. The composite door has since been replaced with a suitable timber door and frame.
14. The provision of outside seating to the front of a commercial unit at Navigation Point. A retrospective planning application seeking to regularise the development has since been approved.
15. The erection of an outbuilding in the rear garden of a residential property in Mary Rose Close. A retrospective planning application seeking to regularise the development has since been approved.

## **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)