

# PLANNING COMMITTEE

## AGENDA



Wednesday 22 July 2020

at 9.30 am

in the Civic Centre, Hartlepool.

**PLEASE NOTE: this will be a 'remote online meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.**

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, C Richardson, Stokell 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 8 July 2020 (to follow).

#### 4. ITEMS REQUIRING DECISION

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

1. H/2019/0527 – Land at Hill View, Greatham, Hartlepool (page 1)
2. H/2019/0515 – 36a Clifton Avenue, Hartlepool (page 59)
3. H/2019/0193 – 1 Coniscliffe Road, Hartlepool (page 77)
4. H/2019/0467 – Kinross, Elwick Road, Hartlepool (page 91)

### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

## **5. ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Appeal at 16 Sydenham Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.3 Appeal at 1 Grassholme Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.4 Appeal at 10 Queen Street, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.5 Appeal at 69 Kesteven Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.6 Appeal at 9 Rosebery Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.7 Appeal at 8 Queen Street, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.8 Appeal at 23 Redwood Close, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.9 Appeal at 1 Bute Avenue, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.10 Appeal at 193 Raby Road, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*

## **6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

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

### **EXEMPT ITEMS**

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

## **8 ITEMS REQUIRING DECISION**

- 8.1 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Enforcement Notice (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

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



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 a date and in a manner to be agreed by the Chair of the Committee that is compliant with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 and other relevant legislation.

The next meeting of the Committee will be held on Wednesday 5 August 2020 commencing at 9.30 am.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **8 JULY 2020**

The meeting commenced at 9.30 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

**Present:**

Councillor: Mike Young (In the Chair)

Councillors: James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell.

Officers: Jim Ferguson, Assistant Director- Place Management (Interim)  
Kieran Bostock, Transport and Infrastructure Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Daniel James, Planning (DC) Team Leader  
Matthew King, Planning Policy Team Leader  
Laura Chambers, Senior Planning Officer  
Ryan Cowley, Senior Planning Officer  
Stephanie Bell, Planning Officer  
Tom Graham, Locum Lawyer  
Amanda Whitaker and David Cosgrove, Democratic Services Team

#### **1. Request for Site Visit – Application H/2019/0527 - Land at Hill View, Greatham**

The Chair proposed a site visit in relation to Application H/2019/0527 - Land at Hill View, Greatham. This was seconded by Councillor Loynes.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken.

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Mike Young

Those abstaining:  
Councillor Cameron Stokell

Those against:  
None.

### **Decision**

That Application H/2019/0527 - Land at Hill View, Greatham be deferred for a site visit by Elected Members.

## **2. Apologies for Absence**

Councillor Stephen Akers-Belcher.

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

Councillor James declared a personal interest in Application H/2019/0275 as the Council's appointed representative on the Suez Board.  
Councillor Jim Lindridge declared a personal interest in Application H/2019/0472.

## **4. Confirmation of the minutes of the meeting held on 3 March 2020**

Confirmed.

## **5. Minute of the Cancelled Meeting of 18 March 2020**

Noted.

## **6. Planning Applications** *(Assistant Director (Economic Growth and Regeneration))*

<b>Number:</b>	H/2019/0275
<b>Applicant:</b>	GRAYTHORP ENERGY LTD, THE QUARRIES, BROAD LANE YARMOUTH
<b>Agent:</b>	AXIS PED NICK ROBERTS CAMELLIA HOUSE 76 WATER LANE WILMSLOW
<b>Date received:</b>	01/10/2019
<b>Development:</b>	Energy recovery (Energy from waste) facility and associated infrastructure

**Location:** LAND TO THE SOUTH OF TOFTS ROAD WEST  
GRAYTHORP HARTLEPOOL

Officers updated the Committee in relation to the comments received from the Ministry of Defence which indicated they had no objections to the proposals subject to an appropriate condition.

Members raised questions in relation to the control of birds on the roof of the building and whether the installation of solar panels on the roof had been considered. Officers stated that the Ecologist had not raised any issues in relation to birds nesting on the site.

Members also queried the job opportunities for local people created by the development. Officers stated that the application indicated that there would be forty permanent jobs created by the development after the construction phase and the developer had been working with the Economic Development Team on the employment opportunities arising from the development.

The Applicant's Agent addressed the Committee highlighting that the development was a power station producing 49 MW from renewable resources sufficient to power 108,000 homes and, therefore, a major electricity generation scheme. All of the waste to be incinerated would be kept within the building. The developers did not envisage any specific issues with birds on or around the development. The development was at the forefront of national policy and would divert waste from exportation. There would be 450 jobs during the construction phase with 40 permanent, high skilled jobs to operate the power station. The applicant was working with Council Officers and was very supportive of utilising local skills and workers. Local consultation had been held attended by residents where the significant majority supported the development.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations set out in the report to approve the application.

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young.

Those abstaining:

None.

Those against:

None.

### Decision

Planning Permission Approved as recommended with an additional condition as requested by the Ministry of Defence.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than five 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; 3162-10-12 Rev E (Roof Plan As Proposed), 3162-10-14 Rev C (Weighbridge Office North), 3162-10-15 Rev D (Weighbridge Office South), 3162-10-17 Rev A (Ground floor level as proposed), 3162-10-18 Rev A (Floor Plan As Proposed At level +12.7 AOD), 3162-10-19 Rev A (Floor Plan As Proposed At level +15.0 AOD), 3162-10-20 Rev A (Floor Plan As Proposed At levels +19.18, +23.28 & +27.38 AOD), 3162-10-21 Rev A (Floor Plan As Proposed At level +31.48 AOD), 3162-10-23 (Administration Block Plans, Elevations & Section), 3162-10-24 Rev A (Workshop, stores & staff welfare illustrative internal layouts Elevations & Section), 3162-20-01 Rev D (Section A-A), 3162-20-02 Rev E (South East & South West elevations), 3162-20-03 Rev H (North East & North West elevations), 3162-20-05 Rev E (Main building South West elevations), 3162-20-06 Rev E (Main building North East elevations), 3162-20-07 Rev E (Main building NW & SE Elevations), 3162-20-08 Rev B (Cooling Tower Elevations), 3162-20-09 Rev F (Aux Transformer, NPG Metering Building, Emergency Gen and Pump House), 3162-20-10 Rev D (Cycle shelter), 3162-20-11 Rev B (Waste Reject Area), 3162-20-12 Rev C (Sections B-B, C-C & D-D), 3162-20-15 Rev B (Fire Water Ammonia & Fuel Oil Tank Elevations), 3162-20-16 Rev B (Process Water and RWH Tank Elevations), 3162-20-17 Rev A (Fuel Oil Tank Elevations) received 16th September 2019 by the Local Planning Authority; 3162-10-00 Rev D (Site Location Plan), 3162-10-02 Rev E (Overall Layout Site Plan), 3162-10-10 Rev F (Site Plan As Proposed), 3162-10-22 Rev A (Site external areas as proposed) received 20th November 2019 by the Local Planning Authority.  
For the avoidance of doubt.
3. Prior to the commencement of development, a scheme and timetable for the provision of improvements to the existing level crossing on Tofts Road West shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include the provision of a barrier control interlocked with the existing local plunger arrangement, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter, prior to the development hereby approved being brought into use, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme to the satisfaction of the Local Planning Authority.

In the interests of highway safety and to protect the safety, operational needs and integrity of the railway.

4. Prior to the commencement of development, a scheme and timetable for the provision of a footway on the southern side of Tofts Road West which will connect the site with the existing footway on Brenda Road shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, prior to the development hereby approved being brought into use, the agreed scheme shall be completed in accordance with the details and timetable for works embodied within the agreed scheme to the satisfaction of the Local Planning Authority.

In the interests of highway safety and to accord with the provisions of policy INF2 of the Local Plan.

5. Notwithstanding the submitted information, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved 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. With regard to the 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 prevent the increased risk of flooding, and to ensure underground tanks have the capacity for the carriage way and residential plots and ensure future maintenance of the surface water drainage system.

6. Development shall not commence until a detailed scheme for the disposal of foul 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.

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. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and the associated impact on adjacent properties and the visual amenity of the area.



8. Prior to the commencement of the development, a construction method statement for the implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed method of construction (including operation of heavy plant and machinery, cranes, and any earthworks in the vicinity of the railway boundary etc.), details of any external illumination of the site during the construction phase (including full details of the method of external illumination, siting, angle of alignment, light colour, luminance etc.), a risk assessment in relation to the adjacent railway and a construction traffic management plan. Thereafter the works shall take place in accordance with the approved details.  
To protect the safety, operational needs and integrity of the railway.
9. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The submitted CEMP shall include measures to manage and control the impacts of the construction of the development in accordance with the advice contained in the submitted noise and air quality assessments; a method statement setting out reasonable avoidance measures to prevent harm to great crested newts; and mitigation measures to avoid inadvertent damage or disturbance to retained habitats (including retained scrub planting and the existing ditch). The development shall thereafter be carried out in accordance with the approved details. In the interests of the occupiers of adjacent and nearby premises and ecology.
10. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.  
In the interests of the occupiers of adjacent and nearby premises and highway safety.
11. Prior to the development hereby approved being brought into use, details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to 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. In the interests of the amenities of neighbouring land users and highway

safety, and to protect the safety, operational needs and integrity of the railway.

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

1. Site Characterisation

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

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

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

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms and in accordance with the agreed programme, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the

remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority. There shall be no development works carried out within parts of the site subject to remediation until such time as the Local Planning Authority has given its approval in writing.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

#### 5. Long Term Monitoring and Maintenance

Subject to the outcome of the previous requirements of this condition and subject to any residual risks being present as agreed with the Local Planning Authority, the Local Planning Authority may require that subsequent periodic contamination monitoring reports are prepared and submitted for approval to the Local Planning Authority in accordance with a scheme of monitoring agreed by the Local Planning Authority to demonstrate that remediation objectives have been achieved.

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.

13. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, 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.
14. Prior to the development hereby approved being brought into use, final details of all walls, fences and other means of boundary enclosure shall be first submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
For the avoidance of doubt and in the interests of visual amenity.
15. Prior to the development hereby approved being brought into use, a scheme for the provision of electric vehicle charging apparatus to serve the development shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried

out in accordance with the approved details, prior to the first use of the development.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

16. Prior to the development hereby approved being brought into use, full details of the proposed Great Crested Newt (GCN) ponds (as shown on ES plan Figure 5.5 (Illustrative Landscape Design Rev A) received 25th October 2019 by the Local Planning Authority), including depth and any marginal or aquatic planting, and a scheme for their long term maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The ponds shall be deep enough to hold water for the spring and summer seasons (at least), shall not be stocked with fish and should avoid planting of fast spreading species such as common reed (*Phragmites australis*), reedmace (*Typha latifolia*) and branched bur-reed (*Sparganium erectum*). The ponds shall thereafter be provided in accordance with the approved details, prior to the first use of the development, and maintained thereafter in accordance with the agreed scheme.  
To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 170 of the NPPF.
17. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) and a scheme for its long term maintenance and management shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building(s) or completion of the development (whichever is the sooner), hereby approved. The scheme shall be in general conformity with ES plan Figure 5.5 (Illustrative Landscape Design Rev A) received 25th October 2019 by the Local Planning Authority, unless a similar alternative scheme is otherwise agreed in writing with the Local Planning Authority. The scheme must specify sizes, types and species of planting, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter, the approved soft landscaping scheme shall be maintained in accordance with agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and to ensure a satisfactory form of development.
18. Prior to the development hereby approved being brought into use, vehicular and pedestrian access connecting the proposed development

to the public highway shall be constructed to the satisfaction of the Local Planning Authority.

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

19. 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. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to the development hereby approved being brought into use. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

In the interests of visual amenity and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

20. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of protecting breeding birds.

21. The development hereby approved shall be carried out in accordance with the submitted Framework Travel Plan (Doc Ref: 2379-01-TP01) received by the Local Planning Authority on 14th June 2019.

For the avoidance of doubt and in the interests of encouraging sustainable travel.

22. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.

In the interests of highway safety.

23. With the exception of the emergency use of the identified Waste Reject Area (as described in the supporting statement 'EXPLANATION OF THE PURPOSE AND FUNCTION OF THE WASTE REJECT AREA' received 19th August 2019 by the Local Planning Authority), at no time shall any waste material be stored externally or outside of the 'Proposed Energy Recovery Facility' building hereby approved (annotated on plan 3162-10-02 Rev E (Overall Layout Site Plan) received 20th November 2019 by the Local Planning Authority) for the lifetime of the development hereby approved.

In the interests of visual amenity and the amenities of neighbouring land users.

24. The site shall only operate as an energy recovery (energy from waste) facility and for no other purpose.

For the avoidance of doubt and in order to control the development under the terms on which permission is granted.

25. Prior to the commencement of development, the applicant shall notify the Local Planning Authority and the UK DVOF and Powerlines at the Defence Geographic Centre of the following information:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s)

A copy of the information provided to the Defence Geographic Centre and confirmation that this was sent shall also be submitted to the Local Planning Authority before the commencement of development.

In the interests of aviation safety and in accordance with policy QP5 of the Hartlepool Local Plan 2018.

The Committee considered representations in relation to this matter.

<b>Number:</b>	H/2019/0527
<b>Applicant:</b>	Hartlepool Borough Council
<b>Agent:</b>	Norr Consultants Miss Michelle Etheridge Percy House 8th Floor Percy Street NEWCASTLE UPON TYNE
<b>Date received:</b>	10/01/2020
<b>Development:</b>	Residential development comprising the erection of 18 no. residential dwellings with associated access, infrastructure and landscaping; and provision of a temporary construction compound
<b>Location:</b>	LAND AT HILL VIEW GREATHAM HARTLEPOOL
<b>Decision:</b>	Deferred for a site visit. (See minute No. 1 above.)

<b>Number:</b>	H/2019/0369
<b>Applicant:</b>	AWG LAND HOLDINGS LTD
<b>Agent:</b>	HYDE HARRINGTON LTD MRS KATIE TOWNER 3 WAVELL DRIVE CARLISLE
<b>Date received:</b>	11/09/2019

**Development:** Erection of four detached dwellings, erection of single storey extension at the rear of existing bungalow and erection of detached double garage

**Location:** THE BUNGALOW AND ADJACENT LAND BROUGHAM TERRACE HARTLEPOOL

The Applicant's Agent addressed the Committee highlighting the separation distances between the proposed houses on the development site and the existing houses in Brougham Terrace. During the construction phase the appropriate standard conditions to safeguard nearby residents would be maintained.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations set out in the report to approve the application.

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young.

Those abstaining:

None.

Those against:

None.

### **Decision**

Planning Permission Approved.

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 00218:06 (Proposed Bungalow Garage Plan and Elevations), drawing number 00218:08 (Proposed Bungalow Plans and Elevations), received by the Local Planning Authority 12/08/19, Existing Site Plan at a scale of 1:1250, received by the Local Planning Authority 04/09/19, drawing number 00218:02, revision F (Proposed House Type), drawing number 00218:05, revision F (As Proposed Site Plan), received by the Local Planning Authority 11/03/20, drawing number 00218:10, revision F (As Proposed Site Sections A & B), drawing number 000218:11, revision F (As Proposed Site Sections C & D), received by the Local Planning Authority 12/03/20.

- For the avoidance of doubt.
3. Notwithstanding the submitted details 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, garden levels, car parking levels, and the areas adjoining the site boundary 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.  
To take into account the position and levels of the buildings and car parking areas and the impact on adjacent residential properties.
  4. Development shall not commence until a detailed scheme for the disposal of foul and 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. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the amenities of the area.
  6. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
    1. Site Characterisation  
An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:
      - (i) a survey of the extent, scale and nature of contamination;
      - (ii) an assessment of the potential risks to:
        - a. human health,
        - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
        - c. adjoining land,



- d. ground waters and surface waters,
- e. ecological systems,
- f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### 2. Submission of Remediation Scheme

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

#### 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

#### 5. Long Term Monitoring and Maintenance

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

achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

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

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

7. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction 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.

8. Prior to above ground construction details of sparrow nesting boxes to be installed in each of the approved 4no dwellings and to the 1no approved detached garage (5 in total) shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the approved scheme shall be implemented in accordance with the approved details and thereafter retained for the lifetime of the development. To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

9. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Such a scheme shall detail the retention

of the existing granite kerb and scoria channel detailing in forming highway crossings. The scheme, including car parking provision, shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the 4no. approved dwellings and the first use of the garage 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.

10. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

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

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

13. Notwithstanding the submitted information, prior to their implementation on site, details of the boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details prior to first occupation of the new dwellings hereby approved.

In the interests of a satisfactory form of development and in the interests of the amenities of future occupiers.

14. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

- To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
15. Demolition and the clearance/removal of trees and vegetation shall take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In the interests of breeding birds.
  16. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.
  17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no external alterations or extensions shall be made to the dwellings hereby approved without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties, the appearance of the wider area and to ensure appropriate parking provision.
  18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected within the curtilage the properties hereby approved without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.
  19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road or footpath, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission under condition 14.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

20. The detached garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse ('The Bungalow') and no trade or business shall be carried out therein. The development hereby approved shall not be extended, converted or altered in any way.  
In the interests of the amenities of the occupants of neighbouring properties and to control the development.

The Committee considered representations in relation to this matter.

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**Number:** H/2019/0472

**Applicant:** MRS J ODGERS DALTON BACK LANE

**Agent:** SEAN MCLEAN DESIGN 22 MAP HOUSE PORTRACK  
GRANGE ROAD PORTRACK

**Date received:** 19/11/2019

**Development:** Erection of a single storey extension at the front and a first floor extension at the side

**Location:** FERNBECK, DALTON BACK LANE

The Applicant addressed the Committee highlighting that the first floor extension referred to in the report was over an existing ground floor extension to the house. The Applicant referred to their personal reasons and situation that had resulted in their application to extend their current home.

Members spoke in general debate in support of the application while recognising the Officers reasons for the recommendation to refuse.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken on the recommendations set out in the report to refuse the application.

Those for:  
None.

Those abstaining:  
None.

Those against:  
Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young.

Following legal advice, Councillor James moved approval of the application, seconded by Councillor Loynes, with delegation of the appropriate conditions to the Planning and Development Manager in consultation with the Chair and Vice-Chair of the Committee.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken to approve the application on the grounds that the application would provide a much needed service for the town and the proposal had an acceptable impact on the character of the area.

Those for:

Councillors James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young.

Those abstaining:

None.

Those against:

None.

The Committee recorded the following reasons for deviating from the officer recommendation.

- (i) The development would provide for a much needed service for the Borough;
- (ii) It would have an acceptable impact on the character of the area.

### **Decision**

Planning Permission Approved with conditions to be delegated to the Planning and Development Manager in consultation with the Chair and Vice Chair of Planning Committee

The Committee considered representations in relation to this matter.

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## **7. Any Other Items which the Chairman Considers are Urgent**

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

### Elected Member Site Visits

The Chair raised the issue of site visits requested by the Committee and how these could be undertaken in compliance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The Chair commended the Officers involved in facilitating this first online meeting of the Planning Committee which had proved successful and reflected the extensive work that had gone on behind the scenes. The issue of Elected Member site visits was, however, another issue that would need to be addressed in light of the regulations and the Chair indicated that he had had some discussions with officers on the use of technology to provide Members with as much information as was possible to allow them to consider applications.

The Planning Team Leader showed the Committee the views available through Google Earth which would be enhanced by additional site photographs taken by officers close to the date of an online site visit to provide the most up-to-date views of a site.

There was considerable debate on the merits of using the technology shown to Members with some stating that it would not replicate actually being on site. There was discussion on whether physical site visits could be undertaken under the current regulations and if they could how they could be organised. Officers expressed concern that smaller groups undertaking site visits may lead to inconsistency.

The Committee agreed that the next site visit be organised as an online site visit utilising the technology displayed and additional site photographs. Elected Members would then assess whether this approach provided them with sufficient information for them to be comfortable in determining applications where they had requested a site visit.

### Decision

That the site visit requested at this meeting to the site of the proposed development at Hill View Greatham (H/2019/0527) be undertaken as an online meeting ahead of the next meeting of the Committee on 22 July 2020.

The meeting concluded at 10.50 am.

CHAIR

# PLANNING COMMITTEE

8 JULY 2020



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

**Subject:** PLANNING APPLICATIONS

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**No:** 1.  
**Number:** H/2019/0527  
**Applicant:** HBC  
**Agent:** Norr Consultants Miss Michelle Etheridge Percy House  
8th Floor Percy Street NEWCASTLE UPON TYNE NE1  
4PW  
**Date valid:** 10/01/2020  
**Development:** Residential development comprising the erection of 18 no.  
residential dwellings with associated access,  
infrastructure and landscaping; and provision of a  
temporary construction compound  
**Location:** LAND AT HILL VIEW GREATHAM HARTLEPOOL

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## PURPOSE OF REPORT

1.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation. The application formed part of a committee agenda for a previous committee meeting in March 2020 however the meeting was cancelled as a result of the covid-19 implications. The application thereafter formed part of the committee agenda for the virtual planning committee meeting on 8<sup>th</sup> July 2020. The application was deferred for a site visit.

## BACKGROUND

1.2 There is no planning history relevant to the current application site, however the following history is relevant to the adjacent site to the north (land at Station Road, Greatham);



1.3 H/2019/0139 – Planning permission was granted on 28<sup>th</sup> November 2019 for residential development comprising the erection of 36 no. residential dwellings and associated access, infrastructure and landscaping.

## PROPOSAL

1.4 Planning permission is sought for residential development comprising the erection of 18 no. residential dwellings with associated access, infrastructure and landscaping; and provision of a temporary construction compound.

1.5 The proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property featuring a private access/driveway directly onto the adopted highway at Hill View to the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the gable end of the existing terraced properties beyond. The supporting Design & Access Statement indicates that the layout of the site is dictated by the shape of the site and site constraints.

1.6 The proposed scheme comprises a mix of house types including;

- 4no. 2-bed semi-detached bungalows,
- 2no. 2-bed semi-detached 2 storey houses,
- 10no. 3-bed semi-detached 2 storey houses,
- 2no. 4-bed semi-detached 2 storey houses.

1.7 There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, artstone cills, brick headers, decorative brickwork and banding and pitched tiled roofs. All of the proposed dwellings are in semi-detached pairs, albeit with a number of individual dwellings featuring front facing gable roofs and the central plots (7-8 and 9-10) comprising two different house types, adding further variation to the roof lines.

1.8 The existing footpath to the east side of Hill View sits outside of the site and is therefore to be retained, running along the front boundaries of the plots (albeit will require intermittent dropped curbs to allow access to driveways), and continuing up to the existing open space and playground to the north. The proposed dwellings each accommodate 1, 2 or 3 off-street (in-curtilage) car parking spaces to the front or side, dependent on house type. Small pockets of amenity open space are retained to the south of plot 1 and to the north of plot 18, within the site boundary.

1.9 All of the proposed dwellings are served by a private garden space to the rear. The majority of rear gardens adjoin the rear gardens of the existing dwellings on Saltaire Terrace to the east, with the exception of plots 17 and 18, where the rear gardens back onto an existing area of open space. The proposed plans indicate that rear gardens are to be predominantly enclosed by approximately 1.5 metre high closed boarded (no gaps) fencing with 0.3 metre high trellis above to the rear, 1.5 metre high closed boarded fencing to shared boundaries (between plots) with 1.8 metre high closed boarded fencing to end of patios and along the southern boundary

of plot 1 (to the rear of plot 1). 1.2 metre high bow top fencing/railings is also proposed to the southern boundary of plot 1 (to the front of plot 1) and to the northern boundary of the site (to the front of plot 18). 1.2 metre high open boarded timber fencing with 0.6 metre high trellis above to the rear of plots 17 and 18, to allow for natural surveillance of the existing open space and footpath behind.

1.10 Where possible, the proposed dwellings feature small open plan lawned front gardens, with other plots featuring landscaping strips comprising ornamental planting, tree planting and/or hedge planting between parking bays and within front garden areas. An area of incidental open space is retained to the south of plot 1. The site is also proposed to feature hedge planting to the south of the site, along the side boundary of plot 1, with further hedge planting along the northern boundary of the site (to the front and side of plot 18, and to the rear of plots 17 and 18).

1.11 The application boundary also includes land to the north-west of the main site which delineates the extent of the proposed temporary construction compound required to serve the development throughout the construction process. Whilst the land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”* (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant has also proposed landscaping mitigation/enhancement work on this site following the removal of the compound to mitigate against the loss of designated amenity open space as part of the proposals. It is noted that the site of the proposed compound is currently already occupied by a construction compound, however this is being used to serve the development to the north east (Station Road) and therefore, by virtue of the above referenced legislation, this does not require separate planning permission.

1.12 The application has been referred to Planning Committee owing to the number of objections received in line with the Council’s scheme of delegation.

## **SITE CONTEXT**

1.13 The application site currently comprises a grassed and maintained area of open space situated between Saltaire Terrace and Hill View, Greatham. Greatham derives from its original establishment as a medieval settlement in the 11<sup>th</sup> to 13<sup>th</sup> centuries, with residential buildings predominantly comprising of 18<sup>th</sup> and early 19<sup>th</sup> century farmhouses, townhouses and cottages to the north and 1960/70’s housing to the south (to the east and west of the application site).

1.14 The site of the proposed development extends to 0.38 hectares and is bounded by the rear gardens of the existing properties on Saltaire Terrace to the east, the adopted highway on Marsh House Lane and Hill View to the south and west, respectively, and an existing public footpath, open space and a play park to the north/north-east and north-west. As above, to the north of the site (beyond the play park), planning permission has been granted (for land at Station Road) for the

erection of 36no. residential dwellings and associated access, infrastructure and landscaping. To the north-west of the site is Greatham C of E Primary School. The existing public footpaths to the north, south and west of the site link into the wider network of footpaths in the area that continue northward and into the village centre.

## **PUBLICITY**

1.15 The application has been advertised by way of neighbour letters (82), 2 site notices and a press notice. To date, there have been 41 objections received, including an objection from the Greatham Residents Association.

1.16 The concerns raised are (summarised):

- Contrary to national and local planning policy (including the NPPF and Hartlepool Rural Neighbourhood Plan 2016-2031)
- Detrimental impact on the character and appearance of the area (including through excessive density/number of houses/overdevelopment, design out of keeping with area, back to back layout uncharacteristic of village)
- Detrimental impact on the amenity and privacy of existing residents/neighbouring land users (including loss of light, overbearing, poor outlook, overlooking, increase in noise and disturbance)
- Detrimental impact on highway and pedestrian safety (including increase in traffic, increasing danger on roads, inadequate local infrastructure, lack of parking, increased safety risk for children)
- Site is unsustainable location for housing (including poor access to public transport and lack of/insufficient local facilities/amenities/services in the village/school capacity)
- Loss of open space (including loss of play space for children)
- Loss of access to rear of existing properties on Saltaire Terrace
- Detrimental impact on wildlife habitat and ecology (including local bee population)
- Impact on well-being and quality of life of existing residents
- Inadequate public consultation
- Loss of greenbelt land
- Loss of views
- Better lighting needed
- No contribution to local economy
- Lack of need for affordable/social housing
- Lack of need for rented accommodation
- Lack of need for housing/development (already empty houses in area)
- Construction compound built without planning permission
- Increase in pollution
- Loss of water pressure

1.17 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135938>

1.18 The period for publicity has expired.

## CONSULTATIONS

1.19 The following consultation replies have been received:

**HBC Traffic & Transport** – The proposed layout is acceptable.

All the drives require a drive crossings to be installed in accordance with the HBC specification and carried out by a NRSWA accredited contractor.

**HBC Public Protection** – I would have no objections to this application subject to the following conditions;

“A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.”

“No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.”

**HBC Engineering** – Contaminated land

I note that the Phase 1 and 2 Geo-Environmental Site Assessment has identified that the final ground gas regime will be confirmed following the completion of the ground gas monitoring programme and that an elevated level of lead contamination exists in the area of Plot 2 believed to be an isolated hotspot the extent of which will require confirmation. To provide the opportunity for these matters to be concluded I request that you include our standard residential contaminated land condition on any permission issued for proposals.

**Surface Water Management**

Whilst current proposals are not suitable it is not considered that SuDS cannot be successfully implemented for the development and as such I request that you include our standard detailed drainage condition on any permission issued for proposals.

I note that little maintenance detail has been provided with the application. The applicant is advised that when they wish to discharge the surface water condition, it must be demonstrated that maintenance is in place for all surface water drainage assets for the lifetime of the development. We expect surface water drainage assets to be built to adoptable standard and adopted by Northumbrian Water, as advised at pre-application enquiry. The applicant is further advised that Northumbrian Water are

unlikely to adopt Aquacell crates or a 3l/s hydrobrake, we are unlikely to approve a 3l/s hydrobrake as it is prone to blockage, nor are we likely to approve surface water drainage assets not adopted by Northumbrian Water.

The Tees Valley SuDS Local Standards that we expect to be in place when the applicant seeks to discharge the surface water condition require that, as do we, that all SuDS features are built to an adoptable standard and those serving more than one property must be located in areas of Public Open Space, public car parks or highways. Note that assets not adopted by a statutory undertaker are not permitted in the highway. SuDS features serving more than one property will not be accepted within private curtilages. This includes the curtilages of affordable properties/social housing.

The applicant is further advised that it is expected that permeable surfacing will be employed for hardstanding areas where possible. This may provide additional attenuation storage that in conjunction with oversized pipes will allow an adoptable surface water drainage system to be designed.

**Environment Agency** – No representation received.

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

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

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/services/developers/>

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 document entitled "Drainage Strategy". In this document it states the foul and surface water flows shall discharge to the combined sewer upstream of manhole 6101, the surface water discharge rate shall be restricted to 3l/sec.

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 "Drainage Strategy" dated "17/12/2019". The drainage scheme shall ensure that foul and surface water flows

discharge to the combined sewer upstream of manhole 6101. The surface water discharge rate shall not exceed the available capacity of 3.5l/sec that has been identified in this sewer. 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.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

**Hartlepool Water** – No representation received.

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

**HBC Heritage and Countryside Manager** – The application site is located in Greatham. It is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings.

**Tees Archaeology** – Thank you for the consultation on this application. The site is beyond the historic core of Greatham and excavations in close proximity have indicated the area is of low potential –as highlighted in the accompanying DBA. I therefore do not recommend further archaeological work for the site.

**HBC Countryside Access Officer** – Public Footpath No.8, Greatham Parish runs between the two outline areas of proposed development and continues along the western boundary of the main area of this development application.

At no time can the public footpath and public access to this footpath be obstructed, should the development be approved, by any elements of development - equipment, materials, vehicles or machinery.

If the developer should require periods of time to temporarily close any of the said footpath, they should contact me first to discuss these requests and then apply for any such temporary closure and/or diversion to myself.

**HBC Landscape Architect** – Detailed proposals have been submitted with regard the boundary treatments and planting proposals, both of which are acceptable. Full details of proposed surface materials associated with the proposed development should be provided.

UPDATE 09/03/2020: The landscape proposals [as amended] are acceptable

**HBC Arboricultural Officer** – There will be the loss of one medium sized Willow at the entrance to the site together with a smaller Willow leaving one semi mature Oak. The Oak is suffering at the moment by "Group suppression" and will benefit from the extra space so the loss of tree cover will only be temporary. Willows are not long lived trees and this needs regular cutting back due to overhead conductors carrying electricity. The landscaping scheme on the plan shown as Revision 03 (document 14953958 on the portal) has shown front garden enhancement using ornamental pear and associated shrub planting. From this aspect I am happy with the proposed landscaping detail together with the tree management recommendations.

UPDATE 05/03/2020: The proposed landscaping [as amended] appears appropriate for this development and I cannot foresee any major issues other than future maintenance.

**HBC Ecology** – I have studied the submitted documents and visited the site. I have a good understanding of the Ecology of the area. The area is made up entirely of amenity grassland and I do not require any ecology surveys.

NPPF Biodiversity enhancement in the form of one integral bat or bird box built into each new house will be required.

A Habitats Regulations Assessment (HRA) is required for all housing schemes within 11km of the coast and this project is within walking distance (0.9km). HBC has a HRA template and I will prepare the HRA. The findings will be that a financial payment of £350 per house is required to mitigate against the indirect adverse impact on SPA feature birds caused by recreational disturbance. The sum of £6,300 will need to be secured via a S106 agreement. The applicant should be made aware that this contribution is in addition to any planning contributions and must be approved by Natural England.

UPDATE 25/02/2020: Completed HRA produced by the Council's Ecologist, confirming mitigation requirements.

UPDATE 05/03/2020: The updated Landscape Plan that you attached is acceptable from an Ecology point of view.

**Natural England – INTERNATIONALLY AND NATIONALLY DESIGNATED SITES – NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION**

This development falls within the 'zone of influence' for Teesmouth & Cleveland Coast, a coastal site designated at a national and international level as a Site of Special Scientific Interest, a Special Protection Area and a Ramsar site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

Hartlepool Borough Council operates a Coastal Mitigation Scheme to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured in line with the details of this Scheme, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

**HBC Waste Management** – The Waste Management section have no concerns with the proposed development.

**HBC Community Safety and Engagement** - No representation received.

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

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

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

I have no concerns regard the proposed layout but would advise that the following measures are put in place in relation to boundaries. Defensive planting to side and rear boundaries to plots 1, 16, 17 to provide enhanced security and improved protection of the boundary. In relation rear of plots 17, 18 1.8m close bounded fencing would offer greater security and increased privacy to rear garden area. Any support horizontal rail should be fitted on private side of all boundary fencing. In relation to internal fencing to rear garden I would advise 300mm boxed trellis fitted to the proposed 1.5m fencing.



I would always recommend dusk to dawn lighting to front and rear doors. I am not aware of the existing street lighting to the area but always recommend that street lighting complies with requirements of BS5489 -2013

In relation to doors and accessible windows I would advise that these are certified to PAS24:2016.

**Cleveland Fire Brigade** – Cleveland Fire Brigade offers the following representation regarding the development as proposed.

It should be confirmed that any 'shared driveways' meet the minimum carrying capacity requirements as per AD B (2019 edition, unless otherwise stated) Section B5, Table 13.1.

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 13.1 (2019 edition).

It should be confirmed that Access and Water Supplies should meet the requirements as set out in AD B Volume 1, Section B5 for Dwelling houses (2019 edition, unless otherwise stated)..

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

**Cleveland Emergency Planning Officer** - Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

**Health & Safety Executive (HSE)** - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

**Officer for Nuclear Regulation (ONR)** – ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

**Network Rail** – Thank you for your letter of 22 January 2020 providing Network Rail with an opportunity to comment on the abovementioned application.

In relation to the above application I can confirm that Network Rail has no observations to make.

**National Grid** – No representation received.

**Northern Powergrid** – No representation received.

**Northern Gas Networks** – Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

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.

**Hartlepool Rural Neighbourhood Plan Group** - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard to the above application. Hartlepool Rural Neighbourhood Plan was 'made' by Hartlepool Borough Council in December 2018 becoming part of the development framework. The Neighbourhood Plan was produced, in close liaison with Hartlepool Borough Council planning department, by the combined efforts of the Parish Councils of Hart, Elwick, Dalton Piercy and Greatham. The process involved 6 years intensive work including major consultations in 2012, 2014, 2015 and 2017 (the last conducted by the Borough Council itself) and well over 70% approval via referendum in October 2018. Unfortunately the application above appears to have 'cherry-picked' an allocation of housing land in the Neighbourhood Plan whilst ignoring all associated policies, factors and recommendations. The fact that the applicant is the very Local Authority looked upon to uphold the local development framework and planning policy (along with the community's wishes) represented in the neighbourhood plan is extremely disappointing.

The Group **STRONGLY OBJECT** to the application as presented under the following main points: -

Unacceptable loss of Amenity Land designated in the Rural Neighbourhood Plan and Local Plan.

Not meeting local housing need as described in the Rural Neighbourhood Plan.

Failure to adhere to design principles.

Contrary to HRNP policies GEN1, GEN2, H1; Local Plan policy NE2, NE6, QP4, QP5, HSG2, RUR1;

NPPF paras 61, 77, 92a, 97, 124, 125, 127, 128, 130.

#### Justifications

Part of plot 16 and all of plots 17 & 18 of the application are on land allocated in HRNP and Hartlepool Local Plan as amenity open space. This loss is unacceptable. The HRNP allocated this as essential open space fully aware that it lay between two allocated housing sites where the opportunity for provision of amenity space within the developments would be extremely limited, something proven to be the case. Further the area allocated for housing in HRNP which this application seeks to use was previously land enjoyed as amenity open space. This loss makes the need to maintain the remaining amenity open space as identified in the local development framework essential.

As owner and developer of this land it is a grave concern that the Borough Council is not adhering to its own commitments (contained within Local Plan Policy NE2 Green Infrastructure) to “safeguard green infrastructure within the Borough from inappropriate development and work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”.

#### Ref : LOCAL PLAN POLICY NE2 GREEN INFRASTRUCTURE - ALLOCATION OF AMENITY OPEN SPACE

Policy GEN1 Development Limits in the HRNP states “within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan”. NPPF para 92a states planning policies and decisions should “plan positively for the provision and use of shared spaces, community facilities” (includes open spaces). Clearly the development in this application, with reference to plots 16, 17 & 18, does not accord with the above reducing a well proportioned rectangular open space into a fragmented L shape.

#### Local Plan policy NE6

The loss of incidental open space will be resisted except where:

- 1) it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or
- 2) it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.

Neighbours definitely appreciate the open space which is currently of a shape and form that is open and easy to maintain. The proposal only serves to fracture this space into smaller less functional spaces that will be less easy to maintain. The enclosure caused by building plots 17 & 18 will severely impact on the visual amenity currently afforded by this amenity space. As an open space immediately adjacent to an area with children's playground equipment it complements the function by providing space for more active exercise within the same safe visible location. Further, the positioning of plots 17 & 18 makes them visually intrusive contrary to

Local Plan policy RUR1 point 4.

NPPF para 91a) 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 – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.

The Neighbourhood and Local Plans sought to meet this planning aim in designating the existing public open space, the proposal however damages the existing high quality public space. The Neighbourhood Plan identifies the amenity space which this application encroaches upon as a potential civic space “to the north of the site is a rectangular piece of grass with children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. NPPF para 130 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. The opportunity afforded and identified by the Neighbourhood Plan is clearly being ignored in this application, worse still it is being unsustainably damaged.

Ref: RURAL NEIGHBOURHOOD PLAN – ALLOCATIONS FOR HOUSING & AMENITY/OPEN SPACE

NPPF para 97. Existing open space should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

We have not been made aware of any assessment being undertaken and would certainly challenge any that found the full allocation in the Neighbourhood and Local Plans was surplus to requirements. The loss of even more open space than that allocated for housing in the Neighbourhood Plan does not permit the replacement of equivalent or better provision in a suitable location. NPPF section 12, para 124 & 125 Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Neighbourhood plan identified the special quality of this area and suggested how this can be reflected in any new development on land the neighbourhood plan allocated.

The application has chosen to ignore the Neighbourhood Plan.

NPPF para 127 Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan policy QP4: Layout and Design of Development reinforces the above.

Point 1, 2 & 3 in particular are relevant to the failings of this application.

HRNP took great care to meet the above NPPF principles. It is considered that the application submitted, especially in its incursion into designated amenity open space has not taken NPPF 127 into account and in fact will damage the quality and sense of place through poor layout and lack of consideration of the current functions and their value to the community. NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. There have been no early discussions with the community or attempts to meaningfully evolve the design. Two presentations to Greatham Parish Council resulted in only the most minor of adjustments to the style of some of the properties but officers evidently did not fully understand the points raised. Major concerns regarding departures from the neighbourhood and local plans were not addressed. The one presentation to residents simply told those attending what the Borough Council intended to submit for planning permission and no alterations were made to address comments.

NPPF para 130 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. It is considered the current application fails to take the opportunity to enhance, improve or even utilize the existing amenity space. In doing so it also ignores the Neighbourhood Plan and village design statement. This requirement is reinforced by Local Plan policy RUR1 Policy H1 of Hartlepool Rural Neighbourhood Plan (HRNP) allocates this site - Greatham – between Hill View and Saltaire Terrace for 12 houses. The number of houses allocated being based on the Strategic Housing Land Availability Assessment (SHLAA) undertaken by Hartlepool Borough Council in preparation of the Hartlepool Local Plan. The SHLAA notes for this site states, ‘developer interest. Separation distances mean yield is appropriate’. Hartlepool Local Plan designated the same site as ‘white land’ – a non-specific designation, certainly not recognizing any housing need to be met. The application submitted seeks to build 16 houses by use of minimal standards onto the allocated area and add a further 2 houses by

extending into an amenity space. There is no justification provided as to why this quantity is required or appropriate.

With reference the planning statement provided with the application, paras 2.6 & 2.7. This site is not an entry-level exception site as set out in the NPPF (para.71). This site was allocated in the Rural Neighbourhood Plan and should seek to meet the boundaries of that allocation both physically and provisionally.

The Rural Plan group accepts the site, as delineated and described within the neighbourhood plan, as being likely to be delivered and assist in meeting the rural housing need. The sites were assessed, chosen and deemed to be of an appropriate size and scale, to ensure that they do not impose too much upon each village yet are still deliverable sites. Approximately 50% of properties in Greatham village are already available to rent through the Hospital of God estate, Housing Associations and private letting. In producing HRNP it became evident from working group surveys, the consultation responses and local intelligence of a need for further smaller homes in Elwick, Greatham and Hart.

Furthermore, in Greatham, despite there being a good supply of retirement homes to rent, there is a shortage of such houses to purchase. Due to inflated rural house prices and a simple lack of availability, Greatham residents wishing to purchase a home are too frequently forced to leave their community – this unfortunate state was something the neighbourhood plan sought to address. NPPF para 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The HRNP Policy H1 also states, ‘new housing development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time’. There is no mix of tenure proposed nor any evidence of the need in Greatham for the proposed quantity of local authority housing contained in the application.

Local Plan policy HSG2 states “the Borough Council will ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future”. In a village with only about 450 houses, some 50% of which are already rented, the addition of 36 affordable homes currently being built and 18 proposed new HBC council houses in the application under consideration, there can be no balancing of the housing stock. Local needs and aspirations are being ignored and the imbalance of the past exacerbated and inflicted upon future generations.

A Housing Needs Survey was carried out as part of the production of the Neighbourhood Plan to provide further evidence on the need for various types of homes in each village (appendix 8 of HRNP). Extract from appendix 8 states - it should be noted that Greatham has much more housing available to rent than other villages, due to The Hospital of God Trust, who own a considerable number of smaller units in the village, used to house mostly older or disabled people. There is however, a shortage of smaller homes to purchase, particularly bungalows, as well as larger family homes.

NPPF para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). We believe the need established by the Neighbourhood Plan is in line with the NPPF and to which the application fails to adhere.

NPPF para 77 - In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The current application does not reflect local needs in the village of Greatham identified by the Neighbourhood Plan.

HRNP POLICY GEN 2 sets out several design principles which new developments are expected to demonstrate they have taken regard of. The current application is not considered to have sufficiently taken on board the following points, indeed points 4 and 5 have not been addressed at all.

1. how relevant village design statements have been taken into account;
2. how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist as set out in appendix 4;
3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
4. how the design helps to reinforce the existing streetscape or green public spaces by facing onto them
5. how the design preserves and enhances significant views and vistas;
6. how the design uses sustainable surface water management solutions in new developments to reduce all water disposal in public sewers and manage the release of surface water into fluvial water and;

Greatham Village Design Statement guidelines identified that “villagers value the variety of open spaces, particularly the green, The Grove and squares associated with the almshouses. They are a pleasant feature and provide a focus for community activity for all ages. Although areas at Hill View are more disjointed, they still provide valuable informal play areas”. The recommendation being that these areas should be protected from development. Further “any new developments elsewhere in the village should include similar open spaces as a central feature of their layout”. “Design and layout of communal areas should promote community spirit”.

The proposed development, by extending beyond the HRNP allocated area into that designated as public amenity area, has fractured the communal space into smaller, disjointed and less usable spaces. The children's play area effectively becomes a bit of enclosed backland. The application is thus at odds with, and contrary to, the guide provided by the village design statement and the desires of the community. In the justification specific for this site HRNP (page 24, para 8.31) the site at Hill View includes, with the aim of securing good design alongside a quality public real and attractive environment, “there is a strip of land at the south of the site, which fronts the main road route through the village, with a line of trees which includes an area

reserved for the erection of a former salt pump reflecting the history of the location. To the north of the site is a rectangular piece of grass with a children's play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area". The first strip of land to the south has been retained but the larger more important open space at the north, despite its designation as amenity space, has been severely encroached upon by the proposed development.

The result is to destroy an existing well-defined open space which has the opportunity to provide a communal focal point and heightened sense of place. Instead the proposal as presented fragments the open space to leave smaller pieces of little functional use, more difficult to maintain, exposing the rear of two of the new properties and placing the existing children's play area into what becomes backland. This contrary to Local Plan policy QP4. The requirement to be in accordance with the policies of the Neighbourhood Plan is supported by Local Plan policy RUR1. We would assert that in a number of points this application is not in accordance with the Neighbourhood Plan. Local Plan policy QP5. The extension of the proposed housing into the amenity space produces homes where the rear gardens are exposed to a public space. This creates privacy and security issues.

HRNP policy C1 – Safeguarding and Improvement of Community Facilities states Community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made. The area at the north of this site which is designated as amenity space is not surplus to requirements. It gains greater importance if the area allocated for housing is developed because, as was recognized, the resulting development would reduce the area of amenity space currently available at this location.

The 'Heads of Terms' Legal Agreement does not appear to allow for contributions to Greatham Community Centre which is listed along with Greatham Sports Field as priority schemes in the Neighbourhood Plan policy C1. Contributions will be sought from new housing development towards the improvement of leisure, community and recreation facilities and open spaces serving the settlement where it is shown that the need for the facility, open space or the contribution towards the improvement of existing facilities is directly required as a result of the proposed development.

Greatham Village Design Statement states "setts should be used in preference to tarmac for hardstanding". The parking areas to the front of the properties should follow this guideline to be in keeping with the design statement. Permeable blocks are available. Taking the above comments into consideration this application is considered to be contrary to policies contained in Hartlepool Rural Neighbourhood Plan, Hartlepool Local Plan and the National Planning Policy Framework. The application has also failed to take into account Greatham Village Design Statement. A representative of the Hartlepool Rural Plan Group would welcome the opportunity to speak to the Planning Committee when they consider this application.

**Greatham Parish Council** – Greatham Parish Council OBJECTS to the above application. The Parish Council considers the plans as presented are not compatible with the policies contained in the National Planning Policy Framework (NPPF) or the



Local Development Framework as contained in Hartlepool Local Plan (HLP), Hartlepool Rural Neighbourhood Plan (HRNP) and Greatham Village Design Statement (GVDS).

Policy H1 of the HRNP allocates the site for just 12 houses. This quantity being based on the Borough Council's own Strategic Housing Land Availability Assessment, where the notes state 'developer interest' separation distances mean yield is appropriate'. At the consultation on the 18th December it was suggested the use of minimum separation standards had made an increase in the quantity of houses possible. Being possible is not the same as desirable or necessary. No justification of the requirement for the 18 houses has been made.

In the village of Greatham there is already a disproportionately large supply of rented housing due to the presence of the Hospital of God estate as well as Housing Association and private rented properties. A new development of 36 rent to buy homes for Karbon is going to provide more than enough affordable homes in a village of only about 450 homes. Having reluctantly accepted the huge expansion of the town westward HRNP sought to "meet the rural housing need" with its allocations. Based on local knowledge and a housing needs survey (HRNP appendix 8) more affordable/rented housing is not required in Greatham. The applicant (Hartlepool Borough Council) have provided no evidence to the contrary.

HRNP also states new development should provide a mix of house types and tenures on sites of five or more dwellings; the mix should have regard to the latest evidence of housing need applicable at the time'. Already 36 home all rent to buy are being built and now a proposal for 18 all rented is offering no mix of tenures and is exacerbating the imbalance in housing provision which already exists in Greatham village.

The conclusion is that these houses are intended to serve an urban need not a rural one. Such an urban need would be better served selling this site as a block or divided into self-build plots and using the money raised to provide rented housing where it is needed. Moving residents accustomed to the convenience of all the facilities enjoyed in the town to an isolated street, it is approaching a mile walk from Hill View to the bus stop in Greatham High Street, in a village with limited facilities and increased living costs is a foolhardy proposition. The vibrant and close-knit community in Greatham already has experience of rapid turnovers as people discover the reality of village life. This does nothing to help with community cohesion, stability or sustainability.

Considering the above Greatham Parish Council believes the application is not compliant with NPPF paras 8b and 77 and HRNP Policy H1.

Part of plot 16 and all of plots 17 & 18 of the current application extend the site onto an area of land allocated in HLP and HRNP as amenity open space. This exposes the rear of these properties to the remnant of open space which would be detrimental to the security of the proposed homes. Have 'Security by Design' principles been considered.

The amenity open space into which plots 16, 17 & 18 extend was deliberately allocated due to its position between two HRNP identified development sites where no opportunity to include any amenity space was offered. The site to the north is

currently being built and that to the south is the subject of this application (both are using the same developer and planning consultant) – the desirability and need for all the allocated open space, for both recreational and visual amenity, is not diminished but confirmed. No evidence to the contrary is provided.

In HLP policy NE2 the Borough Council states it “will safeguard green infrastructure within the Borough from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”. The extension of the housing into the well-proportioned rectangular open space as identified by HLP and HRNP would clearly reduce quantity, damage the quality and be detrimental to the management (maintenance) of the designated open space. There is no evidence of a decrease in the local need, on the contrary with new homes being built the need is increased. The Parish Council and residents have not been approached to reassess any local need. As such the application at its northern end provides a poor negatively designed layout which fails to take the opportunities available for improving the character and quality of an area and the way it functions. HRNP policy C1 states “community buildings, play areas, sports/recreation facilities, allotments and open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made”. The area at the north of this site which is designated as amenity space is not surplus to requirements. It becomes even more important if the area allocated for housing is developed because the resultant development would reduce the area of amenity space currently available in this location.

HRNP identified ways in which the designated open space could be improved should adjacent developments come forward – this is being ignored which is not acceptable. Greatham Village Design Statement guidelines state “villagers value the variety of open spaces, particularly the green, The Grove and squares associated with the almshouses. They are a pleasant feature and provide a focus for community activity for all ages. Although area at Hill View are more disjointed, they still provide valuable informal play areas”. The recommendations continue that these areas should be protected from development and “any new developments elsewhere in the village should include similar open spaces as a central feature of their layout”. “Design and layout of communal areas should promote community spirit”. The application does not provide any similar open spaces to those described and by extending into the allocated amenity space to the north destroys the that space fracturing it into a far less functional area. The children’s play area effectively becomes a bit of enclosed backland. The application is therefore at odds with the Village Design Statement.

The Parish Council does not believe any benefit gained by adding a couple more houses to the proposed development would outweigh the significant and adverse impact the loss of the amenity space (as allocated in HRNP and HLP) would have on existing and future residents.

Image 1 - View of the well-defined open space allocated in the Neighbourhood Plan which application plots 16, 17 & 18 propose to occupy (to just past the boy with the red bike).

The Parish Council considers the application contrary to NPPF paras 92a, 97, 124, 125, 130; HLP policies RUR1, NE2, NE6, QP4; HRNP policies GEN1, GEN2, C1 and Greatham Village Design Statement.

Has a realistic assessment of the village school been made to ensure it can cope with the additional numbers of children likely from this proposed site (18 homes) and the adjacent Station Road site (36 homes). Currently Greatham C. of E. School is full at nursery, full in Reception, has 7 spaces in Year 1, Year 2 is full, year three is oversubscribed by 1, Year 4 has 4 spaces, Year 5 is full and Year 6 is full. Across the whole school there are only spaces for 10 pupils, and most of them in a single age group. Assurances are sought that no village child who wishes to attend the village school will be required to travel outside the village community. The village school remains a key foundation in building community cohesion. NPPF para 94 “It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”. The Parish Council considers the application has failed to address NPPF para 94. The only access to Hill View is along Station Road which continues to be a very winding country lane with several sharp bends, restricted visibility and only a short stretch of pavement on one side of the road (at one point that pavement swaps sides where visibility is limited). Concern therefore rightly exists as to the safety of this road, especially when facing an increase in traffic numbers. There needs to be traffic calming measures introduced – but these seem to be resisted by Hartlepool Borough Council when requested in rural areas.

Greatham Village Design Statement states “setts should be used in preference to tarmac for hard standing”. The parking areas to the front of the properties should follow this guideline to be in keeping with the design statement.

#### Image 2 - View of gables on Egerton Terrace

The use of gables on facades facing onto the street is not a common feature in Greatham. Where they do exist, they are predominantly used as ‘book ends’ at either end of terraces. This is the case in Saltaire Terrace, The Grove and Egerton Terrace. A picture of Egerton Terrace in the Design and Access Statement entitled “Materials Palette: Facing brick, render, artstone and pitched tiled roofs including gables” does not provide the full picture. Below is a fuller picture showing how the gables are used in an ‘arts and crafts’ terrace of about 1914. The gables are used in a symmetrical rhythm which emphasize the distinct terrace – a distinctive architectural grammar. The 3 random gables used on the façades in the current application should be removed as they do not accurately represent the architectural function or style of the village.

Gables are occasionally used to emphasize entrances/access points as in the terrace next to the Bull & Dog or lodge at bottom of The Drive, but these are not relevant to the proposed new development.

The designs presented have not taken into account or understood Greatham Village Design Statement and is therefore not compliant with HLP policy RUR1 and HRNP policy GEN 2.

Regarding the Statement of Community involvement. There was a presentation to the Parish Council at the request of the applicant and a follow up at a normal Parish Council meeting (although it was explained in advance that there would be very limited time at a normal PC meeting). At both meetings those parts of the application which diverged from the local development framework were highlighted. The only modifications made for the second visit were to minor details in the style of the buildings, though it appeared the comments being addressed had not been understood. At both meetings with the Parish Council assurances were sought that a consultation to residents would be organized, Greatham Residents Association was recommended as the best group to contact. It is very disappointing that the applicant provided extremely short notice for residents to attend and that this meeting was a consultation only to tell residents what would be in the planning application. It is an unfortunate state of affairs that even the above consultation is better than that undertaken by most applicants. The community involvement however fell very short of a meaningful consultation and provided virtually no evolution of the design that might have addressed some of the points raised in this objection. NPPF para 128 provides a much better model for consultation.

HRNP does suggest that the new properties at the north of the allocated site overlook the amenity space (shown in Image 1) so that they would be at 90 degrees to the existing properties in Saltaire Terrace this would reduce the direct overlook into some of the existing houses. This would also offer better oversight or supervision of the open space (including children's play area), give a better outlook to those properties and provide south facing rear gardens. Such a layout would better meet principles in HLP policies QP4 Layout and Design Development, QP5 Safety and Security and CC1 Minimising and Adapting to Climate Change.

The properties at the south of the site could be similarly orientated for the same benefits. If the bungalows were to be located within the stretch of proposed housing between the north and south ends of the site a further reduction in directly viewing into existing homes could be gained.

NPPF para 128 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Taking the above and previous comments this application is considered to be at odds with HRNP Policy GEN2 Design Principles and failed to take into account Greatham Village Design Statement. These policies are supported by HLP policies QP4 and RUR1 as well as NPPF section 12.

36 homes, served by a pumping station, are being currently built. This application seeks to add a further 18 on the same sewer. The Parish Council would like some assurances that the existing system can cope.

HRNP identifies improvements to both Greatham Community Centre and Greatham Sports Field as community facility priority schemes. The Parish Council trusts that the 'Heads of Terms' Legal Agreement enables contributions to Greatham Community Centre and Greatham Sports Field to be made should any development occurs.

Greatham in Bloom, which does an enormous amount of voluntary work maintaining and improving the environment of the village and regularly wins gold medals in Northumbrian in Bloom, has started, with permission of the Borough Council, to improve the area to the South of the application site. It is hoped their work will be protected from any building works along with the adjacent trees. This is the same area designated in HRNP for the erection of a pump from the Salt workings that once stood to the south of the village (Saltaire Terrace was built for the salt workers). One trusts this celebration of the famous products produced at Greatham, including as Cerebos, Saxa and Bisto, will not be adversely affected by this application. The applicant's planning statement quotes a so called 'golden thread' running through the NPPF that there should be a presumption in favour of sustainable development. Para 12 of the NPPF clearly states however "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. 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. Both Local Plan and Neighbourhood plan are less the 2 years old and therefore very up-to-date. No material considerations have been offered as to why the development plan should not be followed. The Parish Council therefore respectfully requests the Planning Committee uphold the policies of the development plan and refuses this application.

**Elwick Parish Council** - Elwick Parish Council strongly objects to this development, which goes against the policies of the Hartlepool Rural Neighbourhood Plan and the Local Plan. We fully support the responses from the Hartlepool Rural Plan Group and Greatham Parish Council.

**Hartlepool Civic Society** – Hartlepool Civic Society reviewed application H/2019/0527 development of 18 residential dwellings at Hill View, Greatham at our latest meeting of the Executive Committee and would like it noted that we object to this application for the following reasons.

Contrary to Hartlepool Local Plan and Rural Neighbourhood Plan resulting in an unacceptable loss of designated amenity land.

Not meeting local housing need as described in the Rural Neighbourhood Plan.  
Failure to adhere to design principles.

Contrary to HRNP policies GEN1, GEN2, H1; Local Plan policy NE2, NE6, QP4, QP5, HSG2, RUR1; NPPF paras 61, 77, 92a, 97, 124, 125, 127, 128, 130.

We also believe that the plans are not in line with the policies contained in the National Planning Policy Framework (NPPF) or the Local Development Framework as contained in Hartlepool Local Plan (HLP), Hartlepool Rural Neighbourhood Plan (HRNP) and Greatham Village Design Statement (GVDS).

Part of plot 16 and all of plots 17 & 18 of the application are on land allocated in the HRNP and Hartlepool Local Plan as amenity open space. This space falls between two of its allocated housing sites where the opportunity for provision of amenity space within the developments is extremely limited. The HRNP allocated land that was previously enjoyed as amenity open space for housing, to fulfill the requirements and needs of the area, elevating the requirement to maintain this amenity open space.

We are greatly concerned that HBC as both the owner and the developer of this land is not adhering to its own policy and commitments (contained within Local Plan Policy NE2 Green Infrastructure) to “safeguard green infrastructure within the Borough from inappropriate development and work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need”.

Policy GEN1 Development Limits in the HRNP states “within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan”. NPPF para 92a states planning policies and decisions should “plan positively for the provision and use of shared spaces, community facilities” (includes open spaces). This application contravenes this, specifically with reference to plots 16, 17 & 18. By reducing this well-proportioned and effective space it becomes disjointed and far less functional.

NPPF para 91a) 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 – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas. Both the Neighbourhood and Local Plans strived to meet this planning aim in assigning this land as public open space, this application however ignores this and destroys the existing high quality public space.

It is also of grave concern that Hartlepool Borough Council have totally ignored the Neighbourhood Plan which identified the amenity space which this application proposes to build upon as a potential civic space “to the north of the site is a rectangular piece of grass with children’s play area. A row of existing houses already overlooks this and there is the opportunity to create an enhanced civic space if new properties were to front onto this area”. NPPF para 130 clearly states “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”

By proposing to build on this land Hartlepool Borough council are contravening those very policies that they are accountable for upholding. NPPF section 12, para 124 & 125 state “Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. The Neighbourhood plan identified the special quality of this area and suggested how this can be reflected in any new development on land the neighbourhood plan allocated. This application totally ignores these well thought through practical and sustainable elements of the Neighbourhood Plan.

NPPF para 97. Existing open space should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. On searching through all of the relevant documentation we can find no record of any assessment being carried out.

NPPF para 130 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. We believe that this application does indeed fail to take this opportunity to enhance, improve or even utilise the existing amenity space and in doing so it also ignores the Neighbourhood Plan and Village Design statement. This requirement is reinforced by Local Plan policy RUR1.

The Local Plan was adopted on 22nd May 2018 and the Rural Neighbourhood plan was “made” by Council on 20th December 2018. Greatham Village Design Statement was adopted by Hartlepool Borough Council as supplementary planning guidance. One would expect that these important documents would be adhered to by the council to ensure that their own planning applications comply with the agreed policy’s.

## **PLANNING POLICY**

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

### Local Policy

1.21 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  
HSG2: Overall Housing Mix  
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  
 NE2: Green Infrastructure  
 SUS1: The Presumption in Favour of Sustainable Development

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

H1: Housing Development  
 C1: Safeguarding and Improvement of Community Facilities  
 GEN1: Development Limits  
 GEN2: Design Principles

### National Policy

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

PARA 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  
 PARA038: Decision-Making  
 PARA047: Determining Applications  
 PARA058: Enforcement  
 PARA077: Rural Housing  
 PARA078: Rural Housing  
 PARA124: Achieving well-designed places  
 PARA 125: Achieving well-designed places  
 PARA127: Achieving well-designed places  
 PARA 130: Achieving well-designed places



PARA 150: Planning for Climate Change

PARA153: Planning for Climate Change

PARA212: Implementation

**HBC Planning Policy comments (summarised)** - The majority of the site is currently non-allocated white land within the Local Plan, within the development limits of Greatham village and in an established residential area. The principle of development is therefore acceptable for residential development.

Part of the site would encroach on incidental open space which is protected by policy NE2 of the Local Plan. The applicant should therefore provide compensatory green space or enhance existing/remaining open space in the vicinity of the development. Planning obligations are sought as per the requirements of the Planning Obligations SPD. It is considered that the proposals reflect the aspirations of policy QP4 of the Local Plan and the Council's Residential Design SPD.

The site also falls within the boundaries of the Rural Neighbourhood Plan. Policy H1 of the Rural Plan allocates the site for approximately 12 dwellings. In view of the proposed site layout and taking into account the landscaping proposals, it is deemed that the proposed number of dwellings is acceptable. The Strategic Housing Market Assessment (SHMA) details that there is a need for semi-detached houses with 1-2 beds and bungalows, meaning that the development would provide some dwellings which meet this required need and provide sufficient variety in dwelling types. Policy GEN2 of the Rural Plan states that development is expected to consider how the design helps to create a sense of place and reinforces the character of the village and reinforce the existing streetscape or green public spaces by facing onto them. It is considered that proposed on-site landscaping increases the visual amenity of the site, alongside the traditional materials palette, which supports what can be seen in the wider area, and ensures the new development will fit in to the village.

The Council expects that all new development will be energy efficient and will minimise and adapt to climate change, and this is enforced through policies CC1 and QP7. The applicant's submitted energy statement details how a 10% reduction in site-wide CO2 emissions can be achieved. A number of dwellings also appear to have solar panels, which would ensure the development meets the 10% renewable energy requirement.

UPDATE 05/03/2020: I am happy from a Policy perspective that [amended landscape plan] adequately mitigates the loss of the adjacent greenspace. I am also happy that reference to a small goalposts on the area has been included.

## PLANNING CONSIDERATIONS

1.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity and privacy of neighbouring land users and future occupiers, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and landscape features, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage and land contamination. These and all other planning and residual matters are set out in detail below.

## PRINCIPLE OF DEVELOPMENT

### *Development Limits and Site Allocations*

1.24 Objections have been received from neighbouring land users and from the Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society, Elwick Parish Council and Greatham Parish Council with respect to the loss of amenity open space at the north/north-west of the site, the proposed number of dwellings and perceived conflict with the NPPF, the Hartlepool Local Plan and the Hartlepool Rural Neighbourhood Plan.

1.25 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's villages. The application site sits within the development limits of Greatham village. Rural Neighbourhood Plan policy GEN1 (Development Limits) advises that within the defined development limits, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

1.26 The majority of the application site has no designation or allocation on the Hartlepool Local Plan Policies Map. The Rural Neighbourhood Plan Policies Map however designates the majority of the site for housing use, with policy H1 (Housing Development) of the Rural Neighbourhood Plan allocating part of the site for approximately 12 dwellings. The proposals in this instance include an additional 6 dwellings above the site allocation (albeit two of these sit outside of the boundaries of the allocation)

1.27 Objections from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council cite concerns that the proposals comprise a higher number of dwellings than set out within the site allocation in the Rural Neighbourhood Plan, which is based on the indicative figures in the Council's Strategic Housing Land Availability Assessment (SHLAA). However, it is noted that policy H1 of the Rural Neighbourhood Plan indicates approximate numbers for site allocations only (as do the figures in the SHLAA), and the policy wording stipulates that these are 'minimum' figures. The use of the term 'minimum' was a recommendation of the independent Examiner of the Neighbourhood Plan, as set out in their Report to the Council on the Examination of the Hartlepool Rural Neighbourhood Plan. The Examiner maintained that *"to set a figure as either a maximum figure, or indeed as an approximate figure could frustrate the delivery of additional homes which could legitimately come forward and for which there is an undoubted need."* Having considered the Examiner's Report, the Council (HBC) accepted the examiner's recommendations and proceeded on this basis, with the wording subsequently featuring in the 'made' version of the Neighbourhood Plan. There is therefore no policy constraint forbidding the number of dwellings proposed to be higher (in principle) than those set out in the allocation, provided there are no material planning considerations that would indicate otherwise, the consideration of which are set out in full in this report. The Council's Planning Policy section has advised that having considered the proposed site layout, including separation distances to neighbouring properties, and taking into account that the development retains elements of green space and landscaping which will assist in protecting the

visual amenity of the area, it is deemed that in this instance the proposed number of dwellings is acceptable in principle.

1.28 Notwithstanding this, and in order to accommodate the additional dwellings, it should be noted that the extent of the application site extends beyond the boundaries of the above Rural Neighbourhood Plan housing allocation, and encroaches into an area of amenity open space / accessible green space to the north of the site that is protected by policy NE2 (Green Infrastructure) of the Hartlepool Local Plan and designated on the Rural Neighbourhood Plan Policies Map, respectively.

1.29 In detail, part of plot 16, and the entirety of plots 17 and 18, of the proposed development sit within a relatively small triangular parcel of open space south of the existing footpath that runs from Saltaire Terrace to Hill View (opposite the existing children's play area). This area however forms only part of the wider amenity open space at Hill View (south of Greatham Primary School) that is protected by virtue of policy NE2 (Green Infrastructure) of the Local Plan. The children's play area adjacent is also protected by virtue of policy NE2 of the Local Plan, as part of a separate allocation. The proposed plots at plots 16, 17 and 18 will result in the loss of approximately 55% of this relatively small triangular area of open space, however this constitutes a smaller loss of approximately 13% of the wider allocated amenity open space north of Hill View and, when taking into account the allocated children's play area adjacent, a loss of just 11% (approx.) of the allocated green infrastructure in the immediate area, protected by policy NE2. It is also noted that there are additional areas of accessible green space / incidental open space between the rows of terraces at Hill View and around the southern and western boundaries of the existing estate, and these are designated on the Rural Neighbourhood Plan Policies Map. Furthermore, the proposal itself includes a small (but not insignificant in the context of the area of open space lost) landscaped parcel of land to the south of the site which is proposed to be retained to soften the approach to the new development.

1.30 Notwithstanding the above, policy NE2 of the Local Plan stipulates that the loss of green infrastructure components will generally be resisted. Policy NE2 does state however that in exceptional circumstances green infrastructure will be considered for other uses where; it can be demonstrated to be surplus to needs, it has no other recreational, nature conservation or amenity function, it is in an area where the local need has already been met elsewhere, it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or it is too small or difficult to maintain. This policy also requires that where an area of open space is lost to development, the Borough Council imposes planning conditions or a legal agreement as appropriate, to ensure compensatory provision of an alternative site or enhancement of adjoining open space. Similarly, policy C1 (Safeguarding and Improvement of Community Facilities) of the Rural Neighbourhood Plan stipulates that open spaces will be safeguarded unless they are proven to be surplus to requirements or unless improved alternative provision, of similar or better quality, is to be made.

1.31 Given that the proposals encroach into a relatively small proportion of the wider allocation of green infrastructure in this area (as set out above), it is considered that the local need will continue to be substantially met elsewhere both on the remaining allocated open space north of the application site/Hill View and south of Greatham Primary School and on the ample existing accessible green space / incidental open space to the west of the site within the existing estate at Hill View. Furthermore, the proposed landscaping within the site (both within plot boundaries and along the southern boundary of the site), whilst only providing limited recreation space, will remain substantially open and have visual amenity value. In line with policy NE2 of the Local Plan and policy C1 of the Rural Plan however, the Council's Planning Policy section has highlighted that as a result of the encroachment into the allocated open space, it is expected that the developer would either provide compensatory green space or enhance existing/remaining open space in the vicinity of the development. In response, the applicant has confirmed their commitment to the enhancement of the amenity open space to the north-west of the site (the site of the temporary construction compound) upon completion of the development and have provided details of indicative proposals including additional tree and shrub planting, benches and football goalposts. A planning condition is therefore recommended to secure this and agree final details accordingly, in consultation with relevant internal consultees.

#### *Affordable Housing Provision and Housing Mix*

1.32 The proposed development would deliver all 18 dwellings as affordable homes. The proposed tenure of the dwellings will consist of 100% affordable rent. They will be owned and managed by Hartlepool Borough Council and let through the Choice Based Lettings System. The proposals comprise a mix of 2-bed semi-detached bungalows and 2, 3 and 4 bed semi-detached houses.

1.33 The Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society and Greatham Parish Council have objected on the grounds that the proposed housing tenure and mix (100% social/affordable rent) does not reflect local housing need. Objections from neighbours have also raised concerns that there is a lack of need for social/affordable housing or rented accommodation in this area.

1.34 Both Local Plan policy HSG2 (Overall Housing Mix) and Rural Neighbourhood Plan policy H1 (Housing Development) seek to ensure that all new housing contributes to achieving an overall balanced mix of housing stock. Both policies advise that regard should be given to the latest evidence of housing need. Local Plan policy HSG9 (Affordable Housing) advises that the Council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold, in line with the Borough-wide identified need. Rural Neighbourhood Plan policy H2 (Affordable Housing) lowers this threshold to six dwellings for developments within the rural area.

1.35 The Council's Planning Policy section has advised that in this instance, the latest evidence of housing need is set out in the Council's most recent Strategic Housing Market Assessment (SHMA), and this document details that there is a need for semi-detached houses with 1-2 beds and bungalows in this part of the Borough. The SHMA also highlighted that there was a need for 157 affordable housing units in the Rural

West ward, with 86% of those households in the Borough that are in need of affordable housing considering social/affordable renting as the preferred tenure option.

1.36 Consequently, the Council's Planning Policy section has commented that the development would provide some dwellings which meet this required need and provides sufficient variety in dwelling types. It is considered that the provision of affordable housing at this site would have a positive impact upon meeting the Council's overall affordable housing targets and is therefore acceptable in this respect.

#### *Renewable Energy and Energy Efficiency*

1.37 NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

1.38 Local Plan policy CC1 (Minimising and adapting to climate change) requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%.

1.39 Where the design and layout of the development, construction methods and green infrastructure provision does not ensure greater energy efficiency through solar gain, passive heating and cooling, natural light and natural ventilation, Planning Policy would encourage the dwellings to be 10% more efficient than that required by the building regulations through building fabric improvements, in accordance with Local Plan policy QP7 (Energy Efficiency).

1.40 The applicant has submitted a supporting Sustainability Statement and Energy Statement. The Council's Planning Policy section has advised that this details how, following improvements, a 10% reduction in site-wide CO2 emissions can be achieved, which will be beneficial for the carbon footprint of the development and meets the criteria of Local Plan policy QP7. Notwithstanding, a planning condition is recommended to ensure the works are carried out in accordance with the submitted details and to require the final Building Regulations compliance report to be submitted to and agreed in writing with the Local Planning Authority.

1.41 With respect to Local Plan policy CC1, it is noted that the submitted plans show some dwellings with solar panels, an approach which would likely ensure the development meets the 10% renewable energy generation criteria and would be fully supported by the Council's Planning Policy section. Notwithstanding this, and in order to secure the provision of renewable energy generation on site and electric vehicle charging points, planning conditions are recommended accordingly to secure final details of these.

### *Planning Obligations*

1.42 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), Rural Neighbourhood Plan policy PO1 (Planning Obligations - Contributions Towards Meeting Community Infrastructure Priorities) and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions will be required based on the current submission, as set out below;

- Green Infrastructure: £4500 (£250 per dwelling) – to be directed towards existing public footpaths to the north and south east of the site.
- Built Sports: £4500 (£250 per dwelling) – to be directed towards Greatham Sports Association
- Play Facilities: £4500 (£250 per dwelling) – to be directed towards the existing play site near Saltaire Terrace.
- Playing Pitches £4199.22 (£233.29 per dwelling) – to be directed towards Greatham Sports Association
- Tennis Courts: £1026.36 (£57.02 per dwelling) – to be directed towards Greatham Sports Association
- Bowling Greens: £89.46 (£4.97 per dwelling) – to be directed toward bowling greens in the borough

1.43 Whilst objections have been received citing concerns that there is insufficient capacity on the local highway network to accommodate additional traffic from the development, the Council's Highways, Traffic & Transport section has not raised any concerns or highlighted any issues with local capacity and there are therefore no financial contributions required towards improvements to the local highway network to accommodate the development.

1.44 Objections have been received from neighbours and from Greatham Parish Council citing concerns that there is insufficient capacity at local schools to accommodate additional students from the development, the Council's Planning Policy section, in consultation with the Council's School Place Planning, Admissions & Capital Manager, has advised that no education contribution is required in this instance. It is also noted that through application H/2019/0139 for the adjacent site it was established that both Greatham Primary School and Manor Community Academy both have sufficient capacity. There is therefore no requirement for a financial contribution towards primary or secondary education in this instance.

1.45 It is noted that the Council cannot enter into a Section 106 Legal Agreement with itself to secure the abovementioned financial contributions, however the applicant (HBC) has confirmed their agreement to provide the abovementioned contributions as required.

### *Other Planning Policy Considerations*

1.46 Objections from the Hartlepool Rural Neighbourhood Plan Group raise concerns that the proposals are contrary to policy NE6 (Protection of Incidental Open Space) of the Council's Local Plan, which stipulates that the loss of incidental open

space will be resisted except in certain circumstances. The term ‘incidental open space’ however refers to unallocated land that is scattered throughout the built-up areas and villages of the Borough that provides visual amenity or separates different buildings/land uses for environmental, visual or, sometimes safety reasons. The land between the rows of terraces at Hill View does not have an allocation on the Local Plan Policies Map, however is considered to be ‘incidental open space’. The area of land to be lost to part of plot 16, and plots 17 and 18, in this instance however is not incidental open space, as this land is designated as ‘amenity open space’ on the Local Plan Policies Map and is protected by virtue of policy NE2 (Green Infrastructure) as set out above. The provisions of policy NE2 therefore apply to this part of the site, and not those of policy NE6. With respect to the rest of the application site, whilst this is unallocated ‘white land’ on the Local Plan Policies Map and is currently an undeveloped open grassed area, this is a designated housing site in the Hartlepool Rural Neighbourhood Plan and therefore is also not considered to be incidental open space. The provisions of policy NE6 therefore do not apply in this instance.

1.47 It is noted that the applicant’s supporting Planning Statement references Paragraph 71 of the NPPF, which stipulates that Local Planning Authorities should support the development of entry-level exception sites (small sites suitable for first time buyers/renters), provided the site is not already allocated for housing, amongst other criteria. The Hartlepool Rural Neighbourhood Plan Group have commented that this paragraph is irrelevant to this application as the site is allocated for housing in the Rural Neighbourhood Plan. Whilst this is correct with respect to plots 1-16, it is considered that the paragraph is relevant with respect to plots 17 and 18 (which are on land not allocated for housing) and these plots meet the relevant criteria of this paragraph.

1.48 Objections have been received from neighbours and from Greatham Parish Council citing concerns that the site is in an unsustainable location as there are insufficient amenities within the village to support future occupants of the proposed development. However, it is noted that Greatham contains a general store, hairdressers and beauty salon, post office, community centre, primary school and public houses. A playing/sports field is within the vicinity of the site to the north east. A children’s play area and an area of amenity open space is immediately adjacent, with a multi-use games area located between Saltaire Terrace and Station Road. There is also a frequent bus service serving the village, accessible from the village centre and within 900 metres of the site. It is also noted that the site is an allocated housing site in the Rural Neighbourhood Plan, and therefore considered to be a sustainable site for housing through this document. It is therefore considered that the level of facilities within Greatham could support the proposed development and the site is considered to be in a sustainable location.

1.49 Objections raise concerns that the proposals do not contribute to the local economy, however, notwithstanding direct (albeit limited) impacts on the local economy through construction industry and other association jobs during the construction phase of the development, it is considered that the proposals will contribute to meeting the housing needs of the village and the wider rural area, which in turn supports the vitality and viability of the village and its local businesses, amenities and services.

1.50 Concerns have also 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).

#### *Principle of Development Summary*

1.51 Ultimately, in view of the abovementioned site allocations and considerations, and subject to the identified planning conditions and obligations, it is considered on balance that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

#### **AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS**

1.52 Objections have been received from neighbours citing concerns that the proposals will have a significant detrimental impact on the amenity and privacy of neighbouring land users (and in particular neighbours to the east at Saltaire Terrace) through loss of light/overshadowing, overbearing, poor outlook and overlooking.

1.53 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and Alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, 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.

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

1.55 The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

1.56 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.

1.57 As above, the proposed residential development comprises a linear layout with the proposed dwellings sited in a row along a north-south axis, with each property featuring a private access/driveway directly onto the adopted highway at Hill View to



the west. The proposed dwellings face into the existing residential estate at Hill View, with front elevations overlooking the highway, with public open space and the blank gable ends of the existing terraced properties at Hill View beyond. The rear elevations of the proposed dwellings therefore face the rear elevations of the existing properties on Saltaire Terrace, with the rear garden areas of the proposed dwellings abutting the existing rear garden areas (with the exception of plots 17 and 18 which overlook open space).

1.58 To the east/north-east, minimum separation distances of between 22 and 24 metres (approximately) are maintained between the rear elevations of the proposed 2 storey dwellings and the ground floor rear elevations of the existing dwellings at Saltaire Terrace (including rear offshoots), whilst greater distances of approximately 24-28 metres are maintained between the rear elevations of the proposed two storey dwellings and the original/main rear elevations of the dwellings at Saltaire Terrace. Whilst a shorter separation distance of approximately 18.5 metres is maintained between the rear elevation(s) of the proposed bungalows at plots 1 and 2 and the rear elevation of the ground floor offshoots at 31 and 32 Saltaire Terrace, it is considered that any impact on this existing neighbour is reduced due to the single storey scale of these dwellings and a satisfactory distance of approximately 22.5 metres is maintained between the proposed bungalows and the original/main rear elevations of these neighbouring dwellings.

1.59 With respect to plots 17 and 18 (which overlook the remaining amenity open space to the east), a satisfactory oblique separation distance of approximately 40 metres is maintained between the rear of the proposed bungalows on these plots and the existing dwellings to the east/north-east at 25-28 Saltaire Terrace.

1.60 The proposed separation distances as set out above are therefore considered to be acceptable and in accordance with the minimum separation distance requirements as set out in policy QP4 of the Local Plan and the Residential Design SPD. In view of the satisfactory separation distances and existing and proposed boundary screening (notwithstanding the proposals as described in the 'proposal' section, final details of proposed boundary treatment are to be secured by a planning condition to ensure an appropriate height of boundary treatment is provided, particularly along the rear boundaries to the properties backing onto Saltaire Terrace), it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north-east/east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.61 To the south/south-east, the gable elevation of the proposed bungalow at plot 1 is set back from the adopted highway on Marsh House Lane by approximately 7-9 metres due to the proposed landscaping strip along the southern boundary of the site. The proposed bungalow features a single dining room window in this gable elevation, however there are no sensitive land users to the south/south-east, with only agricultural fields on the opposite side of the road. It is therefore considered that the proposals would not have any appreciable impact on the amenity or privacy of neighbouring land users to the south/south-east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.62 To the west/south-west, as above, the proposed dwellings are set back from the adopted highway on Hill View by approximately 6-10 metres due to the proposed front garden areas/landscaping and private driveways, and therefore a satisfactory separation distance of approximately 15-21 metres is maintained between the front elevations of the proposed dwellings and the blank gable elevations of the existing dwellings opposite at Hill View (with separation distances narrowing toward the north of the site), in accordance with the requirements of Local Plan policy QP4 and the Residential Design SPD. In view of the satisfactory separation distances proposed, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the west/south-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.63 To the north/north-west, the gable elevation of the proposed bungalow at plot 18 overlooks the remaining amenity open space in this area and the adjacent children's play area. Whilst the bungalow features a single dining room window in this gable elevation, a satisfactory oblique separation distance in excess of 20 metres will be maintained between this window and the boundary of the adjacent residential development at Station Road. It is therefore considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north/north-west in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.64 Objections have also been received from neighbours citing concerns that the proposals will have a detrimental impact on the amenity of neighbouring land users through an increase in noise and disturbance.

1.65 The Council's Public Protection section has been consulted on the application and has confirmed that they have no objections to the application, subject to planning conditions requiring the submission to the Council and subsequent agreement of a Construction Management Plan prior to the commencement of development, as well as standard restrictions on hours of construction, which are recommended accordingly. It is therefore considered that disruption from construction activity can be appropriately controlled and there will therefore not be a significant detrimental impact on the amenity of neighbours from undue noise and disturbance.

1.66 With respect to noise and disturbance from future occupiers, there is no reason to believe that there will be any additional noise and disturbance than might be expected from a residential development of this size, and any undue noise and disturbance that may arise can be controlled by the Council's Public Protection section by virtue of the relevant environmental protection legislation, which is beyond the remit of this planning application.

1.67 In order to safeguard the amenity of neighbouring properties and future occupiers of the estate, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

1.68 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the

impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

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

1.69 Objections from neighbouring residents have raised concerns that the proposals will have a detrimental impact on the character and appearance of the surrounding area by virtue of the number of dwellings proposed as well as the design and layout of the development.

1.70 Policy QP4 of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. There are a number of ways new development can achieve this, including;

- Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area,
- Respect the surrounding buildings, structures and environment
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

1.71 With respect to the impact of the proposals on the visual amenity of the site and the character of the area, policy GEN2 (Design Principles) of the Hartlepool Rural Neighbourhood Plan stipulates that, amongst other requirements, the design of new development should demonstrate, where appropriate:

- how relevant village design statements and conservation area appraisals have been taken into account;
- how the design of new housing scores against the Hartlepool Rural Plan Working Group's Checklist;
- how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;
- how the design helps to reinforce the existing streetscape or green public spaces by facing onto them;
- how the design preserves and enhances significant views and vistas.

1.72 NPPF paragraph 127 stipulates that planning policies and decisions should ensure that developments, amongst other requirements;

- Will function well and add to the overall quality of the area;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

1.73 The application site is outside the boundary of Greatham Conservation Area, with the special character of Greatham predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses, short terraces and late Victorian terraced housing. Peripheral areas of the village beyond the conservation area comprise a mix of mid to late 20<sup>th</sup> century and more contemporary detached, semi-detached and terraced dwellings with a number of infill developments evident.

1.74 The southern part of the village in the vicinity of the application site is characterised by a mix of primarily semi-detached and terraced dwellings dating from the early-mid 20<sup>th</sup> century at Saltaire Terrace to the east, and a 1970s housing development comprising short terraces (3-4 dwellings) of houses and bungalows in a geometric arrangement, interspersed with areas of incidental open space, to the west at Hill View. To the north of the site, planning permission has recently been granted (ref H/2019/0139) for a residential development comprising the erection of 36no. dwellings that will provide somewhat of a bridge between the older central part of the village and the more contemporary southern part in which the application site is located. It was considered that this adjacent development's design will reflect characteristics of the existing village and remain sympathetic to the conservation area adjacent, whilst providing a transition in density and design between the two areas.

1.75 As above, the proposed residential development in this instance comprises a linear layout with the proposed dwellings sited in a row along a north-south axis. There is variation in the designs and finishing materials to the proposed dwellings, with a predominantly traditional materials palette including facing brick, neutral-coloured render, artstone cills, brick headers, decorative brickwork and banding and pitched tiled roofs. All of the proposed dwellings are in semi-detached pairs, albeit with a number of individual dwellings featuring front facing gable roofs and the central plots (7-8 and 9-10) comprising two different house types, adding further variation to the roof lines.

1.76 The supporting Design & Access Statement indicates that the layout of the site is dictated by the shape of the site and site constraints. The supporting Planning Statement makes reference to both the Council's Residential Design SPD and the Greatham Village Design Statement. Both documents maintain that the proposals respond positively to the layout of the surrounding area, have been designed to be in keeping with the scale, proportions and materials of the surrounding properties and are in keeping with the density of surrounding residential properties.

1.77 It is noted that the proposed dwellings feature simpler elevation treatments to that of the adjacent approved site, and is therefore more reflective of the dwellings in the immediate vicinity, whilst continuing to retain some elements that are reflective of the adjacent approved site and the wider village, including decorative brickwork, and a mixture of traditional brick and render finishing materials, which will provide an element of continuity and consistency in the design and appearance of dwellings through this part of the village.

1.78 Objections have been received from Greatham Parish Council raising concerns that front facing gables have been used inappropriately in the design of 3 of the dwellings. Whilst the comments are noted, it is considered that the use of front facing gables adds interest to the street scene, and their use in this context would not have a significant detrimental impact on the character of the surrounding area or the village.

1.79 The Council's Planning Policy section has commented that, through assessment of the associated documents of this application, it is clear that the applicant has attempted to proactively incorporate on-site landscaping to increase the visual amenity of the site, which is a beneficial addition alongside the traditional materials palette which supports what can be seen in the wider area, and ensures the new development will fit in to the village. The Council's Planning Policy section further advises that it is clear that the new residential development would meet the aspirations of the Residential Design SPD with regards to elements such as amenity space, local distinctiveness and architectural interest etc, and the proposal is therefore also in accordance with policy QP4 of the Local Plan.

1.80 Objections have been received citing concerns that the proposals constitute overdevelopment of the site and that there are too many dwellings proposed. Whilst it is noted that the Hartlepool Rural Neighbourhood Plan allocation is for 12 dwellings only, it is considered that the density proposed through the current scheme is not uncharacteristic of the village. In particular it is noted that this part of the village features a mixture of terraced and semi-detached dwellings, with one side of Saltaire Terrace comprising a continuous (approx. 110m long) row of 24 terraced houses, the other side comprising 4 sets of semi-detached dwellings and a detached dwelling, and the properties at Hill View comprising numerous short (3-4 dwelling) terraces of houses and bungalows. A row of 18no. semi-detached houses and bungalows in a side-by-side arrangement is therefore not considered particularly out of keeping with the area. It is noted that the proposals also provide adequate separation distances, landscaping, private amenity space and off-street parking. It is therefore considered that the proposed density is acceptable.

1.81 The Hartlepool Rural Neighbourhood Plan Group has raised concerns that the positioning of plots 17 & 18 makes them visually intrusive, contrary to Local Plan policy RUR1 (Development in the Rural Area) (point 4), which seeks to ensure the rural area is protected and enhanced. The 'rural area' is defined as land beyond the limits to development. The application site is within the limits to development of Greatham village, and therefore policy RUR1 is not relevant in this instance.

1.82 Notwithstanding this, the layout of the development (including the positioning of plots 17 and 18) has been considered in the context of policy QP4 of the Local Plan, which stipulates, amongst other requirements, that development should be of an appropriate layout, scale and form, and should respect the surrounding buildings, structures and environment. It is noted that plots 17 and 18 project further north-west than the existing row of semi-detached properties on Saltaire Terrace, however it is noted that these plots do not extend any further to the north-west than the existing built development to the west/south-west at Hill View. Furthermore, it is considered that their scale as bungalows will reduce their visual impact, with the two storey dwellings adjacent at plots 15 and 16 (which are largely in line with the two storey

elements of the dwellings at 38 Saltaire Terrace to the rear and 35 Hill View to the front) reflecting the extent of two storey development at Saltaire Terrace immediately to the east and Hill View immediately to the west. Ultimately it is considered that the positioning of plots 17 and 18 would not have a significant detrimental impact on the visual amenity of the development or surrounding area.

1.83 The Hartlepool Rural Neighbourhood Plan Group, Hartlepool Civic Society and Greatham Parish Council have also raised concerns that the proposed dwellings face toward the adopted highway on Hill View exclusively, rather than onto Marsh House Lane to the south and the existing open space and play area to the north, as advocated in the Neighbourhood Plan. Whilst such an arrangement may have provided improved natural surveillance of the existing open space to the north and a more active frontage to the south, it is noted that the submitted supporting information indicates that the site layout has been dictated by the shape of the site and site constraints and maintains that the orientation of the dwellings responds positively to the layout of the surrounding area, facing out towards the existing residential estate and public areas at Hill View. Furthermore, it is noted that the proposals include elements to increase natural surveillance in this area including a side elevation window in the proposed bungalow at plot 18 and more open and lower level boundary enclosures to the rear of plots 17 and 18 (i.e. 1.2 metre high open boarded fencing, with 0.6 metre high trellis above), to allow better overlooking of the play area, footpath and open space adjacent.

1.84 It is considered that the current layout and dwelling orientations, which are largely in alignment with the existing streets in this area, would not significantly compromise natural surveillance of the existing open space or play area to the north, or the visual amenity of the site when viewed from the south. It should also be noted that alternative approaches would also likely have their own challenges, including safety and security and highway safety implications (in particular with respect to the siting of parking areas/bays and access to rear boundaries). It is ultimately considered that the proposed layout would not have a significant detrimental impact on the visual amenity of the site or the character of the area.

1.85 Objections from neighbouring residents have also raised concerns that the 'back-to-back' layout of the development (where proposed rear gardens are bounded by the rear gardens of the existing properties to the rear at Saltaire Terrace) are uncharacteristic of the village and therefore inappropriate. Whilst these comments are noted, these relationships do exist in parts of the village, and in any event this arrangement is not considered unusual or atypical of a contemporary housing development, and it is not considered that such a layout would have a significant detrimental impact on the character of the area or the wider village.

2.86 Notwithstanding this, in order to safeguard the visual amenity of the development and the character of the surrounding area, a planning condition is recommended to stipulate that the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.

1.87 In view of the above, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character

and appearance of the surrounding area, subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

## LANDSCAPING AND LANDSCAPE FEATURES

1.88 Objections from Greatham Parish Council query landscaping proposals to the south of the site and whether existing landscaping and trees will be retained.

1.89 The application has been accompanied by an Arboricultural Impact Assessment and Method Statement, as well as a planting plan. There are a number of existing trees along the southern boundary of the site, with the rest of the site grassed.

1.90 The landscape proposals include the retention of a small landscaped strip along the southern boundary of the site, including the retention of 2 existing trees. The landscaping strip also comprises new hedgerow and lawn (turf) planting, with the site to feature hedgerow along the southern boundary of plot 1 (adjacent to Marsh House Lane). Where possible, the proposed dwellings feature small open plan lawned front gardens, with other plots featuring landscaping strips comprising ornamental planting, tree planting and/or hedge planting between parking bays and within front garden areas. The site is also proposed to be enclosed by hedge planting to the northern boundary of the site (to the front and side of plot 18, and rear of plots 17 and 18).

1.91 Proposed boundary enclosures comprise a mix of 1.5-1.8 metre high timber open and closed boarded fence and trellis enclosures to rear gardens and 1.2 metre high bow top fencing/railings to site boundaries at the north and south.

1.92 The Council's Landscape Architect has been consulted and has advised that detailed proposals have been submitted with regard to the boundary treatments and planting proposals, both of which they consider to be acceptable. Notwithstanding this, full details of proposed hard surface materials associated with the proposed development are required and a condition is therefore recommended to secure this accordingly.

1.93 The Council's Arboricultural Officer has also been consulted and notes that there will be the loss of one medium sized willow tree at the entrance to the site together with a smaller willow tree leaving one semi mature oak tree. However, it is noted that the oak tree is suffering at the moment from "group suppression" and will therefore benefit from the extra space, so the loss of tree cover will only be temporary. Furthermore, it is advised that willow trees are not long lived trees and this particular tree needs regular cutting back due to overhead conductors carrying electricity. The Council's Arboricultural Officer has also advised that the front garden enhancement using ornamental pear and associated shrub planting is welcomed, and they therefore considered the landscaping details and tree management recommendations to be acceptable.

1.94 Notwithstanding this, a planning condition is recommended to secure tree and hedge protection measures during construction where appropriate, as set out in the

supporting Arboricultural Impact Assessment and Method Statement documents submitted with the application.

1.95 In view of the above, it is considered that the proposals are acceptable with respect to landscaping and the impact on landscape features, subject to the identified planning condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

## ECOLOGY AND NATURE CONSERVATION

1.96 Objections have been received from neighbours raising concerns that the proposals will have a detrimental impact on wildlife habitats and ecology (including bees).

1.97 The NPPF, Local Plan policy NE1 and Rural Neighbourhood Plan policy NE1 all advise that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided.

1.98 As above, the application is accompanied by an Arboricultural Impact Assessment and Method Statement, however the Council's Ecologist has advised that the area is made up entirely of amenity grassland and therefore ultimately there are no ecology surveys required.

1.99 Notwithstanding this, the Council's Ecologist has confirmed that biodiversity enhancement in the form of one integral bat or bird box built into each new house will be required, in line with National Planning Policy Framework (NPPF) requirements, and a planning condition to secure this is recommended accordingly.

1.100 Natural England has also been consulted and has advised that they have no objections subject to appropriate mitigation. Natural England has confirmed that the development falls within the 'zone of influence' for Teesmouth & Cleveland Coast, a coastal site designated at a national and international level as a Site of Special Scientific Interest, a Special Protection Area (SPA) and a Ramsar site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

1.101 Natural England notes that Hartlepool Borough Council operates a Coastal Mitigation Scheme to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. Subject to appropriate mitigation being secured in line with the details of this Scheme, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

1.102 A Habitats Regulations Assessment (HRA) is required for all housing schemes within 11km of the coast and this project is within walking distance (0.9km). The Council has a HRA template and the Council's Ecologist has therefore prepared the HRA. The findings of the HRA are that a financial payment of £350 per house is required to mitigate against the indirect adverse impact on SPA feature birds caused by recreational disturbance. A sum of £6,300.00 is therefore required to be paid



towards the Hartlepool Mitigation Strategy and the applicant (the Council) has confirmed their agreement to this.

1.103 The Council's Ecologist has confirmed that Natural England has given the Council the authority to approve the HRA provided the mitigation fits with the Hartlepool Mitigation Strategy, which the Council's Ecologist has confirmed it does. There is therefore no requirement to re-consult Natural England. In view of the above and subject to the identified conditions and obligations, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

#### HIGHWAY AND PEDESTRIAN SAFETY

1.104 Objections have been received from neighbours citing concerns that the proposals will have a detrimental impact on highway and pedestrian safety including through an increase in traffic, increasing danger on roads and safety of children, and due to inadequate local infrastructure and a lack of parking. Objectors have also raised concerns that the site has poor access to public transport.

1.105 Objections have also been received from Greatham Parish Council citing concerns that the access to this area of the village, via Station Road, is unsafe and that this will be exacerbated by additional traffic, and therefore traffic calming measures should be introduced.

1.106 As above, each property features a private access/driveway directly onto the adopted highway at Hill View to the west of the site. The village is served by a frequent bus service and the application site is located within 900 metres of a bus stop.

1.107 The Council's Highways, Traffic & Transport section has been consulted and has advised that the proposed layout is acceptable, and has not raised any concerns with respect to highway and pedestrian safety or car parking. Notwithstanding this, all the drives require a drive crossings to be installed in accordance with the HBC specification and carried out by a NRSWA accredited contractor, and a suitable informative note is recommended accordingly to make the applicant aware of this.

1.108 In view of the above, it is considered that the proposals are acceptable with respect to the impact on highway and pedestrian safety, subject to the abovementioned informative, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

#### FLOOD RISK AND DRAINAGE

1.109 The application site is located within Flood Zone 1 (low probability of flooding), with respect to rivers and the sea, and is at very low risk of surface water flooding, as shown on the Environment Agency's flood maps. The application is accompanied by a Flood Risk Assessment and Drainage Strategy.

1.110 The Council's Flood Risk Officer has been consulted and has advised that current proposals for surface water drainage set out in the submitted details may not be suitable however it is considered that a Sustainable Drainage System (SuDS) can be successfully implemented for the development and as such have requested that the final detailed surface water drainage proposals are secured by virtue of a condition, and this is recommended accordingly.

1.111 The Council's Flood Risk Officer has also provided advice for the applicant with respect to site drainage and how to satisfy the requirements of the requested condition, and it is recommended that these are appended to the decision notice as an informative note.

1.112 The Council's Flood Risk Officer has also advised that it is expected that permeable surfacing will be employed for hardstanding areas where possible, which can provide additional attenuation storage that in conjunction with oversized pipes will allow an adoptable surface water drainage system to be designed. Final details of hard surfaces can be secured by virtue of a condition (as set out above), and this is recommended accordingly, with the submitted details to be agreed in consultation with the Council's Flood Risk Officer.

1.113 Objections from Greatham Parish Council raise concerns with respect to the capacity of the existing and proposed foul drainage systems. Objections have also been received from neighbours citing concerns that the proposals will result in a further loss of water pressure.

1.114 Northumbrian Water has also been consulted and has advised that they have no issues to raise provided the works are carried out in accordance with the submitted details and the foul and surface water flows discharge to the combined sewer upstream. Notwithstanding this, final details of surface water and foul drainage will be secured by appropriate, separate planning conditions.

1.115 No comments or concerns have been received from the Environment Agency or Hartlepool Water with respect to matters of flood risk, drainage and water supply.

1.116 In view of the above, it is considered that the proposals are acceptable with respect to matters of flood risk and drainage subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

## LAND CONTAMINATION

1.117 The application is accompanied by a Phase 1 and 2 Geo-Environmental Site Assessment. The Council's Engineers have been consulted and have not raised any concerns with respect to land contamination however, whilst some information has been provided, the Council's Engineers note that this has identified that the final ground gas regime will be confirmed following the completion of the ground gas monitoring programme and that an elevated level of lead contamination exists in the area of Plot 2, believed to be an isolated hotspot, the extent of which will require confirmation. To provide the opportunity for these matters to be concluded, the

Council's Engineers have requested a standard residential contaminated land condition, and this is recommended accordingly.

1.118 The application is therefore considered to be acceptable in this respect, subject to the identified condition, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

## OTHER PLANNING MATTERS

### *Public Rights of Way*

1.119 The Council's Countryside Access Officer has advised that Public Footpath No.8, Greatham Parish runs between the two outlined areas of proposed development and continues along the western boundary of the main area of this development application. At no time can the public footpath and public access to this footpath be obstructed, should the development be approved, by any elements of development, including equipment, materials, vehicles or machinery. If the developer should require periods of time to temporarily close any of the said footpath, they are required to first contact the Council's Countryside Access Officer to discuss these requests and apply for any such temporary closure and/or diversion to them. An informative note to make the applicant aware of this advice is therefore recommended.

### *Heritage Assets and Archaeology*

1.120 The Council's Heritage and Countryside Manager has confirmed the site is outside the boundary of the conservation area and does not impact on any listed or locally listed buildings. Tees Archaeology has also advised that the site is beyond the historic core of Greatham and excavations in close proximity have indicated the area is of low potential, as highlighted in the accompanying Desk Based Assessment. There are therefore no further archaeological requirements for this site. In view of the above the application is considered to be acceptable with respect to the impact on heritage assets and archaeology.

### *Waste Management*

1.121 All of the properties feature direct access to rear garden areas (from the front) and ample space to the rear for the storage of bins. The Council's Waste Management section has been consulted and has confirmed that they have no concerns with the proposed development. The application is therefore considered to be acceptable in this respect.

### *Crime & Fear of Crime*

1.122 Objections have been received from Greatham Parish Council citing concerns that Secured by Design principles have not been considered, in particular with respect to the layout of plots 17 and 18. Objections from neighbours have also raised concerns that better lighting is needed.

1.123 Cleveland Police have been consulted and have raised no concerns with respect to the proposals or the general layout of the scheme in relation to crime prevention and community safety, subject to appropriate landscaping, physical security measures to rear garden gates/fences and accessible doors and windows, and appropriate lighting. This advice will be appended to any decision notice as an informative note, should the application be recommended for approval. Subject to the abovementioned informative, the application is considered to be acceptable in this respect.

1.124 Whilst it is noted that the rear boundaries of plots 17 and 18 are somewhat open as these sit adjacent to open amenity space and do not back on to existing rear gardens at Saltaire Terrace, as per the other plots, and Cleveland Police has recommended higher rear boundary enclosures to the rear of plots 17 and 18, it is considered that lower boundary fencing to these properties improves natural surveillance of the open space and footpath adjacent whilst maintaining an adequate amount of privacy and security for future occupants of these plots. Furthermore, and in view of Cleveland Police advice, the applicant has amended the proposed landscaping to provide defensive planting on the external side of the rear boundary fences of these plots, to improve security.

1.125 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, including no objections or comments from HBC Community Safety, 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 Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

### *Health & Safety*

1.126 The Cleveland Emergency Planning Unit, Office for Nuclear Regulation (ONR) and the Health & Safety Executive (HSE) have all been consulted on the application and have confirmed that they have no concerns with respect to matters of health & safety, in the context of the hazardous installations and major accident hazards pipelines to the south of the Borough. The application is considered to be acceptable in this respect.

## OTHER MATTERS

### *Temporary Construction Compound*

1.127 Objections have been received from neighbours highlighting that the proposed temporary construction compound to serve the proposed development (and that has been referenced in this application) has already been sited, without planning permission, and therefore is unauthorised. However, as set out above, whilst it is noted that the site of the proposed compound is currently already occupied by a construction compound, this is being used to serve the development to the north east (Station Road). Again, whilst the land for the construction compound is incorporated into this application, it is noted that separate planning permission is not required for; *“the provision on land of buildings, moveable structures, works, plant or*

*machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”* (provided planning permission is granted for those operations), by virtue of the provisions of Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Planning permission is therefore not required for the current compound on site by virtue of the abovementioned legislation, as planning permission has been granted for the adjacent development (ref: H/2019/0139), and the compound is currently serving this development. It is understood that the same compound will thereafter be used to serve this development site, should planning permission be granted, and the site of the compound has therefore been included in this submission for clarity and completeness.

#### *Loss of Access to Rear of Properties on Saltaire Terrace*

1.128 Objections from neighbours have highlighted that the application site currently provides access to the rear gardens of the existing properties to the east on Saltaire Terrace, and have objected on the grounds that this access will be lost should the proposed development go ahead. It is noted however that the land is currently Council owned, and therefore access across the land is a civil/legal matter between the objectors and the land owner (the Council) and this is not within the remit of this planning application and therefore is not a consideration in the determination of this planning application.

#### *Fire Safety & Access*

1.129 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note is recommended to make the applicant aware of this advice, however these are principally Building Regulations matters and therefore this will be dealt with through the Building Regulations process accordingly.

#### *Utilities*

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

1.131 No comments or objections have been received by National Grid or Northern Powergrid.

### *Network Rail*

1.132 Network Rail has confirmed that they have no observations to make with respect to the application, in the context of the rail line and level crossing south of the village.

### *Pre-application Consultation*

1.133 Objections from neighbours and from the Hartlepool Rural Neighbourhood Plan Group and Greatham Parish Council have commented that pre-application discussions and consultations with the Parish Council and the local community were inadequate.

1.134 It is understood that the applicant held a number of pre-application meetings with Greatham Parish Council and also held a pre-application consultation event in the village. Notwithstanding this, whilst engagement with the local community and all relevant stakeholders prior to proceeding with a planning application is considered good practice (in line with the Council's Statement of Community Involvement), there is no legislative requirement for the applicant to do so for this type of application, and this is therefore not a material planning consideration in the determination of this planning application.

### *Impact on Wellbeing and Quality of Life*

1.135 Objections from neighbours have raised concerns that the proposals will have an impact on the wellbeing and quality of life of existing residents. Concerns are also raised with respect to the 'loss of views'.

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

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

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

*Third party request for potential SoS 'call in'*

1.139 The LPA has received communication from the national Planning Casework Unit (PCU) on behalf of the Secretary of State for Housing, Communities and Local Government, who have advised that they have received a third party request for them to 'call in' the planning application in the event that the council are minded to approve the application. The Government guidance states that "the Secretary of State for Housing, Communities and Local Government has the power to take over ('call in') planning applications rather than letting the local authority decide. The Secretary of State will normally only do this if the application conflicts with national policy in important ways, or is nationally significant".

1.140 As such, following the committee meeting outcome on this application, the PCU will need to be updated on the council's decision and thereafter await outcome of their deliberations before being able to issue a decision.

*Other Non-material Objections*

1.141 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 or they are subject to separate legislative control), namely;

- Air pollution / vehicle emissions from future occupiers
- No need for additional houses
- Impact on property prices

**PLANNING BALANCE & OVERALL CONCLUSION**

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

**EQUALITY AND DIVERSITY CONSIDERATIONS**

1.143 There is no evidence of equality or diversity implications.

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

1.144 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.

1.145 There are no Section 17 implications.

## REASON FOR DECISION

1.146 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 planning obligations/developer financial contributions towards green infrastructure (£4,500); built sport (£4,500); play facilities (£4,500); playing pitches (£4199.22); tennis courts (£1026.36); bowling greens (£89.46); and HRA ecological financial mitigation (£6,300.00) for indirect adverse impacts on SPA feature birds through recreational disturbance; and subject to the following conditions;

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

(00)100 Rev C (SITE LOCATION PLAN),  
(00)330 Rev A (PROPOSED FENCING TYPES AND DETAILS),  
(00)410 Rev F (PROPOSED HOUSE TYPE B1 – GA PLANS AND ELEVATIONS),  
(00)430 Rev F (PROPOSED 2 BED HOUSE TYPE – GA PLANS AND ELEVATIONS),  
(00)440 Rev F (PROPOSED 3 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – RENDER),  
(00)450 Rev F (PROPOSED 3 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – BRICK),  
(00)460 Rev F (PROPOSED 4 BED HOUSE TYPE – GA PLANS AND ELEVATIONS – RENDER),  
(00)480 Rev C (PROPOSED STREET ELEVATION),  
AIA TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated),  
AMS TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated)  
received 20<sup>th</sup> December 2019 by the Local Planning Authority;

(00)300 Rev H (PROPOSED SITE PLAN)  
received 10<sup>th</sup> January 2020 by the Local Planning Authority;

N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan)  
received 11<sup>th</sup> March 2020 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and



treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. The scheme shall also include a timetable for the removal of the temporary construction compound. Thereafter the development shall be carried out in accordance with the agreed scheme.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

4. Notwithstanding the submitted information, no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved 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. With regard to the 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, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

5. Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

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

## 5. Long Term Monitoring and Maintenance

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

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

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

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

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

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

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. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

8. Prior to the commencement of works above ground level on site, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the dwellinghouses.

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

9. Prior to commencement of works above ground level on site, a scheme for the provision, long term maintenance and management of all landscaping within the site, including the enhancement of the adjoining open space to the north-west of the dwellings hereby approved, shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be implemented in accordance with the following plans and details; N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan) received 11<sup>th</sup> March 2020 by the Local Planning Authority, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting,

seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 170 of the NPPF.

10. Notwithstanding the provisions of condition 9 and prior to the first occupation of the dwellings hereby approved, final details for the enhancement of the adjoining open space and timetable for implementation, shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be provided in general conformity with the details shown on plan N930-ONE-ZZ-XX-DR-L-0201 revision P06 (Detailed Planting Plan) received 11<sup>th</sup> March 2020 by the Local Planning Authority, and shall include details of the siting and design of the proposed football goalposts and benches. The enhancement works shall thereafter be carried out in accordance with the agreed scheme and timetable. 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 provide appropriate enhancement of the adjoining open space to mitigate the loss of amenity open space in accordance with the provisions of policy NE2 of the Hartlepool Local Plan 2018.

11. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, 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.

12. Prior to the commencement of works above ground level on site, details of a minimum of 18no. bat and/or bird mitigation features in the form of nesting bricks/tiles/boxes, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the mitigation features have been installed. The roosting bricks/tiles/boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter. To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 170 of the NPPF.
13. 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. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or

workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

14. No part of the development shall be occupied until a scheme for the provision of electric vehicle charging apparatus to serve the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details, prior to the occupation of the dwellings.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

15. The development hereby approved shall be carried out in accordance with the details provided within the submitted Sustainability Statement and Energy Statement (dated December 2019) received by the Local Planning Authority on 20<sup>th</sup> December 2019. Prior to the occupation of the dwellings, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

16. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Impact Assessment and Arboricultural Method Statement, and plans AIA TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) and AMS TPP Revision A (Retained Trees Shown On Proposed Layout With Protective Measures Indicated) received 20th December 2019 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

17. Notwithstanding the submitted information, final details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.

18. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be converted, externally altered or 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 and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
21. The dwellings hereby approved shall be used as C3 dwellinghouses 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.  
For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

## BACKGROUND PAPERS

1.147 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135938>

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.

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<p><b>HARTLEPOOL</b></p> <p><b>BOROUGH COUNCIL</b></p>		<p>DRAWN</p> <p><b>GS</b></p>	<p>DATE</p> <p><b>05/03/20</b></p>
		<p>SCALE</p> <p><b>1:1000</b></p>	
<p><b>Regeneration and Neighbourhoods</b></p> <p>Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY</p>		<p>DRG.NO</p> <p><b>H/2019/0527</b></p>	<p>REV</p>





**No:** 2.  
**Number:** H/2019/0515  
**Applicant:** MRS D HAMMOND NEWLANDS AVENUE  
 HARTLEPOOL TS26 9NU  
**Agent:** CMF PLANNING AND DESIGN LTD MR CHRISTOPHER  
 FISH OLD WEST END GARAGE BOWES BARNARD  
 CASTLE DL12 9LW  
**Date valid:** 12/12/2019  
**Development:** Erection of a single storey extension to the side and rear  
 (resubmitted application)  
**Location:** 36A CLIFTON AVENUE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The application was deferred at the previous meeting of 03/03/2020 to allow Members to undertake a site visit as part of the assessment of the application. The application was due to be considered at the committee meeting of 18/03/2020, however this meeting was cancelled in light of the government's advice on the Covid-19 situation.

2.3 Clarification has also been provided on the dimensions of the proposal in the 'Proposal' section of the report below. No other section of the report has materially changed since the previous version that was published for the committee meeting on 03.03.2020.

2.4 The following application is considered relevant to the current application.

2.5 H/2019/0211 – planning permission was refused for the previous application for the erection of a single storey extension to the side and rear, on 26<sup>th</sup> July 2019 under delegated powers for the following reason:

*In the opinion of the Local Planning Authority, the proposed single storey extension to the side and rear would cause less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset of the locally listed building, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified heritage assets. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3, HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196, 197 and 200 of the National Planning Policy Framework 2019.*

## PROPOSAL

2.6 The re-submitted planning application seeks permission for the demolition of existing garage and erection of a single storey extension to the side and rear of No 36A Clifton Avenue. The proposed extension would measure approximately 10.9 metres in length (approx. 11.2m including the roof and eaves) by approximately 5 metres in width (taking the cumulative width of the property at the rear/side of the host property to approximately 9.6 metres as the proposal would tie into the existing single storey off-shoot at the rear of the host property). The proposal would project approximately 1.9 metres beyond the main side elevation of the existing property (excluding its bay window – the proposal would project approximately 1.1m beyond the bay window).

2.7 The proposed roof design would consist of a predominantly flat roof (with roof lights) with a hipped perimeter. The roof would have a maximum height of approximately 3.4 metres to the ridge (approximately 3.6m at its highest point at the rear), reducing to approximately 2.4 metres at the eaves height. The extension would be finished using render (off-white) with red brick detail to the walls and matching finishing materials for the roof tile, doors and windows. As part of the proposals, the set of French doors in the existing rear elevation would be replaced with opening doors (to match those to be inserted in the rear elevation of the proposed extension).

2.8 The proposal includes alterations to the boundary treatment with timber fencing (approximately 1.6m - 1.9m in height) proposed to the front and side of 36A Clifton Avenue (to form aside yard with access to the rear garden beyond). In addition, the proposal includes a timber terrace/decking area to the rear and side of the proposed extension with a height of approximately 0.3 metres above ground level, with a railing with an approximate 1 metre height.

2.9 The application is referred to the planning committee at the request of the Chair of Planning Committee in line with the Council's Scheme of Delegation.

## SITE CONTEXT

2.10 The application site relates to a substantial two-storey (with living accommodation in the roof space) detached Victorian property on the northern side of Clifton Avenue, the property is subdivided into two flats; this application relates to the ground floor flat (with associated rear garden). The majority of the properties in the street are positioned forward on the plot with relatively small front gardens but substantial rear gardens. The property has a part two-storey, part single storey offshoot to the rear, as is a characteristic of properties in the area.

2.11 The host property is a Locally Listed Building within the Grange Conservation Area, characterised by large Victorian properties, though Clifton Avenue has a prevailing sense of character through the use of materials and some unifying features, there are a variety of designs and styles of property throughout the street, reflecting its gradual development by individual plot owners.

2.12 To the east is a detached garage beyond which is the residential property of No. 32 Clifton Avenue and to the west is No. 38 Clifton Avenue. Nos. 39 and 41 Hutton Avenue are to the north of the site and the site is bounded by the public highway of Clifton Avenue to the south with the further residential properties of Nos. 1 Eltringham Road & 31 Clifton Avenue beyond.

## PUBLICITY

2.13 The application has been advertised by way of neighbour letters (7 in total). To date, there have been two representations received. One representation has raised concerns regarding the siting of a vent through the boundary wall between 36A and 32 Clifton Avenue.

2.14 A second representation has raised a number of concerns regarding the impact of the proposed extension during both construction and any resultant impacts. The concerns raised can be summarised as follows:

- Several long lengths of supporting wall would be removed which could affect the structural integrity of the flat above. Some sections currently support a single storey, while others support two storeys. The small pillars of the original wall will have extra force on them.
- The proposals raise concerns over drainage (provision and maintenance) in particular for the flat above (No 36)
- The proposed chimney seems to stop on a level with the window of the upstairs flat raising concerns over smoke/fumes.
- The applicant's supporting information 'discredits' the Local Listing criteria
- The new fence and gate would have the same visual impact as the current garage and fence. Views will be obscured, contrary to statements in the accompanying Heritage Statement.
- Restrictions should be imposed on hours of construction
- The correct land ownership certificates/notices have not been served as part of the planning process

2.15 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135799>

2.16 The period for publicity has expired.

## CONSULTATIONS

2.17 The following consultation replies have been received:

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

**HBC Flood Risk Officer:** In response to your consultation on the above application I have no objection to proposals in respect of contaminated land or surface water management. Please can you include our standard unexpected contamination condition on any permission granted for proposals.

**HBC Heritage and Countryside Manager:** This is a resubmission of an application refused in July 2019. The application site is located in the Grange Conservation Area, a designated heritage asset and is identified as a locally listed building which is considered to be 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.

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.'

Policy HE3 of the Local Plan states that, 'Proposals for demolition within Conservation Area will be carefully assessed' with demolition only permitted if it can be demonstrated that it would help conserve and/or enhance the character, appearance and significance of the area, and it's condition is beyond reasonable repair or removal is necessary to deliver a public benefit.

The NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF). Further to this Policy HE5 of the Local Plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

The application site is located in the Grange Conservation Area. It 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 conservation area appraisal notes that, 'it is the rhythm of repeated plot sizes along the streets which generates a distinctive regular grain to the area, even where the buildings on each plot differ.' 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.

The significance of the Grange Conservation Area is derived from the aesthetic value in the architectural detail found on individually designed buildings and their wider plots which combine to form the area. In addition there is historic value resulting from the way in which the area has developed and its links to the development of industry in the town.

The significance of the locally listed building originates from the architectural detail of the property and in particular the number of original features which are retained including windows, doors and railings.

The proposal is identical to the previous application in that it is the demolition of a garage to the side of the property and the erection of a single storey extension to the side and rear of the building.

There is no objection to the demolition of the existing garage structure.

With regard to the extension, there is already an off shoot to the rear of the property, constructed as part of the original building, which features an original bay window and two sashes. It is acknowledged that at a later date alterations have been made including the insertion of a UPVC window and French doors, along with the partial covering of the wall with pebble dash. Despite these changes the property as a whole remains remarkably intact when considering the exterior detailing.

The proposal comprises an addition to the existing off shoot which would project past the original line of the house. In front of this it is proposed to build a fence which will partly screen the proposal leaving the roof visible.

The extension would bring the rear of the property into view when standing in Clifton Avenue, and whilst only partially seen it would disrupt the rhythm of the plots and the street scene. It is accepted that this will predominantly be when directly viewing the house, rather than more widely in the street, however it is nonetheless the case, it will be visible.

In addition it is also noted that although only glimpsed from a distance, given the light tree coverage at this time of year, it is possible to identify the rear of the property from Hutton Avenue, therefore there is the potential for the proposal to be viewed from this area as well.

Information provided in the heritage statement notes that elsewhere in the conservation area there are examples of properties where this has already occurred. Apart from the proposal highlighted at 28 Clifton Avenue all of the other works were carried out prior to the conservation area being designated in 2004. This aside the presence of other alterations cannot be considered to be a justification for development elsewhere which cause harm to the area. Predominantly extensions or offshoots are found to the rear of buildings and few cover the whole of the back elevation and extend beyond the existing building line within this area.

Whilst the new information submitted in the Heritage Statement is noted it is considered that the proposed works would be out of character in the Grange Conservation Area. It is considered that the proposal will cause less than substantial

harm to the designated heritage asset (NPPF, 196) and the non-designated heritage asset (NPPF, 197).

### UPDATE

The Heritage and Countryside Manager verbally advised that there would be no objections to a 1.6 metre high (approx.) fence to the front and side.

**HBC Public Protection:** No comments received.

### **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:

SUS1: The Presumption in Favour of Sustainable Development;  
LS1: Locational Strategy;  
HE1: Heritage Assets;  
HE3: Conservation Areas;  
HE5: Locally Listed Buildings and Structures;  
HSG11: Extensions and alterations to Existing Dwellings;  
QP3: Location, Accessibility, Highway Safety and Parking;  
QP4: Layout and Design of Development; and  
QP6: Technical Matters.

#### 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 124: Achieving well-designed places;  
 PARA 127: Achieving well-designed places;  
 PARA 130: Achieving well-designed places;  
 PARA 185: Conserving and enhancing the historic environment;  
 PARA 190: Proposals affecting heritage assets;  
 PARA 192: Proposals affecting heritage assets;  
 PARA 193: Considering potential impacts;  
 PARA 196: Considering potential impacts;  
 PARA 197: Considering potential impacts;  
 PARA 200: Considering potential impacts.

#### HBC Planning Policy comments:

2.21 With regards to the proposed extension, great weight must be given to the fact that the building is locally listed, thus making it a heritage asset. This gives it a strong level of protection in both local and national policy. Within the Local Plan, policy HE5 relates specifically to locally listed buildings and stipulates that particular regard will be given to;

- The historic or architectural importance of the building,
- Features which contribute significantly to the character of the building,
- Their contribution to the appearance of the locality,
- Their scarcity value to the Borough,
- The scale, nature and importance of the proposed redevelopment which should clearly demonstrate how it would conserve or enhance the site or setting of other buildings nearby.

Alongside this, consideration must be given to the Grange Conservation Area, and policy HE3's criteria against which development within these conservation areas will be assessed;

- The scale and nature of the development in terms of appropriateness to the character of the particular conservation area;
- The design, height, orientation, massing, means of enclosure, materials, finishes and decoration to ensure development is sympathetic to and/or complementary to the character and appearance of the conservation area;
- The retention of features of special architectural interest such as walls, gateway entrances and architectural details.

The Grange Conservation Area has its own set of specific characteristics, and the extension is expected to be in conformance with these and ensure the character of the area is not negatively impacted upon.



Within national policy, the NPPF has specific paragraphs which should be considered and adhered to during the decision making process. Particularly, when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation and that any harm to or loss of the significance of a designated heritage asset should require justification. The comments of the Heritage and Countryside manager will specify whether they deem the development acceptable with regard to the heritage considerations specific to the local area.

## **PLANNING CONSIDERATIONS**

2.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling and street scene (including impact upon conservation area and locally listed building), the impact on the amenity and privacy of neighbouring land users and highway safety and parking provision. These and any other planning and non-planning related matters are set out below.

### **IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND THE SURROUNDING AREA (INCLUDING IMPACT UPON CONSERVATION AREA AND LOCALLY LISTED BUILDING)**

2.23 The application site is located in the Grange Conservation Area, a designated heritage asset and is identified as a locally listed building which is considered to be a non-designated heritage asset.

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

2.25 Further to this at a local level, Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. In addition, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

2.26 Policy HE3 furthers the above by stating that, 'Proposals for demolition within Conservation Area will be carefully assessed' with demolition only permitted if it can be demonstrated that it would help conserve and/or enhance the character, appearance and significance of the area, and it's condition is beyond reasonable repair or removal is necessary to deliver a public benefit.

2.27 The NPPF looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197, NPPF).

2.28 Further to this Policy HE5 of the Hartlepool Local Plan (2018) states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

2.29 The application is within 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 conservation area appraisal notes that, 'it is the rhythm of repeated plot sizes along the streets which generates a distinctive regular grain to the area, even where the buildings on each plot differ.' 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.

2.30 It is considered that the significance of the Grange Conservation Area is derived from the aesthetic value in the architectural detail found on individually designed buildings and their wider plots which combine to form the area. In addition, it is considered that there is historic value resulting from the way in which the area has developed and its links to the development of industry in the town.

2.31 Furthermore, it is considered the significant of the locally listed building originates from the architectural detail of the property and in particular the number of original features which are retained including windows, doors and railings.

2.32 The main difference to the previously refused application (H/2019/0211) relates to the applicant's submission of a more detailed Heritage Statement which the applicant has provided in order to seek to justify the proposal and seek to address the previously refused application (H/2019/0211). The applicant's Heritage Statement advises that the proposals would "remain subservient" to the main dwelling and the "limited projection" to the side would be "more than compensated for by the removal of existing modern timber garage and by the screening proposed in the form of a new fence and boundary treatment to the yard area". The applicant's supporting Heritage Statement also indicates that the proposal should be considered in the context of other examples of infill development in the area. The applicant's Heritage Statement concludes that the proposal is "a significant improvement to the heritage asset" and "better expresses the host building and allows longer views through the site to the rear garden".

2.33 In response to the submitted details including consideration of the applicant's Heritage Statement, the Council's Heritage and Countryside Manager has commented that the proposed demolition of the existing garage structure and erection of fencing would be acceptable in principle, subject to final details of the height (there is a slight discrepancy in the submitted plans) and materials of the

fence being agreed by a planning condition, had the application been considered acceptable in respect of all planning matters.

2.34 However as the proposal comprises an extension which would project past the original building line (side elevation) of the property, the Heritage and Countryside Manager considers that such works would be out of character in the Grange Conservation Area where extensions, are found to the rear of buildings, but few cover the whole of the back elevation. Furthermore, the Heritage and Countryside Manager considers that the proposal would bring the rear of the property into view when standing in Clifton Avenue, and whilst only partially seen due to the relationship with the existing building, it is considered that the proposal would disrupt the rhythm of the plots and the street scene. It was also noted by both the case officer and the Heritage and Countryside Manager during the site visit that the rear of the application site could be partially viewed from the main street scene of Hutton Avenue to the rear.

2.35 In view of the above, the Council's Heritage and Countryside Manager maintains the view that the proposal would result in less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset locally listed building as a result of the design, scale and siting of the proposed extension.

2.36 It is acknowledged that paragraph 196 of the NPPF (2019) states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. As part of the applicant's submission, no details of any identified and clear public benefits have been provided that would outweigh the LPA's identified harm (and as required by the NPPF).

2.37 It must be stressed that the threshold for public benefits to outweigh any harm identified on a heritage asset is a high one. Ultimately, the proposal would result in the enlargement of a private property. As such, it is considered that the applicant has failed to satisfactorily demonstrate that the resultant identified harm on the heritage asset would be outweighed by any real or identified public benefits of the proposal.

2.38 Furthermore and with respect to the applicant's reference (in their Heritage Statement) to other infill extensions in the area, each application should be considered on their own individual merits. Furthermore, the Council's Heritage and Countryside Manager has commented that the presence of other alterations cannot be considered to be a justification for development elsewhere which cause harm to the area. Predominantly, extensions or offshoots are found to the rear of buildings and few cover the whole of the back elevation and extend beyond the existing building line within this area.

2.39 The current application is a resubmission of the proposal previously refused (in July 2019) with no notable amendments. Officers have offered potential solutions to the applicant in order to make the development acceptable, primarily by reducing the width of the proposed extension to the original building line/main side elevation of the

property (a reduction in width of approximately 1.9 metres). However, the applicant is unwilling to amend the plans and has not offered an alternative solution.

2.40 Without such required amendments, and taking the above matters into account, it is considered the proposal would result in less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset locally listed building as a result of the design, scale and siting of the proposed extension. The proposal is therefore contrary to policies HE1, HE3 HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196, 197 and 200 of the National Planning Policy Framework 2019. This would therefore warrant refusal of the application in this instance.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

### Impact on property to the west (No. 38 Clifton Avenue)

2.41 The boundary with the neighbour at No. 38 Clifton Avenue would be approximately 2 metres from the proposal, with the main side elevation of No. 38 being approximately 7.5 metres to the west of the proposed extension at the nearest point, with the provision of the new boundary treatment running along the boundary with this neighbour. In view of this distance and the north facing orientation of the properties, it is considered that the above mentioned separation distance would prevent any adverse impact in terms of loss of light or overbearing appearance. The proposed extension is single storey and therefore the windows in the side elevation of the extension would be of a similar arrangement to the existing fenestration, albeit closer to the neighbouring property to the west, while the intervening boundary wall and proposed fence would prevent any direct views into the neighbouring property's windows. In light of this, it is considered that due to the separation distance mentioned above and the screening provided, the proposal would not have a significant adverse impact upon the residential amenity or privacy of the occupiers of No. 38 Clifton Avenue in relation to overshadowing, loss of outlook, overbearing impression or overlooking.

### Impact on property to the east (No. 32 Clifton Avenue)

2.42 There would be a remaining separation distance of approximately 5 metres to the boundary and approximately 15 metres to the nearest part of the neighbouring property at 32 Clifton Avenue to the east, with the main two storey off-shoot serving the host property between. It is also noted that there is a detached garage present between the host property and No. 32. It is considered due to the separation distance mentioned above and the screening provided by the off-shoot to the rear of the host property, that the proposal would not have a significantly adverse impact upon the residential amenity or privacy of the occupiers of No. 32 Clifton Avenue in relation to overshadowing, loss of outlook, overbearing or overlooking (as a result of there being no direct views achievable to the main dwelling of the neighbour at No. 32 or its main amenity garden space).

Impact on existing upper floor flat (No. 36 Clifton Avenue)

2.43 It is acknowledged that No. 36 Clifton Avenue is the flat to the 1<sup>st</sup> floor of the application site (36A Clifton Avenue). An objection has been received raising a number of concerns, as summarised in the publicity section of this report above.

2.44 Due to single storey scale and layout of the proposed development in relation to the windows serving the upper floor flat, it is considered that the proposal would not have a significant adverse impact upon the residential amenity of the occupiers of No. 36 Clifton Avenue in relation to overshadowing, loss of outlook and overbearing. Given the single storey nature of the proposal and in respect of the siting of first floor windows in the rear of the building serving No 36, it is considered the proposal would not give rise to any adverse overlooking toward residents of the flat above (No. 36). Furthermore, it is acknowledged the proposed extension includes roof lights however, it is considered that there would be no direct views from the proposed extension to any window of No. 36 Clifton Avenue. Therefore it is considered the impact upon the privacy of No. 36 Clifton Avenue would be limited and therefore acceptable in this instance.

2.45 It is acknowledged that the proposed chimney would be approximately 1.9 metres from the nearest upper floor window of 36 Clifton Avenue but would not project appreciably above the lowest part of the window in question. The Council's Public Protection section have not offered any objections or comments. In this instance, taking the above into account including the modest scale of the proposed chimney, it is considered that this element of the proposal would not give rise to any adverse impacts on the amenity of the residents above the host property at No. 36. Any resultant issues such as odours and fumes would need to be considered through separate legislation.

Impact on properties to the north (No's 39 & 41 Hutton Avenue)

2.46 No's 39 & 41 Hutton Avenue are approximately 55 metres to the north of the proposed development at the nearest point (No. 39 to the single storey rear/side extension). It is noted that this would be comply with the required 20 metre separation distance (principal to principal elevation) of Policy QP4 of the Local Plan. It is considered due to the separation distance mentioned above and partial screening provided by the existing boundary treatment to the rear (which consists of brick walling to a maximum height of approximately 1.8 metres and intermittent bushes and trees and is to remain) the proposal would not have a significantly adverse impact upon the residential amenity and privacy of these properties in relation to loss of light or outlook, overshadowing or overlooking.

Impact on properties to the south (No. 1 Eltringham Road & 31 Clifton Avenue)

2.47 No. 1 Eltringham Road & No. 31 Clifton Avenue are approximately 32 metres to the south of the proposed development at the nearest point (No. 1 Eltringham Road to the single storey rear/side extension). It is noted that this would be comply with the required 20 metre separation distance (principal to principal elevation) of Policy QP4 of the Local Plan. It is considered due to the separation distance mentioned above

across the public highway of Clifton Avenue and partial screening provided by the existing building, the proposal would not have a significantly adverse impact upon the residential amenity and privacy of these properties in relation to loss of light or outlook, overshadowing or overlooking.

#### Impact of other proposed elements

2.48 The proposed development includes a timber terrace/decking area to the rear and side of the proposed extension that would be approximately 0.3 metres above ground level, and contained by a railing fence with an approximate height of 1 metre. As noted above, given the height of the proposed timber terrace/decking area, it is acknowledged that this element of the proposal could hypothetically, be constructed under permitted development. Any resultant impact of such development therefore represents a “fall-back” position of what could be done without any further planning permission and the Council must have regard to it when considering this application.

2.49 In view of the above, the modest scale and design of this element, and existing boundary treatment comprising a wall to all sides of the rear garden with a maximum height of approximately 1.8 metres, and the remaining separation distances to the adjacent properties to include the adjacent neighbours at the east and west (32 and 38 Clifton Avenue) and those to the rear (north) as well as the relationship to the first floor flat (36) it is considered that this element of the proposal would not result in an adverse loss of amenity and privacy for surrounding properties as to warrant a refusal of the application.

2.50 It is noted that the proposal includes timber fencing of approximately 1.6m - 1.9m in height to the side of 36A Clifton Avenue, to enclose the side yard/ rear garden. The proposed fencing would be a similar height as the existing boundary walling to the western boundary of the site and would be set back from the public highway to the south by approximately 11 metres. Taking the above into account and remaining distances/relationship to neighbouring properties it is considered that this element of the proposal would not result in an adverse loss of amenity and privacy for surrounding properties.

#### HIGHWAYS SAFETY AND PARKING PROVISION

2.51 It is acknowledged that the proposed development includes the demolition of the existing garage. The hardstanding to the front of the host property would remain. The Council's Traffic and Transport team were consulted on the proposal and have not raised any objections to the application. The proposal is therefore considered to be acceptable in this respect.

#### OTHER PLANNING MATTERS

2.52 The Council's Flood Risk Officer has been consulted with respect to the proposal and has offered no objections in terms of flood risk, resulting from the development. Final details of drainage (foul and surface water) would need to be considered through the Building Regulations process.

2.53 The Council's Flood Risk Officer has further advised that the applicant should be made aware of the need to comply with the legal requirement to stop works in the instance that any contaminated land is found. This could have been secured via a planning condition, had the application been considered acceptable in all regards.

## OTHER MATTERS

2.54 The objection received raises concerns over working hours and states they should be restricted. In this instance, given the domestic scale and nature of the proposal, it is not considered appropriate to limit construction hours (had the scheme been considered acceptable in all other respects). Any resultant issues of noise disturbance would need to be considered through relevant separate legislation.

2.55 With respect to concerns over property damage and maintenance of drains, these would be civil matters.

2.56 The neighbour has also questioned whether the correct land ownership certificate/notice had been sent to the wrong address. It is understood that this matter has been addressed. Notwithstanding this, the neighbour has been consulted as part of the planning process and is clearly aware of the application. Thereafter, any further matters of ownership and rights of access would be civil matters.

2.57 It is acknowledged that a representation has been received from the adjacent neighbour to the east, at No. 32 Clifton Avenue, which makes reference to the installation of a vent on the eastern wall (of the host property). The submitted plans do not indicate such provision and therefore no weight can be given to this objection.

## OVERALL CONCLUSION

2.58 Having regard for the above policies identified within the Hartlepool Local Plan (May 2018) and relevant paragraphs of the NPPF (2019), it is considered the proposed single storey extension to the side and rear would cause less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset of the locally listed building, by virtue of this design, scale and siting. It is considered that the proposed works detract from the character and appearance of the designated heritage asset and the non-designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is therefore considered the proposal should be recommended for refusal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.59 There is no evidence of equality or diversity implications.

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

2.60 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.

2.61 There are no Section 17 implications.

### REASON FOR DECISION

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

**RECOMMENDATION – REFUSE**, for the following reason:

1. In the opinion of the Local Planning Authority, the proposed single storey extension to the side and rear would cause less than substantial harm to the designated heritage asset of Grange Conservation Area and the non-designated heritage asset of the locally listed building, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified heritage assets. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3, HE5 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196, 197 and 200 of the National Planning Policy Framework 2019.

### BACKGROUND PAPERS

2.63 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=135799>

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.

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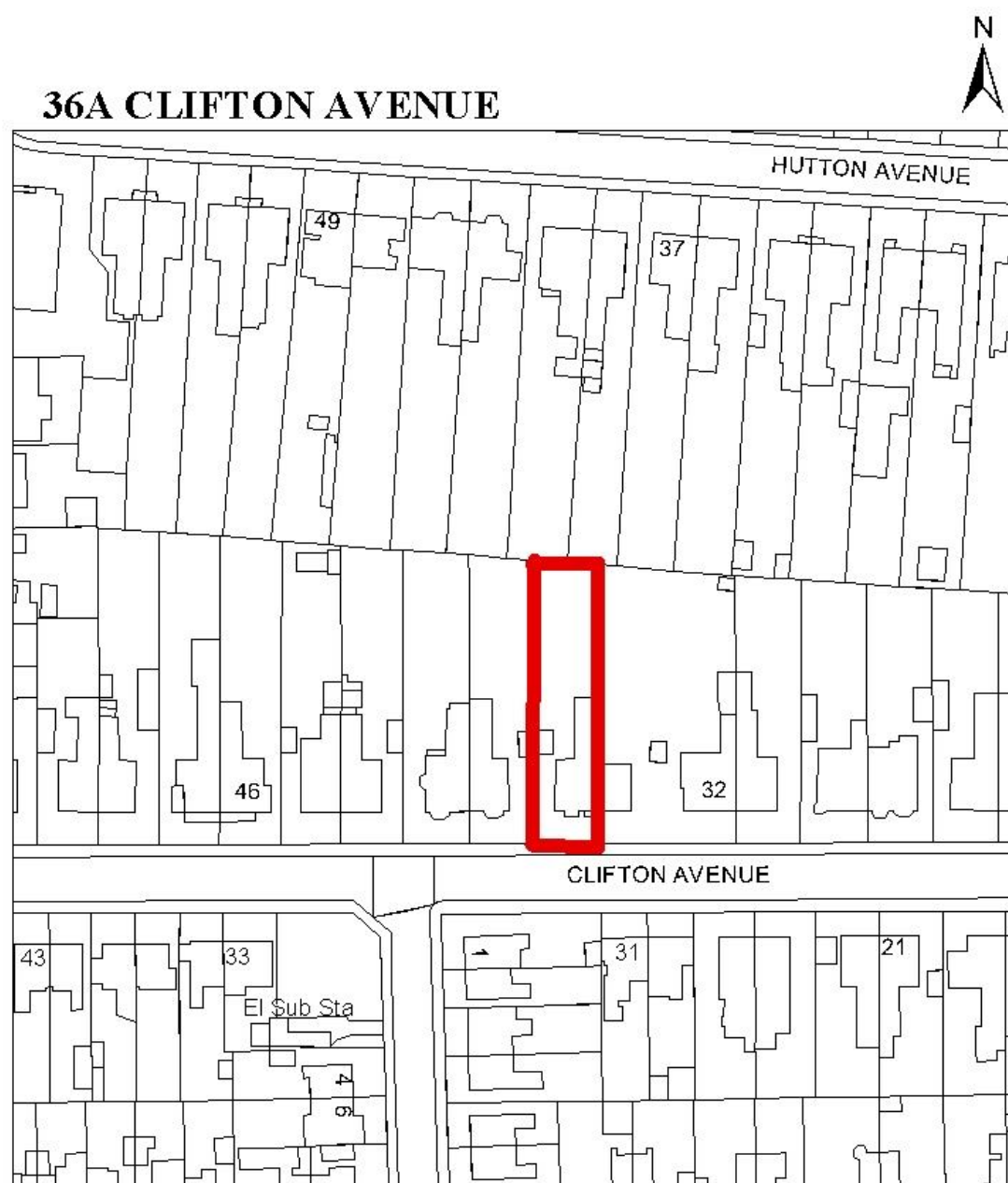


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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>17/02/2020</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0515</b>	REV



**No:** 3.  
**Number:** H/2019/0193  
**Applicant:** MR S BROWN CONISCLIFFE ROAD HARTLEPOOL  
 TS26 0BS  
**Agent:** ASP ASSOCIATES 8 GRANGE ROAD HARTLEPOOL  
 TS26 8JA  
**Date valid:** 30/10/2019  
**Development:** Installation of 2 no. french doors with balconies at first  
 floor to the rear, erection of detached summerhouse and  
 timber garden canopy/gazebo to rear, and erection of  
 boundary fence to front (retrospective application)  
**Location:** 1 CONISCLIFFE ROAD HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 The application was deferred at the previous meeting of 03/03/2020 to allow Members to undertake a site visit as part of the assessment of the application. The application was due to be determined in the committee meeting of 18.03.2020, however this meeting was cancelled in light of the government's advice on the Covid-19 situation. Clarification is also provided in paragraph 3.7 in respect of the total height of the timber canopy/gazebo (as Members were verbally updated on the meeting of 03.03.20).

3.3 The following planning application at the site is considered relevant:

H/1975/0275 – Extension to the kitchen at the rear of the house. Approved 17<sup>th</sup> June 1975.

H/2010/0555 – Erection of a two storey extension to side to form kitchen, utility, family room and bedrooms. Approved 16<sup>th</sup> November 2010.

H/2011/0442 – Erection of a two storey extension at the front to provide hall with bedroom over and a single storey extension to the side to provide lobby. Approved 3<sup>rd</sup> November 2011.

H/2012/0153 – Non Material Amendment to planning application H/2011/0442 for the erection of a two storey extension at the front to provide hall with bedroom over and a single storey extension to the side to provide lobby in order to provide canopy to the front and side of the property, alterations to windows and doors. Approved 23<sup>rd</sup> December 2012.

## PROPOSAL

3.4 This application seeks permission for the installation of 2no. French doors with balconies at first floor to the rear, erection of detached summerhouse and timber garden canopy/gazebo to the rear, and the erection of a boundary fence to the front of No 1 Coniscliffe Road. Apart from the boundary fence to the front, the works are all retrospective.

3.5 The upper floor balconies include one on the western side elevation (within the rear garden), to serve a guest bedroom, and one on the main rear (southern) elevation to serve an en-suite of a bedroom. The upper floor balcony to serve the guest bedroom measures approximately 1.8 metres in width x 0.5 metres in depth and is accessed via glass French doors, and includes a barrier/balustrade with an approximate height of 0.5 metres along all three sides. The upper floor balcony on the main rear elevation (to serve the en-suite bathroom) measures approximately 2.75 metres in width x 1.8 metres in depth and is accessed via obscurely glazed French doors, with a barrier/balustrade approximately 0.5 metres in height on all three sides.

3.6 The detached summerhouse is a hexagon shape and measures approximately 4.75 metres at its longest length (eastern) x approximately 3.25 metres in width. The summer house is rendered in cream to match the existing dwelling and includes glazed French doors in its main (western) elevation, and windows in the north-west, south-west and south elevations. The summer house features a hipped roof design, with a total height of approximately 4 metres, dropping to approximately 2.2 metres at eaves level.

3.7 The timber garden canopy/gazebo is situated on the south western corner of the rear garden. It comprises a symmetrical structure measuring approximately 2.5 metres in width x 2.5 metres in length, and features a chamfer on one side measuring approximately 1.8 metres. The garden canopy/gazebo is open on the 3 sides facing the host property's garden, and enclosed on the sides on the western and southern boundaries. The total height of the garden canopy is approximately 3.1m (including the decking), dropping to approximately 2.3 metres at the eaves.

3.8 The proposed timber fence to the front boundary (north) would be close boarded with an approximate height of 2 metres, and would be sited in place of the existing boundary wall on the front boundary of the host property.

3.9 It was noted by the case officer during the site visit that the retrospective works include a section of timber trellis affixed to the main boundary to the south. As this is over 2 metres in height, it would require planning permission in its own right. However, the applicant has not included this element as part of the proposals comprising the current application. It was also noted by the case officer during the site visit that additional outbuildings (a shed and a further gazebo) were sited in the rear garden of the host property, which are not considered to require planning permission.

3.10 The application has been referred to the planning committee due to the retrospective nature of the works, in line with the Council's Scheme of Delegation.

## SITE CONTEXT

3.11 The application site comprises a detached two storey dwellinghouse in a residential street at 1 Coniscliffe Road, Hartlepool. The host dwellinghouse sits within a generous plot, which is generally a characteristic of the area, and is bounded to the east (side) by 1A Coniscliffe Road and to the west (side) by 3 Coniscliffe Road. To the south (rear), the site is bounded by 26 Egerton Road. To the north (front), the site is bounded by adopted highway on Coniscliffe Road, with 2 and 4 Coniscliffe Road beyond. Boundary treatments to the rear comprises fencing with an approximate height of 1.8 metres on all sides, with some additional mature landscaping, with the southern boundary including a hedge with an approximate height of 3 metres.

## PUBLICITY

3.12 The application has been advertised by way of neighbour letters (8) and notification to ward councillors. To date, there have been two representations from members of the public, including one neighbour objection.

3.13 The concerns raised are:

- Privacy concerns since views are achievable directly into windows of neighbouring properties
- Summer house is too close to the boundary with neighbour
- Timber canopy/gazebo is 3.3m high and is overbearing, and “an eyesore” when viewed from the rear of neighbouring property

3.14 One letter of support was also received, stating that the retrospective works had been in place for more than 4 years.

3.15 Background papers can be viewed by the ‘attachments’ on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=131618>

3.16 The period for publicity has expired.

## CONSULTATIONS

3.17 The following consultation replies have been received:

**HBC Public Protection:** No objections.

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

**HBC Flood Risk Officer:** No objection in terms of flood risk or contaminated land.

**HBC Arboricultural Officer:** There are some conifer trees in the neighbouring garden but are unlikely to be affected by the Summerhouse which is only a lightly loaded structure and would not require deep foundations. No trees are otherwise affected. No objection.

## PLANNING POLICY

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

### Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4: Layout and Design of Development

HSG11: Extensions and alterations to Existing Dwellings

### National Policy

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

PARA 007: Purpose of the planning system

PARA 011: Presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications in accordance with the development plan

PARA 054: Can unacceptable development be made acceptable

PARA 055: Planning conditions

PARA 056: Planning obligations

PARA 124: High quality buildings and places

PARA 127: Design principles

## PLANNING CONSIDERATIONS

3.21 The main issues for consideration in this instance are the appropriateness of the proposed amendments in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposals on the host dwelling and visual amenity of the application site and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users, the impact on flood risk and highway and pedestrian safety. These and any other planning and residual matters are considered in detail below.

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

3.22 As noted above, the host dwelling is a detached two storey dwelling which benefits from a distinguishing L-shape, located on a substantial plot. The host dwelling is set back from the adopted highway by approximately 10 metres (to the main front elevation). The rear garden of the host dwellinghouse measures approximately 20 metres in length at its longest side (western), and approximately 9 metres from its shortest side (eastern), by virtue of the shape, and is enclosed by various high timber fences (approx. 1.8 metre high) with significant planting along the southern and eastern boundaries.

3.23 The surrounding area is distinguished by a variety of house designs. It is a consideration that some of these properties have benefited from additions or alterations to the properties, which are considered to be generally modest in scale and form and to retain much of the space beyond the buildings to the site boundaries.

3.24 Owing to the unique shape of the main dwelling, with its gap in the building line at the front, it is considered that there would be direct views achievable of the upper floor balcony serving the guest bedroom on the western elevation of the rear from the front of the property. Notwithstanding, the current trees at the front boundary, with a height in excess of 5 metres (approx.) serve to partially screen views of this property, including the upper floor balcony on the western side at the rear. In terms of scale, the balcony remains relatively modest and as such, it is considered that had it been acceptable in all respects, it would not have had a significant detrimental impact on the street scene or visual amenity of the surrounding area.

3.25 It is considered that the upper floor balcony on the rear serving the en-suite bathroom, the detached summer house and the detached garden canopy/gazebo would not give rise to any concerns on the visual amenity of the host dwelling or street scene, given that they would be primarily obscured by the orientation of the main dwelling itself.

3.26 The existing boundary treatment to the front of the host property includes a brick wall with an approximate height of 1.8 metres and features curved entrance to the property's driveway. It is acknowledged that a mixture of boundary treatments, including close boarded timber fences, are present to the front of properties along Coniscliffe Road, albeit many of the fence examples appear to be historical



situations whilst the majority of such examples (a number of which feature bow top or a more ornate fence design as opposed to the 2m high fence design proposed) are found further along Coniscliffe Road and towards the northern side of the road (the application site being to the south). Furthermore, a number of the properties on the southern side of the street and within immediate vicinity of the application site feature more appropriate designs in the front boundary treatments which typically comprise a low level wall topped with a hedge, a brick wall or a fence interspersed with brick pillars and are reflective of the character of the area.

3.27 Whilst the host dwelling is a more modern property, it is disappointing to note that the application seeks to remove the existing boundary wall which features a curved wall entrance to the property's driveway (albeit it is not fully understood if this curved entrance feature is to be retained with the wall). It is considered overall that as a result of the design, scale and siting of the proposed fencing that the proposal would represent a poor form of development to the detriment of the visual amenity and character of the surrounding area. The proposal is therefore considered to be contrary to the provisions of Local Plan Policies HSG11 and QP4 and the general provisions of the NPPF which 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". As such, it is considered that this would therefore warrant a reason for refusal of the application.

3.28 In view of the above, it is considered on balance that the proposed fence element of the scheme is not acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 124 and 127 of the National Planning Policy Framework (NPPF) (2019).

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

### Impact on No. 3 Coniscliffe Road, to the west

#### *Balconies*

3.29 With respect to the impact on the privacy of neighbouring land users to the west, the upper floor balcony on the southern elevation of the main rear of the host property serving the en-suite bathroom of the main bedroom is closest to the neighbour at No. 3, being a distance of approximately 2.5 metres to the boundary and approximately 3.5 metres from the flat roof of the single storey extension serving the neighbour at No. 3, with a distance of approximately 9 metres to the main side elevation of the two storey dwelling at 3 Coniscliffe Road. It was noted by the case officer during the site visit that the side elevation of the neighbour (at No. 3) facing the host property includes a window in the upper floor, which is understood to serve a bedroom. It is considered that the balcony provides clear and direct views into windows serving habitable rooms at the rear of the neighbour at 3 Coniscliffe Road (including the above mentioned bedroom window, being a separation distance of approximately 9 metres), as well as direct views into the entire rear garden of this neighbour but in particular the immediate garden area serving the property.

3.30 It is noted that the balcony on the western elevation at the rear of the host property faces onto this neighbour to the west at No. 3 Coniscliffe Road, being a distance of approximately 15 metres to the boundary with this neighbour. It is considered that considerable overlooking of the rear garden and the rear elevation of this neighbour (No. 3) is possible as a result of this balcony at the host property.

3.31 Whilst it is acknowledged that a letter of support has been received in respect of the proposal from the current occupants of No. 3 Coniscliffe Road, paragraph 127 of the NPPF requires that planning decisions ensure a high standard of amenity for existing and future users. Therefore, owing to impacts identified above, it is considered that this element of the proposal (two balconies on the rear elevations) constitutes a significant adverse impact on the privacy of this neighbour in terms of direct overlooking and a perception of overlooking, and this impact could not be mitigated in this instance.

3.32 Notwithstanding the above, in terms of the impact on the amenity of neighbouring land users to the west, it is considered that the two balconies on the upper floor of the rear elevations at the host property are of a scale that would not result in any adverse impacts on the amenity of the neighbour at No. 3 in terms of overshadowing, loss of outlook or overbearing.

#### *Detached summer house*

3.33 It is acknowledged that the detached summer house is sited away from the boundary with the neighbour at No. 3, being a distance of approximately 19 metres from the boundary and approximately 24 metres to the nearest rear elevation of this neighbour. On balance, it is considered that the detached summer house, being modest in scale, does not give rise to any significant concerns of overshadowing, overbearing or loss of outlook for residents of No. 3, and therefore does not result in an adverse impact on the amenity of this neighbour. Whilst there are windows in the summer house with an aspect toward this neighbour, it is considered that owing to the separation distances which meet the provisions of policy QP4 of the Hartlepool Local Plan (2018), and sufficient boundary treatments, that this element does not result in any adverse impact on the privacy of No. 3 in terms of overlooking.

#### *Garden canopy/gazebo*

3.34 The erected garden canopy/gazebo at the rear of the host property is sited along the western boundary with the neighbour at No. 3, being approximately 15 metres south of its rear elevation. Under householder permitted development rights, an outbuilding with a maximum height of 2.5 metres is permissible without the need for planning permission. This is the 'fall-back position'. Taking into account the relatively modest scale of the proposal that features a roof that pitches away from the boundary, with a maximum height of approximately 3.1m sloping down to the eaves of approximately 2.3 metres, and in view of the 'fall back' position, it is considered that the garden canopy/gazebo does not, on balance, result in a significant adverse loss of amenity in terms of loss of outlook, overbearing and overshadowing for No. 3.

3.35 The structure is open on its elevations that face into the host garden. Owing to the boundary treatment comprising a fence with an approximate height of 1.8 metres, as well as separation distances that accord with policy QP4 of the Local Plan, it is considered there would be concerns regarding adverse overlooking on No. 3 as a result of this element.

#### *Boundary fence to the front*

3.36 It is acknowledged that the proposed boundary fence to the front of the property would project toward the boundary with this neighbour (3 Coniscliffe Road). Owing to the siting of the boundary fence and remaining separation distance to the front of No 3, it is considered, on balance, that this element would not result in any adverse impacts on the amenity or privacy of No. 3 in terms of overshadowing, overbearing, loss of outlook or overlooking.

#### Impact on neighbours to the south (including 24-28 (evens) Egerton Road)

##### *Balconies*

3.37 It is acknowledged that a neighbour objection has been received from a property to the rear in respect of this installed balcony, raising concerns over a loss of privacy.

3.38 With respect to the first floor balcony serving the guest bedroom on the side elevation at the rear, this is located approximately 10 metres from the shared boundary with 26 Egerton Road and the immediate garden area of this neighbour, with approximately 22 metres to its rear elevation. There are separation distances of approximately 28 metres to the rear of No. 24 and approximately 45 metres to the rear of No. 28 from the proposed upper floor balconies at the rear of the host property.

3.39 Whilst it is noted that the rear garden of the neighbour at 26 Egerton Road is currently screened on its northern side (bordering the host property) by heavy planting/tree cover, and during the case officer's site visit it was considered difficult to achieve views from this balcony into the garden of No. 26 Egerton Road, it is of consideration that should this planting be removed in future (due to it not being formally protected nor being entirely contained within the garden of the host property), then the balcony would allow clear views into this neighbour's garden and rear windows (which serve habitable rooms) and would likely have a detrimental impact on the privacy of the occupiers of this neighbouring property in terms of overlooking and perception of overlooking. Furthermore, it is considered that adverse overlooking into the rear garden of adjoining properties to the rear at Nos 24 and 28 Egerton Road could also be achievable should this landscaping be removed.

3.40 There is a distance of approximately 20 metres between the first floor balcony serving the en-suite on the rear elevation of the host property and the boundary with No. 26 Egerton Road and approximately 29 metres from the balcony to the main rear elevation of this neighbour with separation distances of approximately 35 metres to the rear of No. 24 and approximately 42 metres to the rear of No. 28 from the proposed upper floor balconies at the rear of the host property.

3.41 Whilst it is acknowledged that these separation distances between the upper floor balcony on the rear of the host property (serving the en-suite) is such that it accords with policy QP4 of the Local Plan and therefore would not adversely impact upon the amenity of the neighbour at No. 26 Egerton Road in terms of overbearing, overshadowing or loss of outlook, it is considered that in light of the above reasoning, the boundary treatment without its guaranteed permanence would not be sufficient to safeguard against direct views achievable toward habitable room windows and the immediate rear garden area of 26 Egerton Road for existing and future occupiers. In light of this, it is considered that the upper floor balconies at the host property constitute an unsatisfactory form of development as they result in adverse impacts on the privacy of these neighbours (24, 26 and 28 Egerton Road) in terms of overlooking and perception of overlooking.

3.42 In terms of amenity, the separation distances, boundary treatments and scale of the upper floor balconies are such that they are not considered to result in adverse impacts on the amenity of the neighbours to the rear (24, 26 and 28 Egerton Road) in terms of overshadowing, overbearing or loss of outlook.

#### *Detached summer house*

3.43 There is separation distance of approximately 2 metres to the boundary and approximately 11 metres to the rear elevation of the closest neighbour at the rear of the site, namely 26 Egerton Road, and approximately 15 metres to the neighbour at No. 24 Egerton Road and the retrospective detached summer house. Whilst it is acknowledged that the height of the summer house is such that it has the potential to result in a degree of overshadowing, loss of outlook and an overbearing impression for windows in the rear elevation of the neighbour directly to the rear (primarily 26 Egerton Road) as well as the immediate garden area serving this property and that of the neighbour at 24 Egerton Road, consideration is also given to the proposal being set off from the boundary resulting in a splayed angle from the proposal to the adjacent boundary (as detailed above), and that it would feature a hipped roof design that pitches away from the boundary and would further assist in reducing the massing of the proposal.

3.44 Consideration is given to the existing relationship and relatively limited outlook of the ground floor windows in the rear of No. 26 Egerton Road. On balance, it is considered that the identified impacts on the amenity of neighbours to the rear (24, 26 and 28 Egerton Road) (above) are not so significant in this instance as to warrant a further reason for refusal of the application.

3.45 Whilst there is a window in the southern elevation, owing to the boundary treatments in place which comprise substantial hedges with a height of approximately 4 metres, as well as the modest scale and orientation of the proposed summer house, it is considered there would not be any adverse impact on the amenity or privacy of neighbouring properties to the rear (including 24, 26 and 28 Egerton Road) in terms of overshadowing, loss of outlook, overbearing, or overlooking.

*Garden canopy/gazebo*

3.46 The garden canopy/gazebo is sited on the southern boundary with neighbours at 26 and 28 Egerton Road, with a separation distance of approximately 8.5 metres to the rear of No. 26 and approximately 22.5 metres to the rear of 28 Egerton Road. In light of the boundary treatment which comprises a fence and landscaping/hedging with a height of a minimum of approximately 1.8 metres, along with the modest scale of the proposal with its maximum height approximately 30cm above the 'fall-back position' detailed above, the open sides facing onto the host property's own rear garden, it is considered, on balance, that this element does not result in an adverse impact on the amenity or privacy of neighbouring land users to the rear (south) including 24-28 (evens) Egerton Road, in terms of overshadowing, overbearing, loss of outlook or overlooking.

Impact on 1A Coniscliffe Road, to the east

3.47 The relationship between the host property and its garden space and that of the neighbour at 1A Coniscliffe Road is such that the orientation and positioning of the host property itself primarily obscures views from all elements of the development at the rear and therefore it is considered these balconies do not give rise to adverse impacts on the amenity or privacy of No. 1A in terms of overshadowing, loss of outlook, overbearing or overlooking.

3.48 In terms of the proposed fence at the front, it is noted that the existing boundary treatment in place at the host property is already of a substantial height, and it is therefore not considered this would result in any adverse impacts on the amenity or privacy of 1A Coniscliffe Road in terms of overshadowing, outlook, overbearing or overlooking.

Impact on neighbours to the front, including 2 and 4 Coniscliffe Road (north)

3.49 It is considered that adequate separation distances and boundary treatments are in place between the neighbours to the front including 2 and 4 Coniscliffe Road and the retrospective and proposed works at the host property, the front of which being located approximately 32 metres to the front of the closest neighbour to the front (4 Coniscliffe Road at the nearest point, with the main highway between). Furthermore, it is considered that the host dwelling itself is positioned so as to primarily obscure views of the developments toward the neighbouring properties to the front (north) at Nos. 2 and 4 Coniscliffe Road. It is therefore considered that are such the developments would not result in any adverse impacts on the amenity of 2 and 4 Coniscliffe Road or other properties to the front of the host property in terms of overbearing, overshadowing, loss of outlook and overlooking.

*Boundary fence to the front*

3.50 It is acknowledged that the proposed boundary fence to the front of the property would project toward the boundary with this neighbour (No. 1A). Owing to the siting of the boundary fence and remaining separation distance to the front of 1A it is considered, on balance, that this element would not result in any adverse impacts on

the amenity or privacy of No. 1A in terms of overshadowing, overbearing, loss of outlook or overlooking.

## FLOOD RISK

3.51 The application site is sited within a Flood Zone 2, according to the Environment Agency's Flood Map for Planning. The Council's Flood Risk Officer has been consulted in respect of the proposal and has confirmed that there are no objections in respect of flooding or contaminated land with any element of the proposed development. The proposals are considered to be acceptable in this regard.

## HIGHWAY & PEDESTRIAN SAFETY

3.52 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 development is therefore considered to be acceptable in these regards.

## OTHER PLANNING MATTERS

3.53 The Council's Arboricultural Officer has been consulted with respect to the proposal and has confirmed that there are no concerns with regard to any protected trees at the site. The application is considered acceptable in this regard.

3.54 HBC Public Protection have been consulted with respect to the proposal and have confirmed that there are no concerns with regard to any potential adverse disturbance including noise disturbance at the application site. The application is considered acceptable in this regard.

## CONCLUSION

3.55 For the reasons set out in the report, it is considered that the detached summer house and garden canopy/gazebo are considered acceptable in that they do not have a significant detrimental impact on visual amenity and neighbour amenity and privacy and are otherwise acceptable in all other respects. However, the retrospective 2no. balconies to the rear of the host property are not considered acceptable in respect of the impact on the privacy of neighbouring properties, and the installation of a boundary fence at the front is not considered acceptable in respect of visual amenity, which is contrary to the provisions of policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and provisions of the paragraphs 124 and 127 of the NPPF (2019). It is therefore recommended that the application be refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.56 There is no evidence of equality or diversity implications.

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

3.57 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.

3.58 There are no Section 17 implications.

## **REASON FOR DECISION**

3.59 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 design, scale and siting of the 2no. first floor rear balconies, the balconies result in an unsatisfactory form of development that result in a detrimental impact on the privacy of existing and future occupiers at No. 3 Coniscliffe Road (west) and No's. 24, 26 and 28 Egerton Road (south), through issues of overlooking and a perception of overlooking, contrary to paragraph 127 of the NPPF (2019), policy QP4 and HGS11 of the Hartlepool Local Plan (2018) and the adopted Hartlepool Residential Design SPD (2019).
2. In the opinion of the Local Planning Authority the proposed 2m high boundary fence to the front, by virtue of its scale, design and prominent location, would result in a detrimental impact on the character and appearance of the area, contrary to Local Plan Policies HSG11 and QP4, and the general provisions of the NPPF.

## **BACKGROUND PAPERS**

3.60 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=131618>

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.

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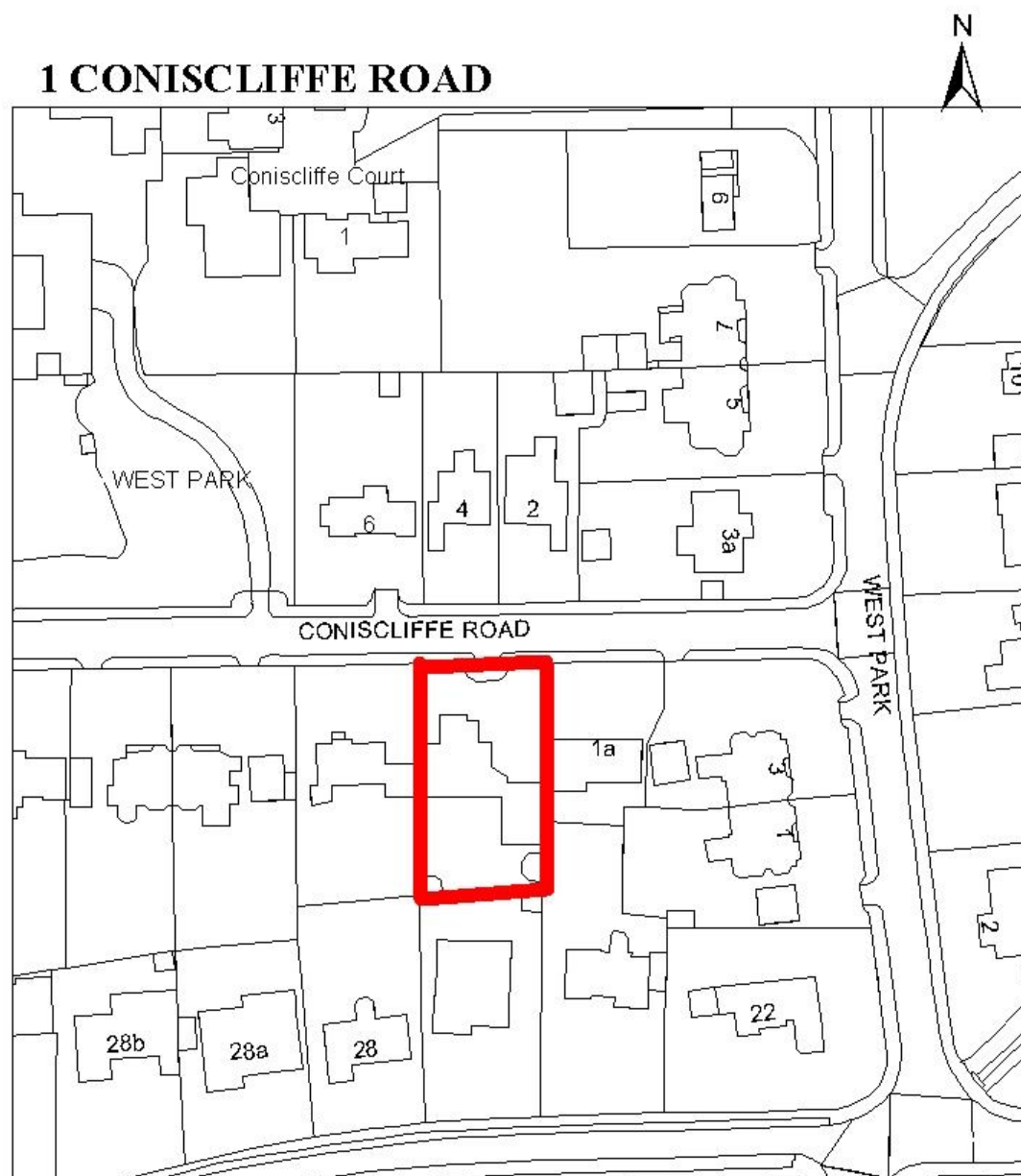
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>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/2019/0193</b>	REV

**No:** 4.  
**Number:** H/2019/0467  
**Applicant:** MR M CROSBY ELWICK ROAD HARTLEPOOL TS26 0DL  
**Agent:** MGH DESIGN MR MICHAEL HENDERSON 18 WESTGARTH GROVE SHOTTON COLLIERY DURHAM DH6 2YB  
**Date valid:** 19/11/2019  
**Development:** Erection of a two storey extension to the side and a single storey extension at the rear  
**Location:** KINROSS ELWICK ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 The application was deferred at the previous meeting of 03/03/2020 to allow Members to undertake a site visit as part of the assessment of the application. The application was due to be considered at the committee meeting of 18/03/2020, however this meeting was cancelled in light of the government's advice on the Covid-19 situation.

## PROPOSAL

4.3 This application seeks planning permission for the demolition of the existing single storey extensions on the side (northern) and rear, the erection of a two storey extension on the side (northern) and a single storey extension on the rear of Kinross, Elwick Road. The proposed two storey extension would primarily be situated on the footprint of the existing single storey extension on the side of the host property, and therefore would project approximately 3.6 metres from the existing northern elevation of the main dwelling x approximately 8.3 metres in length. The proposal features a dual pitched roof with a total ridge height of approximately 9.2 metres, dropping to approximately 7.7 metres at the eaves.

4.4 The proposed single storey extension on the rear would project from the existing main rear elevation of the host property by approximately 2.9 metres x approximately 5.9 metres in width, and would partly replace the existing single storey garden extension on the property. The proposed single storey extension on the rear would feature a dual hipped roof with a ridge height of approximately 4.1 metres, dropping to approximately 2.5 metres at eaves level.

4.5 The proposal would include a window in the ground floor and a window in the first floor in the western side elevation, with no windows or doors proposed in the

rear elevation (north) or the eastern side elevation of the proposed two storey extension to the side. Bi-fold doors would be positioned in the rear elevation of the single storey extension to the rear. The proposal indicates that the external brickwork would be painted to match the existing dwelling (detailed above). The proposal would facilitate a kitchen, utility and w.c. at ground floor level and an additional (third) bedroom and bathroom at first floor.

4.6 The application was referred to the planning committee at the request of the Chair of the Planning Committee in line with the Council's Scheme of Delegation.

## **SITE CONTEXT**

4.7 This application site relates to a two storey detached property on the eastern side of Elwick Road, in Hartlepool. The property in its present state includes two main storeys, and single storey flat roof extension on the side (northern), topped with a railing. The host property also includes a single storey garden room extension on the rear, with a raised platform and stepped access to the rear garden. The property benefits from a large plot with a large garden to the rear and a small garden and driveway to the front, as is a characteristic of the street. The property is bounded by Holmewood, Elwick Road to the south, by 263, 261a, 261 and 259 Park Road to the north, and 2 and 4 Queensberry Road to the east/rear. To the west lies the main highway of Elwick Road, beyond which is Greentyles, Elwick Road. Boundary treatments comprise a fence with an approximate height of 1.8 metres along the northern side, a fence and mature landscaping with a height of approximately 2 metres to 3.5 metres at the rear, and a fence with an approximate height of 2 metres.

## **PUBLICITY**

4.8 The application has been publicised by way of eight neighbour notification letters, along with the local ward members. Following the expiry of the consultation period, 3 representations offering no objections to the proposal have been received.

4.9 The period for publicity has expired.

4.10 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134859>

## **CONSULTATIONS**

4.11 The following consultation responses were received in respect of the application:

### **HBC Ecology: 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.

The site is in an area that supports bats, which would benefit from the availability of artificial roost bricks.

#### Condition

The dwellings should be built with one integral bat roost brick. The bat brick should be installed at a minimum height of 4m, preferably in the gable end (house or garage). It can be built into the wall as a brick or fitted into the ridge of the roof.

**HBC Traffic and Transport:** For a 3 bedroom property 2 off street parking spaces should be provided, the applicant should demonstrate that 2 vehicles can be accommodated.

#### UPDATE (following receipt of clarification from the applicant regarding car parking)

I can confirm that I have no objections to this application.

### **PLANNING POLICY**

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

#### Local Policy

1.13 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 to Existing Dwellings

#### National Policy

1.14 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 007: Purpose of the planning system  
PARA 011: Presumption in favour of sustainable development  
PARA 017: Core planning principles  
PARA 038: Decision-making  
PARA 047: Determining applications  
PARA 124: High quality buildings and places

## **PLANNING CONSIDERATIONS**

4.15 As identified in Section 38(6) of the Planning and Compulsory Purchase Act (2004) the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

4.16 The main issues for consideration when assessing this application are 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. These, and any other matters are detailed below.

### **IMPACT ON CHARACTER AND APPEARANCE OF EXISTING PROPERTY & SURROUNDING AREA**

4.17 As noted above, the host dwelling is a detached property containing two storeys. The dwelling is generally representative of other properties in this section of the street, in terms of its character and scale. As noted above, it is a consideration that the property itself sits within an expansive plot, with a large garden and boundary treatments including mature landscaping around all sides (including the front).

4.18 It is acknowledged that the proposed two storey side extension would be sited on the side of the property, and that it would be readily visible from the main highway to the front (west). Notwithstanding this, it is a consideration that there are varying designs of properties in the wider street scene and the proposal would not appear out of character in comparison with other properties in the vicinity. Furthermore the proposed extension would be of a design, scale and width that is considered to be sympathetic to the design and proportions of the existing dwelling and the application site as a whole (notwithstanding concerns regarding the impact on adjoining properties as set out below). Further consideration is given to the dual pitched/hipped roof to the front of the proposal that would reflect the existing roof detail on its southern side, albeit it would remain subservient to the main architectural features of the existing property (the existing projecting element to the south being larger in scale). Furthermore, the two storey extension to the side of the host property would use matching materials and fenestration that would result in a sympathetic design.

4.19 Finally, whilst the proposal would not feature a set back, in view of the above consideration and the existing and retained relationship to the nearest property to the north, it is considered that the proposal would not result in a terracing effect nor would it result in a significant incongruous feature within the street scene. As such

and in design terms there would be no requirement for a set back in this instance and is considered to comply with Policy HSG11 in respect.

4.20 The proposed single storey extension to the rear is considered to be of a design and scale that respects the proportions of the host dwelling and the application site as a whole. Furthermore, the proposal would be located to the rear with limited views from the wider street scene.

4.21 Overall, in view of the reasons detailed above, the proposals are considered to be acceptable in that it would safeguard the character and appearance of the existing property and visual amenity of the surrounding area and to be in accordance with the provisions of HSG11 and QP4 and paragraph 130 of the National Planning Policy Framework (2019).

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.22 Policy QP4 and Policy HSG11 of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should not significantly affect the amenity or privacy of the occupiers of adjacent/adjoining or nearby properties.

##### Impact on 263 Park Road, to the north

4.23 To the side/north of the application site there is a distance of approximately 1.5 metres from the proposed two storey extension at the host property and the boundary with the adjacent neighbour to the north at 263 Park Road, and a distance of approximately 8 metres to the rear elevation of this neighbour (at its closest point). It was observed by the case officer during the site visit that the ground levels were such that the rear/side elevation of the host property was higher than the rear elevation of the neighbour at 263 Park Road. The existing boundary treatment comprises a fence and shrubbery with an approximate height of 2 metres, which runs along the northern boundary with this neighbour at No. 263, with a shed in the garden of No. 263 Park Road. It was noted on site by the case officer that No. 263 Park Road features windows in both the ground floor and first floor rear elevations (south) of this property; the officer has confirmed with the occupier of No. 263 Park Road on site that the main ground floor bay window in the rear/south elevation serves a dining room (whilst it was observed that an internal set of glazed doors connect the dining room to a living room, which in turn is served by a bay window in the front/west elevation, the dining room is not directly served by any other windows and therefore any other sources of natural light and outlook). In addition, a second ground floor window in the rear/south elevation serves a utility room. The 2no. first floor windows in the rear/south elevation were confirmed as serving a bedroom and a bathroom.

##### *Two storey extension to the side*

4.24 Policy HSG11 of the Hartlepool Local Plan (2018) requires that proposals for extensions on residential properties do not significantly affect the amenities of the occupiers of neighbouring properties. Policy QP4 requires that proposals do not negatively impact upon the relationship with neighbouring land users and their amenity by way of general disturbance, and specifies that a minimum distance of 10

metres is required to safeguard privacy. Additionally, the Council's Residential Design Guide Supplementary Planning Document (2019) requires that development appropriately safeguards daylight and sunlight (overshadowing, overbearing and outlook), privacy (overlooking) and amenity space considerations. In the context of the current proposal, the SPD requires such proposals to provide and maintain separation distances of at least 10m from habitable rooms (in this instance the single dining room bay window to the rear of No 263) to a non-habitable room and/or gable end (in this instance the side/north elevation of the proposed two storey side extension).

4.25 It is noted that the design and layout of the existing host dwelling is such that the nearest first floor element of the host property is set away from the adjacent boundary to the north by approximately 5m. As a result of the proposed two storey side extension, the scheme would result in an expanse of two storey extension measuring a total of approximately 8.3 metres along the entire side of the host property and approximately 3.4 metres closer to the ground floor rear elevation of the neighbour at 263 Park Road; the resulting separation distance would be approximately 8 metres (with a remaining distance of approximately 12m between the side elevation of the proposed two storey element and the bedroom window (habitable room) and bathroom window (non-habitable room) in the main first floor rear/south elevation of No 263). This distance (approx. 8m) between the proposed two storey extension and the dining room window in the ground floor rear elevation of this neighbour would therefore not meet the minimum separation distances specified in Policy QP4 of the Hartlepool Local Plan (2018) or the Residential Design Guide SPD (2019).

4.26 As a result, it is considered that the proposed extension would result in a significant unacceptable impact on the amenity of existing and future occupiers of No. 263 Park Road in terms of overshadowing, loss of outlook and creating an overbearing impression to the habitable room windows identified in the rear elevation of 263 Park Road (in particular the ground floor dining room window) as well as the immediate amenity area/garden serving this property. The proposal is therefore considered to be contrary to Policies HSG11 and QP4, the Residential Design Guide SPD (2019) and the provisions of paragraph 127 of the NPPF which requires that planning decisions ensure a high standard of amenity for existing and future users

4.27 In terms of privacy, there are two windows proposed in the side elevation of the proposed extension, one at ground floor and one at first floor level, which have an aspect toward 263 Park Road. However, as noted, the boundary treatment is such that it is considered to prevent any direct views being achievable toward the rear of the neighbour at 263 Park Drive or its rear garden space from the ground floor window of the proposal. The first floor window proposed is indicated to be obscurely glazed, and had the application been acceptable in all respects, this could have been secured via an appropriate planning condition. It is further considered that no direct views would be achievable from the windows in the front/west and rear/east elevations of the proposal towards the rear elevation of No 263 Park Road. In light of the above, it is considered that the proposal would not result in an adverse loss of privacy for this property in terms of overlooking.

*Single storey extension to the rear*

4.28 The proposed single storey extension to the rear would project along the boundary with the neighbour to the side at 263 Park Road at a distance of approximately 1 metre from the boundary and approximately 8 metres from the ground floor rear elevation of the neighbour at the closest point. Although it is acknowledged that the separation distance would not meet the requirements of policy QP4 of the Hartlepool Local Plan (2018), it is considered that the proposed extension would be modest in scale (with a total height of approximately 4.2 metres that pitches away from the boundary), and would not therefore give rise to any adverse impacts on the amenity of No. 263 Park Road, in terms of overshadowing, outlook or overbearing to warrant a refusal of the application.

4.29 The proposed single storey extension to the rear would not contain any windows in the northern side elevation with an aspect toward the neighbour at No. 263 Park Road and it is considered that there would be no direct views achievable between the windows and doors in the rear elevation/east of the proposal towards the rear elevation of No 263 Park Road taking into account the orientation and existing boundary treatment. It is therefore considered that there would not be any adverse overlooking on the neighbour at 263 Park Road as a result of this element of the proposal.

4.30 Overall and in view of the above considerations, whilst the proposed single storey rear element is considered to be acceptable. However it is considered that the proposed two storey extension to the side would result in a significant adverse impact on the amenity of existing and future occupiers of the neighbouring property at 263 Park Road in terms of loss of outlook, overbearing and overshadowing to habitable room windows and amenity areas, which would be so significant in this instance as to warrant refusal of the application.

Impact on 261A, 261 and 259 Park Road, to the north east

4.31 The existing boundary treatment comprises a fence and shrubbery with an approximate height of 2 metres, which runs along the northern boundary with these neighbours at 261A, 261 and 259 Park Road, with additional outbuildings in the gardens.

*Two storey extension to the side*

4.32 As noted above, policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and the Council's Residential Design Guide SPD requires that development appropriately safeguards daylight and sunlight, privacy and amenity space considerations. It was noted by the case officer that there are windows in the rear of the neighbour at No. 261A Park Road at both upper and ground floor levels, the nearest of which would be approximately 11 metres and at an oblique angle from the proposed two storey extension on the side of the host property. Although it is acknowledged that the proposed two storey extension would project closer to the boundary with this neighbour at the upper floor level (than the existing single storey extension), taking into account the remaining separation distance (approximately 11 metres at its closest point) and taking into account the hipped roof that would pitch



away from the adjacent boundary, it is considered that the proposed extension would not result in an unacceptable loss of amenity for occupiers of the neighbouring property and the neighbouring properties beyond (261, 259) in terms of overshadowing, loss of outlook and overbearing impression as to warrant refusal of the application in its own right.

4.33 In terms of privacy, the proposed two storey extension to the side includes a window in the first floor rear elevation/east. There would be a separation distance of approximately 5 metres from this window to the rear garden space serving 261A Park Road and a distance of approximately 11 metres to the rear elevation of this neighbour. This has the potential to result in an adverse impact on the privacy of this neighbour (261A) as a result of direct views being achievable toward windows in the rear of 261A Park Road and its rear garden space. Had the proposal been acceptable in all respects it is considered that a planning condition would have been necessary to safeguard the adverse impact on privacy identified for residents of 261A Park Road. Subject to this and taking into account the remaining separation distance to the properties beyond (261, 259), it is considered that the two storey element of the proposal would not result in an adverse loss of privacy for neighbours to the side/rear (including 261A, 261 and 259 Park Road) in terms of overlooking.

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

4.34 The proposed single storey extension to the rear would project toward the boundary with the neighbour to the side/rear at 261A Park Road at a distance of approximately 2.5 metres from the boundary and approximately 8 metres from the rear of this neighbour. Although it is acknowledged that the separation distance would not meet the requirements of policy QP4 of the Hartlepool Local Plan (2018), it is considered that the proposed extension would be modest in scale (with a total height of approximately 4.2 metres that pitches away from the boundary), and would not therefore give rise to any adverse impacts on the amenity of No. 261A Park Road (or 261 and 259 Park Road that are located beyond/further away), in terms of overshadowing, outlook or overbearing.

4.35 The proposed single storey extension to the rear would include bi-fold windows in the main rear (eastern) elevation with an aspect toward the neighbour at No. 261A Park Road. On balance, taking into account the existing boundary treatment which includes a fence and shrubbery with a height of approximately 2 metres, it is considered that there would not be any adverse overlooking on the neighbours at 261A, 261 or 259 Park Road as a result of this element of the proposal.

4.36 Overall and in view of the above considerations, it is considered that the proposed two storey extension to the side and single storey extension on the rear would not result in a significant adverse impact on the amenity of existing and future occupiers of the neighbouring properties at 261A, 261 and 259 Park Road in terms of loss of outlook, overbearing and overshadowing to habitable room windows and amenity areas, so significant in this instance as to warrant refusal of the application.

### Impact on Holmewood, Elwick Road, to the south

4.37 There would be a distance of approximately 8 metres to the boundary and approximately 9 metres to the side elevation of the adjacent neighbour to the south, at Holmewood, Elwick Road from the proposed single storey extension at the rear of the host property, and a separation distance of 12 metres to the boundary and 13 metres to the side elevation of this neighbour from the two storey extension to the side, with the orientation of the main host dwelling between. As noted above, the rear of the host property comprises a platform which the case officer observed extends across the boundary to the adjacent neighbour at Holmewood, and therefore the two properties are at approximately the same level.

#### *Two storey extension to the side*

4.38 The two storey extension on the side of the host property would be on the side furthest from this neighbour at Holmewood and would be primarily obscured by the orientation of the host property itself, which would therefore not give rise to any appreciable impacts on the amenity of this neighbour in terms of overshadowing, outlook, overbearing. In terms of privacy, the two storey extension to the side would include a window on the first floor of the front and rear elevations. On balance, it is not considered that views toward the front and rear of the neighbour to the south would be readily achievable due to the oblique angles, the boundary treatment in place and the provision of an outbuilding in the rear of Holmewood. Therefore it is considered this element of the proposal would not give rise to adverse impacts on the privacy of Holmewood in terms of overlooking.

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

4.39 The boundary treatment in place between the host property and the neighbour at Holmewood comprises an open trellis fence with an approximate height of 2 metres; that would not serve to obscure views toward the proposed development at the host property from neighbours at the rear. Nevertheless, the relationship of the two properties is such that the single storey extension on the northern side of the rear of the host property, being modest in scale and design, would not result in an adverse impact on the amenity of this neighbour in terms of overshadowing, overbearing or loss of outlook.

4.40 It is noted that the proposed single storey extension on the rear includes bi fold doors on the southern side, with an aspect toward the neighbour at Holmewood. It is considered that the boundary treatment and separation distances are such that adverse overlooking could not be achieved and therefore the proposal is acceptable in terms of privacy.

### Impact on 2 and 4 Queensberry Road (east)

4.41 The proposed single storey extension on the rear of the host property would be a distance of approximately 25 metres to the boundary and approximately 50 metres to the rear elevation of the closest neighbour to the rear at 2 Queensberry Road. As such, it is considered that the modest scale of the proposal, including the two storey extension to the side which would project no further than the existing garage serving

the host property, and the single storey extension to the rear which would partly replace the existing garden room extension on the property, would not result in any adverse loss on the amenity of neighbours to the rear, including 2 and 4 Queensberry Road in relation to overbearing, overshadowing or loss of outlook.

4.42 The separation distances exceed the requirements of policy QP4 of the Hartlepool Local Plan (2018) and therefore it is considered there would be no impacts on the privacy of the neighbours at 2 and 4 Queensberry Road in terms of overlooking.

#### Impact on Greentyles, Elwick Road, to the west (front)

4.43 There would be a distance of approximately 18 metres to the boundary and 22 metres to the front elevation of Greentyles, Elwick Road from the proposed two storey extension to the front of the host property. Owing to the modest scale of the proposal which would not project any further forward or to the side than the existing footprint of the garage serving the host property, and the separation distances that meet the requirements of policy QP4 of the Hartlepool Local Plan (2018), it is considered there would be no adverse impacts on the privacy or amenity of these neighbours in terms of overlooking, overshadowing, loss of outlook or overbearing.

4.44 The single storey extension to the rear of the host property would be obscured from views at the front by the orientation of the main dwelling itself. It is therefore considered that this element of the proposal would not give rise to any adverse impacts on the amenity or privacy of neighbours to the front (including Greentyles).

#### HIGHWAY SAFETY

4.45 The proposals would not alter the existing parking arrangements at the property or the number of parking spaces required by the Design Guide. The Council's Traffic and Transport section have been consulted in respect of the application and have advised that there are no issues with the application in terms of highway safety or parking provision. The application is therefore considered acceptable in this regard.

#### OTHER PLANNING MATTERS

4.46 The Council's Ecologist has been consulted in respect of the proposal and has confirmed that the site is in an area which supports declining birds such as house sparrow, tree sparrow and starling. These can be helped through the provision of integral nest boxes such as a sparrow terrace. To that effect, the Council's Ecologist has requested that a condition for the instalment of an integral bird nesting box or brick be appended to any planning approval. Had the proposal been considered acceptable in all respects, a condition could have been appended in respect of this requirement. The Council's Ecologist has highlighted that bats are found in the area, and therefore the applicant should be aware of their obligations with regard to the protection of species of bats. An informative would have been necessary in respect of this.

## CONCLUSION

4.47 The application is considered, on balance, to result in a significant degree of overbearing impression and loss of outlook, as well as a degree of overshadowing, for existing and future occupiers of No. 263 Park Road, which would be so significant in this instance as to warrant a refusal of the application. Therefore, for the reasons outlined in detail above, the proposal is considered not to be acceptable or to accord with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2019). It is therefore considered that the application be refused.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.48 There is no evidence of equality or diversity implications.

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

4.49 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.

4.50 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – REFUSE, for the reason below:

1. In the opinion of the Local Planning Authority, the proposed two storey extension to the side by virtue of its siting and scale, would result in an unacceptable loss of amenity for the adjacent neighbouring property of No. 263 Park Road (north) in terms of loss of outlook and an overbearing and overshadowing impression to habitable room windows (in particular the ground floor dining room window) in the rear/south elevations of the adjacent neighbouring property and their immediate outside amenity/garden areas, contrary to Policies HGS11 and QP4 of the Hartlepool Local Plan (2018), the Residential Design Guide SPD (2019) and paragraph 127 of the National Planning Policy Framework (2019) which requires that planning decisions ensure a high standard of amenity for existing and future users.

## BACKGROUND PAPERS

4.52 Background papers can be viewed by the 'attachments' on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=134859>

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.

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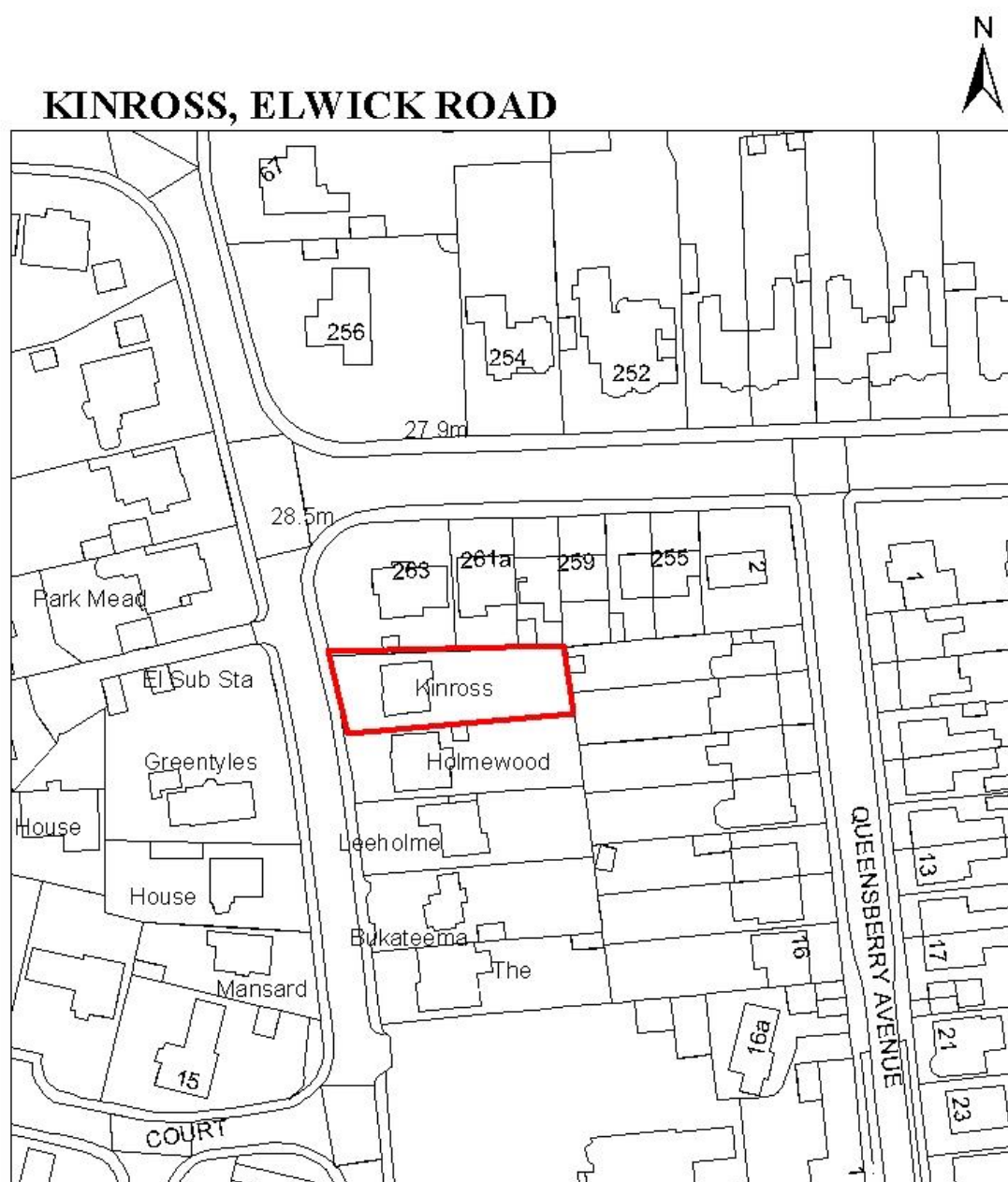
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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>17/02/2020</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2019/0467</b>	REV

## **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

22 July 2020



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The installation of a driveway not in accordance with the approved plans at a residential development at Manorside.
2. The erection of an extension at the rear of a residential property in Royston Grove.
3. Non-compliance with a landscaping condition at a residential development site at land off Coniscliffe Road.
4. Non-compliance with the approved surface water drainage scheme at a residential park homes site on Easington Road.
5. Use of the area to the front of premises (including the public footway) for the display of goods at a commercial premises in Stockton Road.
6. The deposit of topsoil leading to alterations to ground levels at a residential development site at land at Wynyard Woods.
7. The erection of a high fence at the front and side of a residential property in Honiton Way.
8. The display of a developers advertising sign at land at Summer Lane, Wynyard.
9. The use of a boat as a tearoom at Hartlepool Marina.
10. Non-compliance with conditions relating to external finishing materials, landscaping and disposal of foul and surface water attached to the grant of planning permission at a residential development on Coniscliffe Road.



11. The installation of uPVC windows and change of use from a shop to residential dwelling at a former commercial premises in Woodbine Terrace, Greatham.
12. The running of a livery business and a road gritting business at agricultural land at The Paddock, Elwick.
13. Non-compliance with conditions relating to the installation of public address/tannoy systems and hours of opening at a commercial premises on Tees Road.
14. Vehicle repairs at a residential property in Thornville Road.
15. Running a clothing sales business at a residential property in Cropston Close.
16. The erection of an outbuilding at a residential property in Hart Lane.
17. The erection of a large metal structure in the rear garden of a residential property in Sidings Close.
18. Non-compliance with a condition relating to the provision of an area of hardstanding at a householder development in Totnes Close.
19. The operation of a firewood business and non-compliance with a condition restricting the use of the premises to the sale of motorcycle parts/spares at a commercial premises on Dalton Back Lane.
20. Running a dog grooming business at a residential property in Percy Street.
21. Non-compliance with a condition relating to occupancy at a residential property in Benknowle Lane, Elwick.
22. The change of use to a house in multiple occupation at a residential property in Worset Lane.
23. Alterations to ground levels in the rear garden of a residential property in Parklands Way.
24. The installation of accommodation pods at Hartlepool Power Station, Tees Road.
25. The erection of a high fence on the side boundary at the rear, the partial demolition of the front boundary wall, and non-compliance with the approved plans (relates to location of gates to side, and side and rear extension roof) at a residential property in Clifton Avenue.
26. Running a scrap business at a residential property in Burke Place.
27. The erection of an outbuilding in the rear garden of a residential property in Bridgepool Close.

28. The hard surfacing of front gardens at two residential properties in Butterstone Avenue.
29. The incorporation of land into the rear garden of a residential property in Dowson Road.
30. The erection of an outbuilding in the rear garden of a residential property in Bruce Crescent.
31. Earth movement activity involving the deposit of materials on the England Coastal Path at a residential development site on land at Old Cemetery Road.
32. Works to a listed building including the conversion to flats and erection of houses in the grounds at a residential property on Elwick Road.
33. Non-compliance with the approved construction management plan (relates to dust suppression) at a residential development site on land at Old Cemetery Road.
34. The erection of an outbuilding in the rear garden of a residential property in Duke Street.
35. The erection of an outbuilding in the rear garden of a residential property in Ashwood Close.
36. The change of use to a scrap yard and MOT station at a light industrial premises on Usworth Road.
37. Non-compliance with the approved construction management plan (relates to contractor parking) at a residential development site in Station Road, Greatham.
38. The erection of fencing and the incorporation of land at the side of a residential property in Tintagel Close.
39. Amendments to existing retaining walls in the rear garden of a residential property in Padstow Close.
40. Non-compliance with a condition relating to working hours at a residential development site on Worset Lane.
41. Non-compliance with the approved construction management plan (relates to dust suppression and wheel wash facilities) at a residential development site on Worset Lane.
42. The installation of a satellite dish at a residential property in Barkers Place.
43. The erection of a fence and incorporation of land into rear garden at a residential property in Nightingale Close.
44. The erection of a high fence at the front of a residential property on Wynyard Road.

45. The incorporation of land into the garden of a residential property in Worset Lane.
46. The erection of a high fence to the side and rear of a residential property in Clavering Road.
47. The installation of hard surfacing to the front garden of a residential property in Red Cedar Close, Wynyard.
48. Repairs to external render at a licensed premises at The Front, Seaton Carew.
49. The erection of a wall and fence to enclose an area of land to the side of a garage block on Southgate.
50. The siting of a caravan in the car park of a licensed premises at The Front, Seaton Carew.
51. The erection of an outbuilding in the rear garden of a residential property in Intrepid Close.
52. Non-compliance with conditions relating to landscaping, provision of an acoustic fence and parking area at a residential development at Chelford Close.
53. The internal extension of a coffee shop on Victoria Road.
54. The erection of fencing and incorporation of land into the rear gardens of two residential properties on Moorhen Road.
55. Non-compliance with the approved plans (relates to style of roof) and the erection of a fence to incorporate land to the side of a householder development in Bilsdale Road.
56. The erection of a landscaping feature in the front garden of a residential property in Dunlin Road.
57. Alterations to the shop front at a commercial premises at Navigation Point.
58. The erection of a large timber structure in the rear garden of a residential property in Briarhill Gardens.
59. Car repairs at a residential property on Moffat Road.
60. The incorporation of land adjacent to a residential property in Staincliffe Road.
61. An untidy site area and non-compliance with on-site parking provision at a residential development site at Hill View, Greatham.
62. The painting of the exterior of a residential property on Grange Road.
63. The erection of an outbuilding in the rear garden of a residential property in Lingdale Drive.

64. Non-compliance with the approved plans (relates to the erection of timber fencing) at a householder development in Yeovil Walk.

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

1. The display of a pole mounted advertising sign on land adjacent to the junction of Elwick Road and Cairnston Road. The sign has now been removed.
2. Ground preparation and engineering works at a residential development site at land at Seaton Lane. A planning application involving the works has since been approved.
3. Non-compliance with a condition that restricts delivery times at a healthcare centre on Park Road. The planning approval for the development does not include a restriction on the times of deliveries.
4. Non-compliance with the approved construction management plan (relates to contractor off-site parking) at a residential development site at land at Station Road, Greatham. The approved construction management plan does not preclude contractor off-site parking.
5. Non-compliance with the approved arboricultural method statement at a residential development site at land off Reedston Road. It was found that the works had been carried out in accordance with the approved details.
6. The erection of a single storey extension at the rear of a residential property in Darvel Road. A retrospective planning application seeking to regularise the development has since been approved.
7. The installation of external festoon lighting with supporting poles at a licensed premises on Brenda Road. A retrospective planning application seeking to regularise the development has since been approved.
8. Alterations to the driveway and installation of hard surfacing to the front garden of a residential property in Applewood Close. A retrospective planning application seeking to regularise the development has since been approved.
9. The unauthorised commencement of development works at a residential development site in Brougham Terrace. It was found that development works had not commenced at the site and that the complaint may have arisen due to activity at an adjacent works depot.
10. The draining of reservoirs at land at Hart Lane. The draining of reservoirs does not require planning permission.
11. The change of use to a house in multiple occupation at a residential property in Colwyn Road. Permitted development rights apply in this case.

12. A development not built in accordance with the approved plans (relates to the location of a dwellinghouse) at a residential development site at land off Dalton Heights. It was found that the development has been built in accordance with the approved plans.
13. The change of use to business units of a former licensed premises on Catcote Road. A valid planning approval applies in this case.
14. The removal of a section of hedge and the creation of a pothole in the road at a residential development site at land at Quarry Farm. The section of hedge has been removed to allow the creation of an approved emergency access point. The creation of the pothole in the road is not a planning matter, and was therefore redirected to the Council's Traffic and Transport section.
15. Running a car cleaning business at a residential property at Winston Court. No evidence of a car cleaning business at the property was established.
16. Non-compliance with a condition relating to delivery timings at a residential development site at Wynyard Woods. The site is operating in accordance with the relevant condition. The complaint may have arisen as a result of deliveries to development sites in a neighbouring borough.
17. The removal of trees and incorporation of adjacent land at a residential property in Seaton Lane. The trees were not subject to a tree preservation order nor were they located within a conservation area. As the incorporation of adjacent land involved land owned by Hartlepool Borough Council the matter was redirected to the Council's Property Services section.
18. The creation of a vehicular access, erection of fencing and use of the adjacent land for storage at an industrial premises on Tees Road. It was found that no breach of planning control had occurred.
19. The erection of a fence at a residential property on Bilsdale Road. Permitted development rights apply in the case.
20. The erection of an outbuilding in the rear garden of a residential property at The Links. Permitted development rights apply in this case.
21. The display of a shop front sign at a commercial premises on Church Street. The shop front sign benefits from deemed consent under the Advertisement Regulations.
22. Running a garden furniture manufacturing business at a residential property at The Spinney. It was found that the activity did not lead to a material change of use requiring planning permission.
23. The erection of a flagpole at a residential property in Brecongill Close. The flagpole benefits from deemed consent under the Advertisement Regulations.

24. The flooding of adjacent residential gardens, non-compliance with the approved construction management plan (relates to dust suppression) and non-compliance with the working hours condition at a school redevelopment site on Catcote Road. The flooding incident was a civil matter and was resolved between the parties involved. The site is operating in accordance with the approved construction management plan and the working hours condition.
25. The erection of a loose brick barbeque, fire pit and timber seating at an area of recreational space at The Maltings. It is considered that the structures do not constitute development and that there has not been a material change of use requiring planning permission.
26. The installation of hard surfacing in the front garden of a residential property in Mayfair Gardens. A retrospective planning application seeking to regularise the development has since been approved.
27. The removal of a hedge at a residential development site at land off Dalton Heights. The hedge was not subject to a planning condition requiring its retention.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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## PLANNING COMMITTEE

22<sup>nd</sup> JULY 2020



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

**Subject:** APPEAL AT 16 SYDENHAM ROAD, HARTLEPOOL,  
TS25 1QA  
APPEAL REF: APP/H0724/W/20/3246860  
Change of use from A1 (retail) to A5 (hot food  
takeaway) and the installation of a flue on western  
elevation (H/2019/0419)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application for the change of use from a retail unit (A1 use class) to a hot food takeaway (A5 use class) and the installation of a flue on the western elevation at 16 Sydenham Road, Hartlepool.
- 1.2 The application was refused by Officers under delegated powers as it was considered that the proposed change of use to a hot food takeaway would result in an unacceptable concentration of hot food takeaways in a small Local Centre which would be harmful to the vitality and viability of its retail character and function, and detrimental to the health of local residents in an area identified as suffering higher than average rates of childhood obesity. It was considered that the proposal would therefore be in conflict with policies RC16 and RC18 of the Hartlepool Local Plan (2018) and paragraph 91 of the NPPF (2019). (Report Attached – **APPENDIX 1**).

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

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## Appendix 1

**DELEGATED REPORT**

<b>Application No</b>	H/2019/0419
<b>Proposal</b>	Change of use from A1 (retail) to A5 (hot food takeaway) and the installation of a flue on western elevation.
<b>Location</b>	16 SYDENHAM ROAD HARTLEPOOL

PS Code: 20

<b>DELEGATION ISSUES</b>	Neighbour letters:	17/10/2019
	Site notice:	20/10/2019
<b>1) Publicity Expiry</b>	Advert:	N/A
	Weekly list:	20/10/2019
	Expiry date:	14/11/2019
	Extended date:	
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
<p>The application was advertised by way of fourteen neighbour notification letters, as well as to ward members. To date, four objections have been received. The responses have raised the following concerns:</p> <ul style="list-style-type: none"> <li>- There is an epidemic of takeaways and they contribute to obesity problems experienced by the town</li> <li>- Another takeaway in the town is not needed</li> <li>- Children need a better start in life</li> <li>- Business problems owing to too many shops in the area</li> </ul>		
<b>CONSULTATIONS</b>		
<p>The following consultation responses have been received in respect of the application:</p> <p><b>HBC Public Health:</b> Hartlepool Borough Council's Public Health function (Children's Services and Joint Commissioning) would like to object to the application ref H/2019/0419.</p> <p>Paragraph 171 of the National Planning Policy framework states that, 'Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.' Planning Practice Guidance also states that, 'Local planning authorities</p>		

should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.'

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

The most recent data from Public Health England (at 30/12/2017) highlights that Hartlepool has 160.5 hot food take-away outlets per 100,000 population, which is significantly higher than the national average of 96.1 per 100,000 population.

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

The unit in question, situated at 16 Sydenham Road, sits within the Headland and Harbour ward. It is therefore important to consider the potential health impact on this area.

Childhood obesity is of particular concern to Public Health and Hartlepool Borough Council and partners and this is reflected in our Healthy Weight Strategy. The most recent ward based statistics from the National Childhood Measurement Programme (NCMP) (2015/16 to 2017/18) shows that 30.4% (CI 25.1-36.2) of reception children (age 4-5) from schools in Headland and Harbour are estimated as having excess weight (12.8% obese (CI 9.3-17.4)). However, once children reach Year 6 (age 10-11), 43.1% (CI 37-49.5) of children in Headland and Harbour are estimated as having excess weight (25.1% obese (CI 20.1-31.0)), which is higher than the England averages. (PHE Localhealth.org.uk)

The most recent NCMP data for Hartlepool (2018/19 data) shows that 24.1% of reception age children are classified as having excess weight and 43.8% of Year 6 pupils are classified as having excess weight. This compares to an England average of 22.6% of children having excess weight at reception age and 34.3% at year 6.

The percentage of adults (aged 18+) classified as overweight or obese is much higher in Hartlepool (70.4%) than the England average (62.0%).

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

**HBC Public Protection:** I would have no objections to this application subject to an hours restriction to no later than 23.30hrs and an extract vent condition.

**HBC Building Control:** A Building Regulations application will be required for the works as described.

**HBC Flood Risk Officer:** No issues in respect of flood risk or contaminated land.

**HBC Traffic and Transport:** No concerns in respect of highway safety.

**Cleveland Police:** I am not aware of the proposed opening times if late night opening these premises can be at risk of becoming a gathering point for young persons which can result in incidents of anti-social behaviour which can result in an adverse impact on nearby residents.

If this application is approved I would expect CCTV installation to provide coverage of entrance/frontage.

To ensure safety of staff the serving counter should be of an appropriate height and width to provide a suitable barrier between customers and staff

No items should be placed in the public waiting area that could be used to cause injury or damage.

**HBC Waste Management:** No comments received

<b>3) Neighbour letters needed</b>	Y
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<b>4) Parish letter needed</b>	N
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## **5) Policy**

### National 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 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 171: Health and wellbeing  
 PARA 212: Implementation

#### Hartlepool Local Plan (2018)

The following policies of the Hartlepool Local Plan (2018) are considered relevant to the current application:

LS1: Locational Strategy  
 SUS1: The Presumption in Favour of Sustainable Development  
 RC16: The Local Centres  
 RC18: Hot Food Takeaway Policy  
 RC21: Commercial Uses in Residential Areas

**HBC Planning Policy comments:** Planning policy have concerns regarding the proposed change of use from A1 to A5. This is because through policy RC18 of the Local Plan, the Council is seeking to control the number of hot food takeaways in order to ensure residents have the best opportunities to live a healthy lifestyle, alongside protecting the residential amenity of nearby residents. In order to ensure that there were sufficient opportunities around the borough to operate as a hot food takeaway but to ensure that there would not be an overconcentration of A5 uses, and limit the detrimental problems that are sometimes associated with such uses e.g. anti-social behaviour, fear of crime and health implications, the caps were set on all retail centres within the borough, more information on this can be found within chapter 13 of the Local Plan. The unit is within the Brenda Road/Sydenham Road local centre, which within the Local Plan has a capped limit of 4% of A5 use within the area. It is acknowledged that the current figure, using the 2019 retail statistics, is 6.5% which is already higher than the cap, and the Council is seeking to ensure that this is not increased further. When factoring the proposed additional A5 floorspace, this would push the A5 floorspace in the local centre up to 9.94% which is unacceptable, at over double the cap for the area.

This chapter of the Local Plan was informed by an evidence paper which was produced by the Planning and Public Health teams, and sets out the reasons why the control of hot food takeaways is essential in health terms. The council considers

that retail and commercial areas should, as a general rule, have no more than 10% A5 space. However when local centres are likely to be on a walking route to nearby schools, and these schools have poor weight statistics at reception and year 6 level, thresholds have been set at below 10%. The Brenda Road/Sydenham Road local centre is one of these where this applies. St Aidan's C of E Primary School, Stranton Primary School and St Cuthbert's RC Primary School are all less than a 10 minute walk away from this local centre and it is highly likely that the route home may be through this local centre. The most recent (2017/18) health statistics for this school are detailed below;

- St Aidan's C of E Primary School – ¼ negative statistics
- Stranton Primary School – ¼ negative statistics
- St Cuthbert's RC Primary School – ¾ negative statistics

This data shows that the surrounding schools overweight and obesity levels for 2017/18 are higher than national averages for all schools. Data provided by the public health team sets out a negative set of data for the Foggy Furze Ward, with almost 40% of year six children being overweight or obese, and over 27% of reception children being overweight or obese. These levels are too high and this has to be taken into account when assessing the need for a new hot food takeaway in the area, reinforced by the fact that there is considered an excessive amount of A5 floorspace by the figures in policy RC18. The Council is working to reduce the levels of obesity in children and the general health within the borough.

Policy RC16 also applies in this case, and states that A5 uses will only be permitted in Local Centres where they do not adversely affect the character, appearance, function and amenity of the property and surrounding area. Notwithstanding the health concerns above, if the change of use was to be permitted then there would be an over-concentration of A5 units, with 3 consecutive units on the road operating as hot food takeaways. This is thought to have an effect on its character and vitality, as hot food takeaways are traditionally closed during the day and open later at night and there are issues that large spaces of the units with shutters down during the day has an impact on the visual amenity of the site, this may lead to a detrimental impact to the amenity to the residents in the nearby areas due to congregations of people and noise.

Planning policy consider the proposal to not be in accordance with the National Planning Policy Framework, particularly paragraph 91 which details that planning policies and decisions should seek to enable and support healthy lifestyles, for example through access to healthier food. Residents deserve access to a variety of retail and food offerings, something which is limited by an over-proliferation of hot food takeaways.

The proposal is deemed contrary to policies RC16 and RC18 therefore planning policy object to the change of use.

## 6) Planning Consideration

### PLANNING HISTORY

None relevant.

## SITE AND SURROUNDINGS

The site is an end of terrace property located on the southern side of Sydenham Road, on the junction with Patterdale Street. The host property was previously in use as a shop (A1) with a flat above (C3) but is currently vacant. The street and surrounding streets are mixed use, comprising predominately residential properties interspersed with retail, office and hot food takeaway uses. The adjoining property to the west is a hot food takeaway (A5), with more along the row (to the west) before the junction with Borrowdale Street. The main public highway of Sydenham Road is to the north, beyond which are residential dwellings 5, 7 and 9 Sydenham Road. The rear of the site is bounded by 4 Patterdale Street, a residential property. To the east is the main public highway of Patterdale Street, beyond which is a bookmakers (A2 use class). The unit is within the Brenda Road/Sydenham Road local centre area.

## PROPOSAL

Planning permission is sought for the change of use of 16 Sydenham Road from A1 retail to A5 hot food takeaway. In association with that use the proposal includes the installation of a flue to facilitate extraction equipment on the rear of the property (south). The flue proposed would be of a stainless steel finish, and would be installed at approximately 1.9 metres above ground level and measuring approximately 4.5 metres in height and approximately 20cm in width. Therefore the flue would project to approximately 6.4 metres against the backdrop of the host property.

The application as submitted indicates that the existing frontage which would remain in place, with no exterior alterations proposed, other than the above mentioned flue. Internally, it is also proposed to install a fire rated ceiling and a fire rated stud wall, in the kitchen area at the rear of the property. Although not indicated, any potential signage would be governed by separate advertisement regulations and thereby a separate application.

## MATERIAL PLANNING CONSIDERATIONS

As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The 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, public health, the impact of the proposals on the vitality and viability of the area, the impact of the proposals on the amenity of neighbouring land users, and the impacts on highway safety and car parking. These and any other matters are detailed below.

## PRINCIPLE OF DEVELOPMENT

Policy RC16 'the Local Centre' identifies Local Centres as the most sequentially preferable location for hot food takeaway uses. This is further supplemented by Policy RC18 'Hot Food Takeaways' which identifies those locations deemed suitable and the proportion of floor space within those locations that are considered appropriate for hot food takeaway uses. This policy expressly states that hot food takeaway uses will not be permitted outside of any designated retail or commercial centre.

The host property is within the Brenda Road/Sydenham Road Local Centre, which has a capped limit of 4% of A5 use within the area as set out within the Local Plan. It is acknowledged that the current figure, using the 2019 retail statistics, is 6.5% which is already higher than the cap, and the Council is seeking to ensure that this is not increased further. When factoring the proposed additional A5 floorspace at 16 Sydenham Road, this would push the A5 floorspace in the local centre up to 9.94% which is deemed to be unacceptable, at over double the cap for the area and therefore contrary to this policy.

The council considers that retail and commercial areas should, as a general rule, have no more than 10% A5 space. However when local centres are likely to be on a walking route to nearby schools, and these schools have poor weight statistics at reception and year 6 level, thresholds have been set at below 10%. The Brenda Road/Sydenham Road local centre is one of these where this applies. St Aidan's C of E Primary School, Stranton Primary School and St Cuthbert's RC Primary School are all less than a 10 minute walk away from this local centre and it is highly likely that the route home may be through this local centre. The most recent (2017/18) health statistics for these schools are poor.

Policy RC16 states that A5 uses will only be permitted in Local Centres where they do not adversely affect the character, appearance, function and amenity of the property and surrounding area. If the change of use was to be permitted then there would be an over-concentration of A5 units, with three consecutive units on the road operating as hot food takeaways.

The proposed change of use of the property from A1 retail to A5 hot food takeaway is therefore in direct conflict with the policy requirements of the Local Plan with respect to Policies RC16 and RC18. Whilst acknowledging the impact that vacant units and closed shutters can also have an adverse impact on the vitality and viability of an area, and that there are economic benefits as a result of the unit being operational, when weighing this up against the proposed excessive concentration of hot food takeaways at this location and their potential resultant impact upon retail function, character, vitality and health, the correct balance cannot be struck. Given that the proposal would exceed the thresholds set within RC18 for A5 floor space within this local centre, it is considered unacceptable as a matter of principle and this would warrant a reason for the refusal of the application.

This is a view that was recently supported by the Planning Inspector after a recent appeal for a hot food takeaway in a local centre that was refused by the LPA, was dismissed (ref: APP/H0724/W/19/3234665, decision date 24th October 2019). Whilst each application is considered on their own individual merits, it is important to note that the Inspector considered that the identified harm to the local centre as a

result of breaching the A5 use policy threshold would outweigh the vacancy of the unit in the local centre, with the Inspector noting *“I am not persuaded that the vacant status of the appeal site sufficiently justifies an excess of A5 floorspace in this centre beyond the threshold established by Policy RC18... I conclude that the proposal would result in an unacceptable concentration of HFTs within a small local centre. This would be harmful to the vitality and viability of the centre’s retail character and function overall”*.

## PUBLIC HEALTH

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

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

The proposed development is considered to be in conflict with Local Plan policy requirements with respect to the principle of increased the provision of such a use in this location and is therefore considered to undermine efforts to promote healthy lifestyles, and this would therefore have a negative impact on public health if approved. Whilst each application is considered on their own individual merits, this is a view that was recently supported by the Planning Inspector after a recent appeal for a hot food takeaway in a local centre that was refused by the LPA, was dismissed (ref: APP/H0724/W/19/3234665, decision date 24<sup>th</sup> October 2019). Again, it is important to note that the Inspector supported the LPA’s view regarding the identified harm to public health as a result of the over-concentration and location of such uses within areas that have high obesity levels, commenting *“As a consequence, Policy RC18 identifies that one measure to confront the issue is to limit the number of fast-food take-away outlets. It does not refer to an individual proposal being directly attributable to a material decline in the health and wellbeing of residents... this approach is consistent with guidance within the Framework...”*.

In view of the evidence provided by the Council’s Public Health section, the Inspector concluded that *“the proposal would result in harm to the health and wellbeing of local residents, contrary to Policy RC18 of the HLP (2018). This policy seeks, amongst other matters, to ensure that HFT proposals have suitable regard to the health and wellbeing of residents. It would further conflict with guidance within*



the Framework, including at Paragraph 91, to achieve healthy, inclusive and safe places that enable and support healthy lifestyles, including access to healthier food”.

#### IMPACT ON VISUAL AMENITY OF THE AREA

The application site forms the end terrace unit of a row of five properties, the remaining four of which are cafes and hot food takeaways (A3 and A5 use classes) which feature frontages similar to the host property (including roller shutters). Therefore it is considered that the appearance of this unit is a characteristic of the streetscene.

Although no external alterations to the frontage of the property are proposed as hot food takeaways are traditionally closed during the day and open later at night, there are issues that large spaces of the units with shutters down during the day which has an impact on the visual amenity and vitality of the neighbourhood centre. This is considered to result in a detrimental impact on the amenity of the residents in the nearby areas due to congregations of people and potential noise disturbances. This therefore has the potential to detrimentally impact upon the character and appearance of the area, to some degree. Notwithstanding this, it is acknowledged that currently the property is vacant and the proposal would bring a vacant unit back into use.

It is considered that the proposed steel flue has an industrial appearance that would create an unsightly element on the rear of the property. However it is acknowledged that the flue is modest in scale and it would not project above the highest part of the existing property and therefore the proposed flue would not be readily visible from the main front streets of Sydenham Road or Patterdale Street. In light of this, on balance, it is considered that the proposed flue would not significantly detract from the appearance of the property overall, and if it were considered acceptable in all respects, a condition could be applied with regards to the vent and extraction.

On balance, the proposal is therefore considered acceptable in terms of the visual impact on the character and appearance of the existing building and the surrounding area and that the identified impacts are not considered to be so significant in this instance as to warrant a further reason for refusal of the application.

#### NEIGHBOUR AMENITY

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

The application form has not indicated the proposed opening hours of the proposed hot food takeaway. Nevertheless, the Council's Public Protection section advises that it would be necessary to restrict opening hours to no later than 11.30pm, given the residential nature of the area in order to protect amenity. This would be in line with the requirements of Policy RC16 and could have been secured by a planning condition had the application been deemed acceptable in all respects. It is therefore considered that any impact on the amenity of neighbouring occupiers and

surrounding properties is acceptable in respect of late night opening and noise disturbance.

The flue proposed on the rear elevation of the host property would be sited in close proximity of the first floor flat above the application site, albeit set off the rear of the upper floor by approximately 2 metres. It is therefore acknowledged that this could be readily visible from windows in this residential flat. The proposed flue (on the rear elevation of the host property) would be positioned adjacent to the two storey off-shoot extension on the rear of No. 14 Sydenham Road (serving a residential apartment), with a separation distance of approximately 2.8 metres between the proposed flue and the nearest elevation of this property (eastern). However, it is noted that the proposed flue would not project beyond the blank gable side/east wall of the projecting element to the rear of this property (No. 14). There would be an approximate distance of 13 metres between the proposed flue at the host property and the northern gable side elevation of the nearest neighbour to the rear, at 4 Patterdale Street.

On balance, in view of its proposed positioning, modest scale, relationship to surrounding properties and that no objections have been received from the Council's Public Protection section (subject to final details of the flue and extract ventilation details being secured by a planning condition), the proposal is not considered to result in any adverse impact on the amenity of existing and future occupiers in terms of noise disturbance, odours overshadowing, loss of outlook or overbearing impression for neighbouring land users, including residential properties, namely the residents of flat above the unit within 16 Sydenham Road, No. 14 Sydenham Road and 4 Patterdale Street as to warrant a refusal of the application.

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

#### HIGHWAY AND PEDESTRIAN SAFETY

The application site benefits from dedicated parking to the front of the premises as well as on-street parking being available on streets around the site. Furthermore, there are no objections from the Council's Traffic and Transport section. The application is therefore considered to be acceptable in this respect.

#### OTHER PLANNING MATTERS

In respect of waste, no objections or comments have been received from the Council's Waste Management, Public Protection and Traffic and Transport sections. It is further noted that there is a yard to the rear of the host property, contained by a brick wall and gate with an approximate height of 2 metres, which would potentially allow for the safe storage of refuse. Had the proposals been acceptable in all respects, details regarding the storage of waste could have been controlled by a condition appended to the planning approval.

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

Whilst the comments from an objector (detailed in full above) are noted, competition from similar businesses in the vicinity is not a material planning consideration and therefore would not form any basis in the determination of the report.

#### PLANNING BALANCE AND OVERALL CONCLUSION

Although the application site has historically been in use as a shop, it is currently vacant. Hot food takeaway uses have the potential to create greater disturbance to the residential amenity of neighbouring properties in terms of unsociable opening hours and nuisance smells. While it is evident this could be limited to some degree by planning conditions, it is a consideration that this application, if approved, would result in three hot food takeaways consecutively on Sydenham Road. This would be considered an over-concentration of A5 units, directly contravening policy RC16 of the Hartlepool Local Plan (2018).

Furthermore, the proposed development would undermine efforts to promote healthy eating and contribute to an established link between higher than average obesity levels in the area and the sale of hot food, in conflict with Local Plan policy RC18 and paragraphs 91 and 171 of the NPPF (2019).

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

#### 7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

#### 9) Alternative Options Considered

No

#### 10) Any Declared Register of Interest

No

#### 11) Chair's Consent Necessary

N

**12) Recommendation****REFUSE**, for the reasons below:**REASONS**

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of introducing an additional A5 use would result in an unacceptable concentration of hot food takeaways in a small Local Centre which would be harmful to the vitality and viability of its retail character and function, contrary Policies RC16 and RC18 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the proposed development would be detrimental to the health of local residents in an area identified as suffering higher than average rates of childhood obesity in conflict with Policy RC18 of the Hartlepool Local Plan (2018) and paragraph 91 of the National Planning Policy Framework.

**INFORMATIVE****1.0 Statement of Proactive Engagement**

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

**Author of Report: Stephanie Bell****Signed: S. Bell****Dated: 14/11/2019****Signed: D.JAMES****Dated: 14.11.2019**

Planning Team Leader DC

## PLANNING COMMITTEE

22<sup>nd</sup> JULY 2020



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

**Subject:** APPEAL AT 1 GRASSHOLME ROAD,  
HARTLEPOOL, TS26 0QH  
APPEAL REF: APP/H0724/D/19/3238009  
Alterations to ground levels and erection of retaining  
walls and boundary fencing to rear, erection of  
boundary fencing to front and side (part-  
retrospective).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced property at 1 Grassholme Road, Hartlepool.
- 1.2 On 31<sup>st</sup> July 2019 Planning Committee refused the application (H/2018/0504) and the decision notice was issued on 2<sup>nd</sup> August 2019
- 1.3 The appeal was dismissed on 20<sup>th</sup> February 2020. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 15 January 2020

**by T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20 February 2020**

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**Appeal Ref: APP/H0724/D/19/3238009**

**1 Grassholme Road, Hartlepool TS26 0QH**

- 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 J Kelly against the decision of Hartlepool Borough Council.
  - The application Ref H/2018/0504, dated 14 December 2018, was refused by notice dated 2 August 2018.
  - The development proposed is Construction of retaining wall to allow lawn re-level.
- 

### Decision

1. The appeal is dismissed

### Main Issues

2. These are the effect of the proposal on:
  - the living conditions of the occupiers of adjoining dwellings;
  - the character and appearance of the area;
  - the risk of flooding; and
  - the stability of land and retaining walls.

### Reasons

#### *Background*

3. The appeal property (the property) is situated on a corner plot, at the junction of Roundhill Close and Grassholme Road. The rear garden adjoins no 26 Kielder Road and nos 1, 2 and 3 Roundhill Close<sup>1</sup>. Work has commenced on the levelling of the rear garden and a low retaining wall made of concrete panels has been erected between the property and no 2 Roundhill Close.

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<sup>1</sup> In the case of no 3, the boundaries only meet at the corners of each garden

Appeal Decision APP/H0724/D/19/3238009

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### *Living Conditions*

4. There is a significant change in levels between the property and no 26 Kielder Road. At the rear of the garden of no 26 there is a retaining wall, which at its highest is approximately 2m, reducing in height to around 1.5m at the point where it meets the rear boundary of the property. On top of the retaining wall there is a timber fence, approximately 1.8m high, which steps down along the length of the boundary over a distance of about 8m. The back garden of no 26 is around 12m in length, although less where a ground floor extension has been added.
5. From within the garden area of no 26 the retaining wall is a dominating feature. The proposal would include the raising of the height of the timber fence over the 8m length where it currently steps down, so that the whole of the wall plus fence would have a uniform height of around 4m. At the present time the stepping down of the fence has some benefit in reducing the scale of the boundary structure when viewed from no 26. Whilst the proposal may only involve a relatively small addition to the overall area of fencing, at its maximum it would add around 0.75m to the height and in visual terms it would be of some significance by increasing the scale and dominating effect of the whole structure when viewed from no 26.
6. At the present time there is a fence of around 1.8m height between the property and No 2 Roundhill Close. No 2 is at a lower level than the property and the fence may never have been of sufficient height to ensure privacy between the two properties. Previously there was some planting along the boundary. Under the proposal, the ground level of the property and the height of the fence would be increased. This would result in the fence having an overall height of approximately 2.5m when viewed from the neighbour's side. The back garden of no 2 is around 7 – 8m in length. Therefore, within the garden of no 2 the proposed height of fence would appear unusually high and would have an over-dominant effect.
7. The Council's first reason for refusal states that the privacy of the occupiers of neighbouring properties would be harmed. Since the proposals include the erection of fencing to a height of 1.8m within the appellant's garden there would be little if any loss of privacy.
8. However, in the case of both no 26 and no 2 what is proposed would result in an adverse effect on the living conditions of the occupiers of both properties. In the case of no 2 I would describe the adverse effect as moderate and in the case of no 26 the effect would be greater, although less than severe. The Hartlepool Local Plan 2018 (the HLP) seeks, amongst other things to ensure that development does not harm the amenities of the occupiers of neighbouring properties, and planning law requires that the development plan is the foremost consideration in the decision on the appeal.
9. The planning officer report (in recommending approval of the application) drew a comparison between the proximity of the retaining wall and fence and the gable wall of an adjoining property, which under Council guidelines on separation distances<sup>2</sup> could be as little as 10m. However the circumstances in the appeal are very different, and a gable wall to a house would have less

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<sup>2</sup> The Council has not provided me with a copy of any supplementary planning guidance which relates to such distances however I accept them as normal practice by the authority.



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visual impact than the retaining wall and fence which extends along the full width of the boundary.

10. I therefore conclude the proposal would harm the living conditions of the occupiers of neighbouring properties, contrary to Policy QP4 of the HLP which requires, amongst other things, that development should not adversely impact on the amenities of neighbouring occupiers, and the Framework which, at paragraph 127, similarly requires that developments should ensure a high standard of amenity for existing and future users.

#### *Character and appearance*

11. The works comprising the development would have little effect on the public side of the property. The exception would be the continuation of the timber fence that runs along the boundary with properties in Kielder Road from approximately level with the front elevation of the property to the back of the footpath on Grassholme Road. This would obscure the current boundary treatment which is a brick wall and which complements the appearance of the area.
12. The impact of the proposed section of fencing would not be severe, however it would on balance cause some limited harm when compared with the existing wall.
13. I therefore conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policy QP4 of the HLP, which requires, amongst other things, that development should contribute positively to the Borough and enhance character.

#### *Flood Risk*

14. It is suggested that the raising of the ground levels may give rise to some additional runoff of water from the site into adjacent gardens. However the Council's Engineer has advised that providing weep holes are incorporated into the retaining structure, no issues should arise. This could be subject to a planning condition. The appellant also makes the point that there is no history of flooding issues in the area.
15. I can therefore see no reason to reach a conclusion that the works would lead to any problems due to increased flood risk or runoff, affecting either the site itself or neighbouring properties. The proposal would therefore comply with Policies QP6 and CC2 of the HLP which require that proposals should take account of flood risk and manage surface water runoff, and paragraph 180 of the Framework, which requires that planning decisions should take into account likely effects on the local area.

#### *Land stability*

16. The proposal involves the raising of the level of land within the rear garden area, particularly that part of the garden in the corner where the properties in Roundhill Close meet those in Kielder Road, where the level would be increased by approximately 0.8m. There is concern that the additional material could have an impact on the retaining structures in this area.
17. The Council's engineer has advised that providing suitable sized and aligned weep holes are provided there should be no risk to the integrity of the retaining



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wall. The appellant has submitted engineering drawings and structural calculations to support the proposal, and indeed contends that the work to the structure would be beneficial to the maintenance of the existing structures.

18. I can therefore see no reason to reach a conclusion that the works would lead to adverse impact on the existing retaining walls, or land stability. The proposal would therefore comply with Policies QP5 and of the HLP which requires that proposals should be designed to be safe, and paragraph 170 of the Framework, which requires that planning decisions should take into account any risk to land stability.

#### *Planning Balance*

19. I have found that the proposal would cause significant harm to the living conditions of the occupiers of adjoining dwellings, and that on balance there would be some modest harm to the character and appearance of the area due to the proposed section of fence to the front of the property. These matters create conflict with the development plan which is the foremost consideration in my decision.
20. Whilst I have found there to be no harm due to increased flood risk or potential effects on retaining walls or the stability of the land, these are neutral factors that do not lend any weight in the planning balance.
21. The appellant's wish to improve his garden by raising the ground levels and provide a safe environment for his family, together with fencing that will provide mutual privacy between his property and his neighbours', is understandable. However the current proposals would be to the detriment of the living conditions of some neighbouring occupiers, a consideration that outweighs the benefits that the appellant is seeking to achieve.

#### **Conclusion**

22. For the reasons given the appeal is dismissed.

*Tim Wheeler*

INSPECTOR

## PLANNING COMMITTEE

22<sup>nd</sup> July 2020



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

**Subject:** APPEAL AT 10 QUEEN STREET, HARTLEPOOL,  
TS24 0PR  
APPEAL REF: APP/H0724/C/19/3240723  
Installation of uPVC replacement windows

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against an enforcement notice served by Hartlepool Borough Council in respect of the above referenced property at 10 Queen Street, Hartlepool.
- 1.2 The appeal was dismissed on 21<sup>st</sup> February 2020 and the Enforcement Notice upheld. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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The Planning Inspectorate

## Appeal Decision

Site visit made on 12 February 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

**Appeal Ref: APP/H0724/C/19/3240723**

**10 Queen Street, The Headland, Hartlepool TS24 0PR**

- 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 Karen Ewen against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 22 October 2019.
- The breach of planning control as alleged in the notice is *Without planning permission, the installation of uPVC windows.*
- The requirements of the notice are to (1) Remove the existing uPVC windows; and (2) Restore the windows to their condition before the breach took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

### Summary Decision

1. The appeal is dismissed and the enforcement notice upheld.

#### The appeal on ground (a)

2. 10 Queen Street is an end of terrace domestic property lying within the Hartlepool Headland Conservation Area. The appeal concerns the installation of uPVC windows to the north and west elevations, and the main issue for consideration is the effect of the windows on the character and appearance of the Conservation Area, and whether that character or appearance is preserved or enhanced by the development.
3. The Conservation Area is said by the Council to be 'at risk' and placed on the Historic England register as such. The Headland peninsula of Hartlepool forms the historic settlement of the town, extended to the west in the C19th, and derives its significance from its location as an early religious centre and at the heart of subsequent maritime development. The houses are principally of the Victorian era, with some grand villas and terraces on the sea-facing streets and generally diminishing in size further away. 10 Queen Street is a two-storey property with three windows, including a first-floor oriel window typical of the area, facing onto Moor Terrace and another (together with the door) onto Queen Street.
4. As the appellant points out, many windows in the area have been replaced with uPVC double glazing. I have not been supplied with detailed reasons about why this particular Conservation Area has been deemed to be at risk, but from my observations of the area it is clear that a number of damaging alterations have been made to domestic properties including by the installation of modern

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window styles that are unsympathetic to their host properties and the area as a whole.

5. The windows that have been installed at the appeal site have attempted to reflect the proportions of the traditional window styles of the Conservation Area. However, they differ significantly in the materials used and consequently in the way the detailed profiling of the windows has been formed. Consequently the installed windows do not replicate traditional timber windows so closely as to be indiscernibly different. In particular, the thicker proportions of glazing bars, the flatness of the depth of glazing bars, and the thickness of the frames to the split top-hung lights result in architectural features that are unsympathetic to the original architecture of the house. The different material, in the form of the smooth and shiny uPVC, looks incongruous in the historic elevations of the property.
6. The consequence is to diminish the architectural integrity of the house. The house is not untypical of properties in the Conservation Area which demonstrates typical Victorian sash windows, oriel windows and fielded panel doors. Whilst the Conservation Area has been diminished by alterations to a number of properties including by the replacement of traditional windows with a more modern style, nevertheless that does not mean that the alterations under consideration have any less harmful an impact. Although 'at risk' and in a bad condition, the character and appearance of the Conservation Area are not beyond the point of no return, and local planning policies seek to preserve and enhance the asset. The Hartlepool Local Plan (2018) policy HE7: Heritage at Risk provides that 'at risk' assets are a priority for the Council, and development which will positively conserve and enhance these assets will be supported. Policy HE1: Heritage Assets provides that any development proposal affecting heritage assets will be required to preserve and/or enhance the special character of the asset. Policy HE3: Conservation Areas requires development proposals to demonstrate that they will conserve or positively enhance the character of such areas. The development that has taken place attracts no support from any of these policies, and conflicts with the development plan as a whole.
7. In the parlance of the National Planning Policy Framework, I find that 'less than substantial harm' has resulted to the significance of the Conservation Area from the installation of the uPVC windows at the appeal site. Any such harm should be weighed against the public benefits of the proposal. Here no public benefits are expressly claimed, but the appellant points out that the previous windows were inefficient, very cold, hard to maintain, attracted condensation and were draughty and rattled whenever traffic passed by. I accept that the new windows are likely to have improved the sound insulation and energy efficiency of the dwelling. However, as the Council's 'Advice on the Repair and Replacement of Windows' document points out, double glazed replacement of existing windows may not be as cost effective as other energy saving measures, and existing windows can be upgraded at a lower cost to bring these benefits whilst still retaining the original features and style which give character to a property. I do not consider that the benefits cited by the appellant could not have been achieved in some other less (or not) harmful way. Therefore I do not consider that the benefits of the development outweigh the 'less than substantial harm' caused by it.

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8. The appellant makes a number of other points in support of the development, all of which I have considered, including her claim that the windows were installed more than four years ago. However, the appellant clarified her grounds of appeal to confirm that only ground (a) was pursued. The length of time for which the windows may have been in place is not a relevant consideration when considering the planning merits of the proposal under the appeal on ground (a) and therefore I give this no weight on this ground. None of the other points raised is sufficient to disturb my overall conclusions.

#### **Conclusion**

9. For the reasons given above I conclude that the character or appearance of the Conservation Area are not preserved or enhanced by the development, and therefore that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

#### **Formal Decision**

10. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Laura Renaudon*

INSPECTOR

## PLANNING COMMITTEE

22<sup>nd</sup> JULY 2020



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

**Subject:** APPEAL AT 69 KESTEVEN ROAD, HARTLEPOOL,  
TS25 2NJ  
APPEAL REF: APP/H0724/D/19/3240565  
Erection of a two storey extension at the side and  
single storey extension to the front

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced property at 69 Kesteven Road, Hartlepool.
- 1.2 The appeal was allowed on 2<sup>nd</sup> March 2020. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## The Planning Inspectorate

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### Appeal Decision

Site visit made on 4 February 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 March 2020**

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**Appeal Ref: APP/H0724/D/19/3240565**

**69 Kesteven Road, Hartlepool, TS25 2NJ**

- 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 Graeme Steele against the decision of Hartlepool Borough Council.
  - The application Ref H/2019/0307, dated 4 July 2019, was refused by notice dated 7 October 2019.
  - The development proposed is new garage first floor bedroom, kitchen and dining-room extension, ground floor w.c and sunroom.
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#### Decision

1. The appeal is allowed, and planning permission is granted for construction of a new garage first floor bedroom, kitchen and dining-room extension, ground floor w.c and sunroom at 69 Kesteven Road, Hartlepool, TS25 2NJ in accordance with the terms of the application, Ref H/2019/0307, dated 4 July 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: Sheet 1 of 3 (Existing floor plans, existing and proposed elevations and existing and proposed block plan), Sheet 2 of 3 (Proposed floor plans and sections) and Sheet 3 of 3 (Location Plan).
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.

#### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

#### Main Issue

3. The effect of the proposal upon the character and appearance of the host dwelling and the surrounding area.

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### Reasons for the Recommendation

4. No. 69 is a two storey semi-detached dwelling located along Kesteven Road in the Fens area of Hartlepool. The property has had some extensions added to the original building over the years. The surrounding area is residential and is predominantly characterised by semi-detached dwellings of a similar size and design. A number of the dwellings in the area have also been altered and extended over time.
5. The Council raised no objection to the single storey front extensions, including the proposed works to the garage and porch. The delegated officer report states that those elements would not have a significant impact on the basis that they would not protrude beyond the footprint of the existing garage or porch. As pointed out by the appellant, and as can be seen on the proposed plans, that assessment was incorrect because the proposed front elevation would sit slightly further forward than the existing garage. Notwithstanding that point, I am satisfied that the scale of the ground floor elements would be subservient to the scale of the dwelling and would not look out of place in the surrounding street scene on account of the fact that a number of properties benefit from front extensions and canopies of varying design and proportions.
6. The Council states that it would ordinarily expect first floor extensions to the side to be set back from the front elevation by a metre or set in from the shared boundary by a metre in order to prevent a terracing effect and ensure a subservient appearance. However, from the information provided this requirement does not appear to be fixed in policy but would appear to be a rule of thumb. I recognise that the desire to ensure that domestic extensions have regard to the character and appearance of the locality and the proportions of existing dwellings are based on good design principles but in the absence of a fixed policy requirement it is necessary to assess the merits of the scheme based on the circumstances of any given case.
7. In this instance, both parties agree that the proposed first floor extension would be set back from the existing principal front elevation by approximately 0.3metres. The ridge height of the extension would be built flush to the existing host property ridge line. The set back from the proposed first floor level from the common boundary would be approximately 0.3metres. Although modest, this setback would help to avoid a strong terracing effect at the front of the property and the forward projection of the ground floor garage and porch element would help alleviate the appearance of the extension so that it does not dominate the overall appearance of the property.
8. At present, the neighbouring property has not been extended at first floor level and a visual break would be maintained between the two properties. In addition, there is a shared alleyway that splits the appeal property with 67 Kesteven that would maintain a separation between the two, albeit small, should the neighbouring property be extended in the same way. As such, the proposed first floor bedroom would not appear visually intrusive or unacceptably prominent on the street scene.
9. The Council has referred to side extensions at Nos. 63 and 65 both of which feature first floor setbacks of approximately one metre. However, as set out above, I do not find any evidence to suggest that this distance is a prescriptive policy requirement. Furthermore, as observed on my site visit there are a number of two-storey side extensions both in the immediate vicinity and wider

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area, which are not set back at first floor. The appellant has specifically referred to 27 Kesteven Road, 59 Kesteven Road, 86 Kesteven Road, 142 Kesteven Road and 50 Kesteven Road in which the two-storey extension sits flush with the original elevation. As a result, this has become somewhat characteristic of the area and there is no defined style.

10. The proposed extension would therefore not be incongruous with the character of the surrounding area and having regard to the specific circumstances of the proposal and its relationship with neighbouring properties, I am satisfied that the modest set back and the relationship between the ground floor extensions and first floor element would result in a well-balanced extension that would not be out of scale or proportion with the existing property.
11. I find that proposal would not have a detrimental impact on the character and appearance of the host dwelling or the surrounding area and find no conflict with the National Planning Policy Framework (NPPF) and policies QP4 and HSG11 of the Hartlepool Local Plan (2018) which seek amongst other things to ensure that new developments are of high quality design and would not adversely affect the character of the surrounding area.

#### **Conditions**

12. In addition to the standard time limit condition a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, in the interests of clarity. It is also necessary to attach a condition to ensure that the materials used are in accordance with the details on the application form in order to ensure a satisfactory appearance.

#### **Conclusion and Recommendation**

13. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

#### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

*Chris Preston*

INSPECTOR

## PLANNING COMMITTEE

22<sup>ND</sup> JULY 2020



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

**Subject:** APPEAL AT 9 ROSEBERY ROAD, HARTLEPOOL,  
TS26 8JZ  
APPEAL REF: APP/H0724/C/20/3247170  
Installation of a shipping container (N/2019/0006)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against an enforcement notice served by Hartlepool Borough Council in respect of the above referenced property at 9 Rosebery Road, Hartlepool.
- 1.2 The appeal was dismissed on 12<sup>th</sup> June 2020 and the Enforcement Notice upheld. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

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The Planning Inspectorate

## Appeal Decision

Site visit made on 4 June 2020

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

**Appeal Ref: APP/H0724/C/20/3247170**

**9 Rosebery Road, Hartlepool TS26 8JZ**

- 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 Rory Barr against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 31<sup>st</sup> January 2020.
- The breach of planning control as alleged in the notice is: Without planning permission, the siting of a shipping container.
- The requirements of the notice are: (i) Remove the shipping container from the land. (ii) Restore the land to its condition before the breach took place, including the re-erection of all boundary structures.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### The appeal on ground (c)

2. The appeal on ground (c) is that there has not been a breach of planning control.
3. The appeal site at 9 Rosebery Road is a two storey semi-detached dwelling occupying a corner location. Prior to the siting of the container that is the subject of the enforcement notice, the rear plot was bounded on the side by a close boarded timber fence. The rear boundary was formed by the door of the previous garage, with sections of fence on either side. On my site visit, I saw that the fencing has been replaced with a block wall to the side of the plot. The container now forms the rear boundary, and meets the return section of the new side wall.
4. The appellant states that the container was installed for security reasons. He says that it temporarily replaces the garage, and argues that it should be classed as a temporary structure, and as such should be exempt from planning control.
5. Section 55(1) of the 1990 Act says that 'development' includes the carrying out of building, engineering, or other operations. Such operational development comprises activities which result in some physical alteration to the land with some degree of permanence. A building is defined by section 336 of the 1990 Act as including any structure or erection. The courts have held that three

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primary factors to establish what constitutes a building are (a) that it is of a size to be constructed on site, as opposed to being brought onto the site, (b) permanence and (c), physical attachment. No one factor is decisive.

6. It is likely that the structure was brought to site, and not constructed there. It is not obvious whether it is fixed to the ground, or whether it sits under its own weight. Nevertheless, it appears to join the rear side wall of No 9 and also the side boundary fence of the neighbouring property.
7. It is a substantial metal structure that is undoubtedly very heavy even when empty. Given its size and likely weight, such a structure could not be moved at all easily, and not without some form of specialist lifting equipment. Therefore, although the appellant describes it as 'portable', these circumstances indicate a significant degree of permanence.
8. I saw that the container is prominent in close views along the street. Due to its size and scale, the container has a physical presence which alters the characteristics of the domestic curtilage of the dwelling. Instead of the previous fence, it adds a development of a significantly different visual character to the dwelling and its surroundings. Drawing these factors together, I am satisfied that the container may be considered as a building for the purposes of the 1990 Act.
9. I have had regard to Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), which relates to the provision within the curtilage of a dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse. The appellant says the container is used to store materials and site tools. The Council argue that there is insufficient information to determine whether the use is incidental or not.
10. However, even if it can be shown that the use is incidental, new buildings under Class E are subject to height restrictions. For building, enclosures or containers within two metres of the boundary of the curtilage of a dwellinghouse, the height should not exceed 2.5m. In this case, the appellant and the Council agree that the container itself is 2.59m high. I note the appellant's contention that this does not go up by a full number. However, the fact remains that the height of the container exceeds 2.5m and so this factor alone takes it outside the limits of permitted development.
11. The appellant makes reference to the requirements of Policy QP4 of the Hartlepool Local Plan, which deals with the layout and design of new development. However, as ground (a) has not been pleaded in this appeal, it is not open to me to take into account the planning merits of the development.
12. Drawing these strands together, the container constitutes development for which planning permission is required, and so a breach of planning control has occurred. The appeal on ground (c) thus fails.

#### **Other Matters**

13. The appellant has not pleaded ground (g), which is that the time given to comply with the notice is too short. Nonetheless, as the appeal process has coincided with the national coronavirus crisis, I have taken into account his further comments with regard to timescale.

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14. The appellant cites personal family circumstances, and also the need to finish the kitchen and extension at No 9. In view of these factors, he states that he needs at least until the end of September 2020 to complete the requirements. However, I note that four months is given in the enforcement notice, which at the time of writing of this appeal decision, will allow a compliance period extending into October 2020. That being the case, there is no need for me to consider an extension to the four month period.

#### **Conclusion**

15. For the reasons above, the appeal is dismissed, and the enforcement notice is upheld.

*Elaine Gray*

INSPECTOR



## PLANNING COMMITTEE

22<sup>nd</sup> July 2020



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

**Subject:** APPEAL AT 8 QUEEN STREET, HARTLEPOOL,  
TS24 0PR  
APPEAL REF: APP/H0724/C/19/3241193  
Installation of uPVC replacement windows  
(N/2019/0004)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against an enforcement notice served by Hartlepool Borough Council in respect of the above referenced property at 8 Queen Street, Hartlepool.
- 1.2 The appeal was dismissed on 4<sup>th</sup> May 2020 and the Enforcement Notice upheld. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

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The Planning Inspectorate

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## Appeal Decision

Site visit made on 18 March 2020

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 May 2020

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**Appeal Ref: APP/H0724/C/19/3241193**

**8 Queen Street, The Headland, Hartlepool TS24 0PR**

- 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 Joseph Hansard against an enforcement notice issued by Hartlepool Borough Council.
  - The enforcement notice was issued on 22 October 2019.
  - The breach of planning control as alleged in the notice is: without planning permission, the installation of uPVC windows.
  - The requirements of the notice are: (i) remove the existing uPVC windows. (ii) restore the windows to their condition before the breach took place.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Preliminary Matters

2. Although the appeal was made on ground (f), which relates to the requirements set out in the enforcement notice, the majority of the appellant's arguments relate more properly to ground (a). Ground (a) is that planning permission ought to be granted for any breach of planning control and allows the planning merits to be taken into account.
3. However, a fee is payable in respect of any planning application that is deemed to have been made under ground (a). Although this matter was brought to the appellant's attention, the fee has not been paid. As a result, I am unable to assess the planning merits of the case, including the third party representations, and the appeal proceeds on ground (f) only.

### Ground (f)

4. The appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections.
5. The development comprises new uPVC windows at the appeal site, which is a dwelling located in the Headland Conservation Area (CA). In this case, the appellant is required to remove the unauthorised uPVC replacements and restore the windows to their condition before the breach took place.

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6. The Council's objections relate to the effect of the development on the character and appearance of the CA. The appellant's case is that the requirements are excessive because the new windows are sympathetic to the originals, but more energy efficient and easier to maintain. Furthermore, he argues that they are in keeping with the windows found in a number of other properties in the vicinity. However, these factors relate to the planning merits of the case which, as noted above, cannot be taken into account as it is only open to me to consider ground (f) matters.
7. As there is no injury to amenity in this case, the purpose of the notice is to remedy any breach of planning control. In the absence of any suggested lesser steps that might overcome the Council's objections, it seems to me that no measures short of the removal of the uPVC windows and their replacement with windows reflecting the previous design would remedy the breach.
8. The appeal on ground (f) therefore fails.

#### **Conclusion**

9. For the reasons above, the appeal is dismissed and the enforcement notice is upheld.

*Elaine Gray*

INSPECTOR



## PLANNING COMMITTEE

22<sup>nd</sup> July 2020



**Report of:** Assistant Director Environment and Neighbourhood Services

**Subject:** APPEAL AT 23 REDWOOD CLOSE, HARTLEPOOL  
APPEAL REF: APP/H0724/D/19/3236912  
TWO STOREY EXTENSION TO SIDE  
(H/2019/0273)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for a two-storey extension to side at 23 Redwood Close, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 29 January 2020

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 02 April 2020**

**Appeal Ref: APP/H0724/D/19/3236912**

**23 Redwood Close, Hartlepool TS27 3QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr Kevin Powell against the decision of Hartlepool Borough Council.
- The application Ref H/2019/0273, dated 13 June 2019, was refused by notice dated 8 August 2019.
- The development proposed is a two-storey side extension.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the development proposal on the character and appearance of the area; and
  - The effect of the development on highway safety, with particular reference to driveway access.

### Reasons

#### *Character and appearance*

3. The appeal property is a 2-storey detached dwelling located on the corner of Redwood Close, a T-shaped residential cul-de-sac in Hartlepool. The neighbourhood is comprised largely of detached dwellings with quite open frontages. There is garden space on three sides of the appeal dwelling. The garage is accessed from a section of Redwood Close running to the side of the property.
4. The appeal proposal comprises a 2-storey side extension located on the area of garden between the house and Redwood Close. It would be slightly set-back at the front at first-floor level and would have an end-gable roof set-down slightly from the existing front facing gable. At the front the extension would be almost the same width as the existing dwelling.
5. The extension would be built of materials matching as far as possible those of the existing dwelling. The plans show the extension as accommodating a kitchen, hall and garage at ground floor and 2 bedrooms (one with en-suite), a bathroom and a store cupboard at first floor level. The main entrance would be

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relocated from the side of the dwelling to the front. Notwithstanding the appellant's contention that this entrance arrangement might be regarded as being more conventional I noted that many of the properties in the cul-de-sac are accessed from the side rather than from the front.

6. The open frontages ensure that there are largely uninterrupted outlooks across and along the cul-de-sac from several vantage points. The appeal site occupies a prominent corner position in the cul-de-sac. I did not see any other side extensions within the immediate neighbourhood, and it was clear that most of the dwellings had not been significantly changed at the front or side since they had been constructed.
7. The first-floor set-back and set-down would help to convey the impression that the proposed extension is subservient to the original dwelling. However, because of its significant size and bulk, extending as it would almost to the pavement of Redwood Close, the appeal proposal would dominate, and indeed, almost completely sever, views from one end of the cul-de-sac to the other. Consequently, it would look out of place and incongruous.
8. In coming to this finding, I acknowledge that the proposal would not cause any reduction in the living conditions of occupants of neighbouring dwellings through loss of sunlight or loss of outlook. Further, I am also mindful that the application did not receive any objections from neighbours.
9. For the above reasons, therefore, I find that the development proposal would cause harm to the character and appearance of the neighbourhood. It would therefore fail to accord with Policy HSG11(1) and (2) of the Hartlepool Local Plan 2018 (LP) which require that residential extensions are of an appropriate size and design, and that they do not adversely affect the character and appearance of the area. Furthermore, it would fail to accord with Policy QP4(1) of the LP which seeks to encourage development that is of an appropriate scale.
10. In addition, it would be inconsistent with the advice set out in Paragraphs 124, 127 and 130 of National Planning Policy Framework (the Framework) that the design of new development should be of a high quality that respects the character and appearance of the local area.

#### *Driveway access*

11. The architect's drawings do not include a plan showing the alignment of the driveway linking the proposed garage to the cul-de-sac. Nevertheless, given the position of the garage at the end of the proposed extension it would appear that the driveway would cut across the front lawn and intersect with the radius of the cul-de-sac at the point where cars would be making a turn.
12. Vehicle speeds within the cul-de-sac are restricted and therefore cars should be driven very slowly. One nearby property in Greywood Close has a corner access to a large driveway although I am not aware as whether this has been a source of any highway safety issues.
13. The Council's highways officer did express concerns about the driveway intersecting with the curb along the radius. Nevertheless, although this is not an ideal arrangement, because of the speed restrictions in place within the cul-de-sac I find that it would not constitute a threat to driver or pedestrian safety.

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14. The Council requires there to be 3 parking spaces for a 5-bedroom house. The existing garage and driveway could accommodate 2 vehicles. As the proposed garage would fail to comply with the Council's minimum size standard, it cannot be counted towards meeting the 3-parking space requirement. However, notwithstanding the absence of a drawing the area of garden in front of the house is large enough to accommodate a driveway with space for at least 1 vehicle, bringing the overall capacity to the required level.
15. Therefore, I find that the development proposal would accord with Policy HSG11(6) of the LP which requires that proposals for new residential extensions do not prejudice road safety. It would also accord with advice set out at Paragraph 108 of the Framework that new development should incorporate a safe and suitable access to the site.

### **Conclusions**

16. I have found that the proposal would not prejudice road safety. However, I have found that it would cause harm to the character and appearance of the area. I consider this conflict with the development plan outweighs my other considerations. For this reason, the appeal is dismissed.

*William Walton*

INSPECTOR

## PLANNING COMMITTEE

22<sup>ND</sup> JULY 2020



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

**Subject:** APPEAL AT 1 BUTE AVENUE, HARTLEPOOL, TS26 8JZ  
APPEAL REF: APP/H0724/D/19/3241197  
Erection of a single storey extension at the rear, level access door to front and raising of roof to accommodate loft conversion with 3no. roof windows (H/2019/0327)

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against an planning permission refused by Hartlepool Borough Council in respect of the above referenced property at 1 Bute Avenue, Hartlepool.
- 1.2 The application was refused under delegated powers (H/2019/0327) and the decision notice was issued on 29<sup>th</sup> October 2019.
- 1.3 The appeal was dismissed on 26<sup>th</sup> March 2020. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

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The Planning Inspectorate

## Appeal Decision

Site visit made on 11 February 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA  
CEnv AssocRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

**Appeal Ref: APP/H0724/D/19/3241197**

**1 Bute Avenue, Hartlepool TS25 5LL**

- 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 Roy Macgregor against the decision of Hartlepool Borough Council.
- The application Ref H/2019/0327, dated 17 July 2019, was refused by notice dated 29 October 2019.
- The development proposed is single storey rear extension, new level access door to front and raising of roof to accommodate loft conversion.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

3. At my site visit it was apparent that the roof pitch of the existing property was not shown accurately on the plans that were submitted with the application. That led to some confusion between the parties as to the precise extent to which the height of the roof would be raised because the Council appear to have calculated the difference between the existing and proposed height based on the existing drawing which incorrectly depicted the property being significantly higher than it actually is on account of the inaccurately drawn roof pitch.
4. As a result of correspondence following the site visit the appellant has submitted an accurate existing plan such that a clear comparison between the existing and proposed dwelling can be understood. I have taken that plan into account in making my recommendation.
5. The Council have found the construction of the single storey rear extension and new level access door to front elements of the scheme to be acceptable, with no adverse visual effects upon the character and appearance of the host property or street scene. I find no reason to disagree with this assessment and have considered whether it would be possible to issue a split decision whereby

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planning permission could be granted for the rear extension and not the alterations to the raise the height of the roof and convert the loft.

6. However, that would not be possible in this instance because the lean to roof of the single storey element could not be constructed as shown on the submitted plans without raising the height of the building. In other words, the construction of that element would be dependent on alterations to the dwelling which would not have the benefit of planning permission.

#### **Main Issue**

7. The main issue is, therefore, the effect of the proposed raising of the roof to accommodate loft conversion upon the character and appearance of the host dwelling and the surrounding area.

#### **Reasons for the Recommendation**

8. No. 1 is a detached bungalow located in a prominent position on a corner plot at the junction of Bute Avenue and Caledonian Road. The surrounding area is residential with a mix of dwelling types predominantly made up of terraced properties and symmetrical, semi-detached, two storey dwellings. The appeal property and the adjacent no.30 Caledonian Road are the only two detached bungalows in the area and are of significantly different designs. Indeed, the appeal property has its own design and form and as such its own character which is not like any other property in the surrounding area. The property is very simple in form and design with a pitched roof with hanging tiles to the front gable and brickwork to the ground floor. The large ground floor windows terminate directly below the projecting eaves and the overall impression is of a modest bungalow, dating from the latter half of the twentieth century, set amongst more traditional dwellings.
9. The increased height of the property would not be unduly harmful in the context of the surrounding area where two storey properties predominate. The building would be higher than the neighbouring bungalow but not so high that it would appear disproportionate. Moreover, that adjacent bungalow is of a distinctly different design and the proposals would not hinder the ability to appreciate the style of that dwelling which would still be seen as an individual property, distinct from others in the street.
10. However, whilst the principle of an upwards extension may be acceptable, the specific design would be less than sympathetic to the character of the existing property. In particular, the proposed method of raising the height is to extend the brickwork above the ground floor windows resulting in a substantially heightened eaves level. Unlike the present design where the projecting eaves terminate directly above the windows, a feature which is consistent with the design of the original dwelling, the proposal would result in an unbroken expanse of brickwork between the ground floor windows and the roof of the property.
11. That blank expanse of brickwork, unbroken by any windows or other features of note, would add a rather bland feature and give the prominent side wall facing Bute Avenue a somewhat 'top heavy' appearance. The unsympathetic effect would be heightened on account of the depth of the fascia board on the side elevation which is shown to be 400mm on the submitted plans. That is uncharacteristically deep in comparison to the normal fascia boards in the

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surrounding area and much shallower than the fascias of the existing property which are largely hidden behind the guttering and more slender in appearance.

12. The front elevation facing Caledonian Road and the rear elevation to the garden would have a more balanced appearance on account of the fact that the first floor windows in the gable would provide relief from the expanse of brickwork and give the property the appearance of a two storey dwelling. However, the side elevation to Bute Avenue would be somewhat betwixt and between a two storey dwelling and a chalet bungalow and the design would not reflect that of the surrounding area or the style of the existing property.
13. I have considered whether it would be possible to overcome the harm identified through the imposition of conditions, for example by imposing a condition to require details of the depth of the fascia to be agreed prior to the commencement of work. However, that would be more than a minor alteration and it is not the purpose of the appeal system to evolve the design of the scheme. An appeal should be determined on the basis of the proposal submitted to and considered by the Council. In any event, I am not satisfied that minor alterations to the fascia board could overcome the harm caused by the unsympathetic design which would result in an unattractive dwelling, particularly when viewed from Bute Avenue.
14. For those reasons, I find that proposal would have a detrimental impact on the character and appearance of the host dwelling or the surrounding area contrary to the aims of policies QP4 and HSG11 of the Hartlepool Local Plan (2018) which seek amongst other things to ensure that new developments are of high quality design and would not adversely affect the character of the surrounding area.

#### *Other Matters*

15. I am mindful of the personal circumstances of the appellant's wife and understand the desire to extend the property to cater for her needs. However, personal circumstances will seldom outweigh more general planning matters and I also consider it likely that similar ends could be achieved through a design solution that would be more sympathetic to the character of the property and surrounding area. Consequently, the weight I attach to those matters is limited.

#### **Conclusion and Recommendation**

16. For the reasons given above the harm to the character and appearance of the area is not outweighed by other matters and having had regard to evidence before me, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

#### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.



## PLANNING COMMITTEE

22<sup>nd</sup> July 2020



**Report of:** Assistant Director, Environment and Neighbourhood Services

**Subject:** APPEAL AT 193 RABY ROAD, HARTLEPOOL  
APPEAL REF: APP/H0724/W/3234392  
Change Of Use To A5 (Hot Food Takeaway),  
Installation Of Replacement Doors And Windows To  
The Front And Installation Of Flue To The Rear  
(H/2019/0008)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for change of use to A5 (hot food takeaway) and installation of replacement doors and windows to the front and installation of a flue to the rear at 193 Raby Road, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 11 February 2020

**by S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

**Appeal Ref: APP/H0724/W/3234392**

**193 Raby Road, Hartlepool, County Durham TS24 8EH**

- 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 Pathmathan Kandasamythurai against the decision of Hartlepool Borough Council.
- The application Ref H/2019/0008, dated 31 December 2018, was refused by notice dated 4 July 2019.
- The development proposed is described as the "conversion of existing shop premises into take away food sales".

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, the wording used by the Council has been entered. The Council described the development as the "Change of Use to A5 (hot food takeaway) and installation of replacement doors and windows to front and installation of a flue to the rear (retrospective application)". As neither party has provided written confirmation that a revised description of development has been agreed, I have used the one given on the original application.
3. The proposal seeks permission for the change of use of the ground floor to hot-food takeaway (A5) use, with associated changes to the building frontage, as well as the installation of a flue to the rear. From the application form and my site visit, it appears that the development has already commenced, and a flue has been installed to the rear of the site.

### Main Issues

4. The main issues are i) whether or not the site is a suitable location for the development having regard to local policy, ii) whether or not the proposal could be detrimental to the health of local residents, and the effect of the flue on iii) the character and appearance of the area and, iv) the living conditions of occupiers of adjoining properties with regard to loss of light and any overbearing effect.

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## Reasons

### *Location*

5. The appeal site is on the corner of Raby Road and Marton Street, next to an existing retail unit, in a residential area, close to, but outside the designated Raby Road local centre. Due to the road layout in the area, the side and rear of the appeal site is clearly visible from the public domain.
6. Policy RC16 of the Hartlepool Local Plan 2018 (the Local Plan) seeks to protect designated local centres through the concentration of certain uses, including hot-foot takeaways, within them. Policy RC18 of the Local Plan explicitly deals with hot-food takeaways and their control, seeking to strike the balance between economic development, vitality and viability and health. Irrespective of the locational threshold restrictions of Policy RC18, the site is in a residential area where the provisions of Policy RC21 prohibit hot food takeaways.
7. The appellant has provided no substantial, convincing evidence to suggest that the appeal proposal is the only viable use for the appeal site, or that it would not otherwise affect the vitality and viability of the nearby local centre. Although the appeal site lies close to a local centre, I do not consider that to be in its favour, as allowing such a use in this location would dilute the concentration of uses in the local centre itself. I do not consider that the history of the site in A1 use necessarily supports its future use for A5.
8. Being in a largely residential area and not in a designated retail centre, the appeal proposal does not therefore comply with the requirements of the development plan. There are no other material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan. As a result, I consider that the appeal site is not a suitable location for the development having regard to local policy. The appeal proposal would conflict with Policies RC16, RC18 and RC21 of the Local Plan.

### *Health effects*

9. Despite the claims of the appellant that there is no evidence linking hot-food takeaways to obesity and poor health, Policy RC18 does seek to control them in order to ensure that residents have the best possible opportunity to live a healthy lifestyle.
10. Similarly, the National Planning Policy Framework (the Framework) requires policies and decisions to achieve healthy places which themselves enable and support healthy lifestyles. The Framework particularly supports this where it would address identified local health and well-being needs.
11. Against that policy context, I note the substantial comments of the Council's Public Health team, which draw parallels between the levels of A5 uses in the town and the health metrics of residents of the town and the ward in particular.
12. In light of that, I consider that it is entirely consistent with national and local policy to seek to control the number of A5 uses in order to support healthy lifestyles. As such, I conclude that the proposal could be detrimental to the health of local residents. It is therefore contrary to Policy RC18 of the Local Plan, and guidance in the Framework.

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### *Character and appearance*

13. I note that there are retail and other uses adjacent to the appeal site. However, A1 uses have a different character to the proposed A5 use, not least as a result of generally being in more active use during the day, notwithstanding the ability of the proposed A5 use to be operated during the day. The difference in the character between these uses, and their subsequent acceptability in a predominantly residential area is underlined by the singling out of A5 uses in Policy RC21 of the Local Plan.
14. The flue is clearly visible from Marton Street to the side and rear, and in longer views along Raby Road. Its height exceeds that of the building on which it is installed, and it cuts across a number of upper-storey windows to the rear.
15. Whilst the size of the flue is dictated by its function, as the area around the appeal site is predominantly residential, with no similar flues, it does appear somewhat alien and out of keeping with the residential character of the surrounding area. This contrast is particularly marked to the rear of the appeal site, where the flue appears in the context of rear gardens, yards and extensions. The historic A1 use of the appeal site, and the neighbouring A1 use does not alter my view on this. I consider that the flue is therefore harmful to the established character and appearance of the area.
16. I consider therefore that in terms of its effect on the character and appearance of the area the proposal is unacceptable. It does therefore conflict with Policies RC21 and QP4 of the Local Plan, which, amongst other things, seek to control the location of hot food takeaways and ensure that development is of an appropriate form, respects its surroundings, is aesthetically pleasing and well designed.

### *Living conditions*

17. With regard to living conditions, I am concerned at the relationship of the flue to windows to the rear of the appeal site. The flue blocks a large part of the rear-facing first and second floor windows at the appeal site. It is also close to other side-facing windows. As such, I consider that the flue would have an unacceptable effect on the outlook from these windows and would cause an unacceptable loss of light and overbearing effect.
18. I acknowledge that an A1 use of the site could require a flue. However, the acceptability of the flue in this case is not altered by the use-class it serves.
19. I consider therefore that in terms of its effect on the living conditions of occupiers of adjoining properties with regard to loss of light and any overbearing effect, the proposal is unacceptable. It therefore conflicts with Policy QP4 of the Local Plan, which, amongst other things, seeks to ensure that development is of an appropriate form and is well designed.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be dismissed.

*S Dean*

INSPECTOR