

PLANNING COMMITTEE

AGENDA



Wednesday 19 August 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 5 August 2020 (to follow).

4. ITEMS REQUIRING DECISION

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

1. H/2020/0080 Unit 4, The Saxon, Easington Road (page 1)
2. H/2020/0119 50 Grange Road (page 15)
3. H/2020/0160 21 Hillcrest Grove, Elwick (page 29)

5. ITEMS FOR INFORMATION

- 5.1 Appeal at 21 Hillcrest Grove – *Assistant Director (Economic Growth and Regeneration)*

- 5.2 Appeal at 1 Bathgate Terrace – *Assistant Director (Economic Growth and Regeneration)*

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.

- 5.3 Appeal at 12 Meadowcroft Mews – *Assistant Director (Economic Growth and Regeneration)*
- 5.4 Appeal at 11 Queen Street – *Assistant Director (Economic Growth and Regeneration)*
- 5.5 Appeal at 16 Sydenham Road – *Assistant Director (Economic Growth and Regeneration)*
- 5.6 Appeal at 56 Station Lane – *Assistant Director (Economic Growth and Regeneration)*
- 5.7 Appeal at rear of Milbank Close / land at The Fens, Hart Village – *Assistant Director (Economic Growth and Regeneration)*
- 5.8 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS 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 2 September 2020 commencing at 9.30 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th August 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: Tim Fleming (In the Chair)

Councillors: Bob Buchan, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson and Cameron Stokell

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

Officers: Jim Ferguson, Planning and Development Manager
Dan James, Planning (DC) Team Leader
Sylvia Pinkney, Interim Assistant Director (Regulatory Services)
Peter Frost, Highways, Traffic and Transport Team Leader
Stephanie Bell, Planning Officer
Tom Graham, Legal Representative
Jo Stubbs, Democratic Services Officer

27. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Paddy Brown and Mike Young.

Members queried the attendance of Councillor Tony Richardson as a substitute at the meeting, given that on 10th June Council had approved sanctions against him which included that he should not be appointed as a member of a committee for the remainder of his term of office and other members should be discouraged from appointing him as their substitute. The Legal Representative confirmed that the appointment of Councillor Tony Richardson as a substitute was legally allowed.

28. Declarations of interest by members

None

Councillor Karen King (in attendance to speak on an application as a Ward Councillor) declared a personal interest as her husband worked for Home Group

29. Confirmation of the minutes of the meeting held on 22 July 2020.

Minutes approved

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

Number: H/2020/0127

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK
WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON
TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND
COURT KENTON NEWCASTLE UPON TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with
associated external alterations including installation of new
canopy to side, replacement of canopy to front and
installation of new access gate to side (providing access to
rear)

Location: 54 BELK STREET HARTLEPOOL

In response to a member query the Planning (DC) Team Leader confirmed that sound insulation would be included as part of the conditions for all the applications brought to today's meeting. He also highlighted that public protection had raised no objections. Members queried how much publicity there had been around this application. The Planning (DC) Team Leader advised that planners had gone over and above the statutory requirements in terms of resident consultation (informing adjoining properties) delivering 13 letters in the immediate vicinity and posting a site notice. Rear access issues were also raised. A member noted that plans to place an additional entrance to the rear would give easier access into individual properties without using the alleygate thereby breaching the safety and security of the back lane.

Councillor Brenda Harrison spoke against the application as Ward Councillor. Her comments related to all applications brought before the Committee, particularly those in the West View area. She queried the assertion that the consultation had been over and above what was necessary, saying she had suggested to the applicant that more consultation was required. This had resulted in a leaflet drop which she did not feel was consultation as such.

Councillor Harrison advised that she was in total agreement with the scheme itself but had great concern about the area selected. There had not been a lot of thought given as to where the properties would be located and the nature of those areas. The relationship between Home Group and the residents needed some improvement and there had not been enough information to residents living nearby which had fuelled negative rumours. She also disagreed with the assertion that 3-bedroom houses were not needed.

Councillor Steve Thomas had indicated his support of Councillor Harrison's comments via email and had asked that these be replayed to the members present.

Councillor Karen King spoke against the application as Ward Councillor. Her comments related specifically to the West View area. She said the residents lives would be affected if these applications were approved and their concerns should carry the biggest weight in the discussion. These applications would lead to issues with parking, noise, and anti-social behaviour and she was totally against them. She concurred with Councillor Harrison's comments about 3 bedroom houses and noted the large number of empty 1-bedroom flats in the area.

A member moved that this application be rejected as they felt the area was not appropriate to house vulnerable people. There had been insufficient publicity around the proposal and the vast majority of those that were aware of it were against the application due to the fear of crime. They acknowledged the need for 1-bedroom accommodation but not in 1 particular area. This was seconded by another member who felt the accommodation would be targeted at homeless people and women seeking refuge. The latter in particular would not be appropriate as most of them would have children and could therefore not be housed in 1-bedroom flats. The development was not wanted or needed in this location. The Chair confirmed that the applicant was not in attendance. Members confirmed that their reasons for refusal were fear of crime and anti-social behaviour. They also criticised the applicant for failing to attend, saying it demonstrated their lack of interest or involvement in the process.

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. Members voted against unanimously.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was then taken to refuse the application as had been moved by members. Members queried why this vote was necessary as nobody had moved approval during the debate. They were advised that this was required in order to confirm the reasons for refusal. Members voted for refusal unanimously.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development would give rise to issues of increased anti-social behaviour and fear of crime, to the detriment of the amenity of the surrounding area, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraphs 91 and 127(f) of the National Planning Policy Framework (2019).

The Committee considered representations in relation to this matter.

Number:	H/2020/0128
Applicant:	MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE
Agent:	RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE
Date received:	28/04/2020
Development:	Change of use from 1no. dwellinghouse to to 2no. flats with associated external alterations including installation of porch and access door to front and alterations to chimney
Location:	9 GREENWOOD ROAD HARTLEPOOL

A member noted that this application would be at odds with the design and character of other properties in the area, thereby potentially identifying the location of those suffering domestic abuse.

A member moved that this application be deferred to allow the applicant to attend and answer members' questions. This motion was amended to include all remaining applications on the agenda.

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 motion to defer all remaining application on the agenda to a future meeting. Members voted for unanimously. The Planning (DC) Team Leader advised that as the next meeting was 2 weeks away it was unlikely that these applications would be brought to that meeting but would come to the next available meeting.

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0129

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE UPON
TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations including
installation of porch and access door to front and
alterations to chimney

Location: 25 GREENWOOD ROAD HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0137

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE UPON
TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations including
installation of an access door and canopy to the

front, and bricking up of a door and installation of a window to the rear

Location: 74 MIDDLETON ROAD HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0139

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE UPON
TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no.
flats with associated external alterations including
installation of porch and access door to front

Location: 3 HENDERSON GROVE HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0143

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH
PARK WAY GOSFORTH BUSINESS PARK
NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2
DIAMOND COURT KENTON NEWCASTLE UPON
TYNE

Date received: 11/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front and replacement of window to front

Location: 6 HENDERSON GROVE HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0144

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 28/04/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including the replacement of the canopy to the rear

Location: 52 ARKLEY CRESCENT HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0148

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of a canopy to the side

Location: 51 BRUCE CRESCENT HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0149

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations

Location: 99 WINTERBOTTOM AVENUE HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0151

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of an access door and canopy to side

Location: 184 JESMOND GARDENS HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

Number: H/2020/0154

Applicant: MR CRAIG ELLIS HOME GROUP GOSFORTH PARK WAY GOSFORTH BUSINESS PARK NEWCASTLE UPON TYNE

Agent: RNJ PARTNERSHIP LLP MR SIMON NESTI 2 DIAMOND COURT KENTON NEWCASTLE UPON TYNE

Date received: 04/05/2020

Development: Change of use from 1no. dwellinghouse to 2no. flats with associated external alterations including installation of porch and access door to front

Location: 43 WARREN ROAD HARTLEPOOL

Decision: **Deferred to a future planning committee to allow the applicant to attend/speak at committee and answer any Members queries/questions.**

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

Members were given details of 13 ongoing investigations and 9 completed investigations.

Decision

That the report be noted.

The meeting concluded at 10.30am

CHAIR

PLANNING COMMITTEE

19 AUGUST 2020



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: PLANNING APPLICATIONS

No: 1.
Number: H/2020/0080
Applicant: MR M JAGPAL C/O AGENT
Agent: PRISM PLANNING LTD MILBURN HOUSE 17
WOODLAND ROAD DARLINGTON DL3 7BJ
Date valid: 20/02/2020
Development: Change of use from retail shop A1 to drinking
establishment with expanded food provision (A4 and A3)
including the installation of a flue
Location: UNIT 4 THE SAXON EASINGTON ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following planning applications are associated with the application site (unit 4) and considered relevant to the current proposal:

1.3 **H/2017/0325** – Change of Use from A1 to A5 Hot Food Takeaway (Unit 4) refused by the LPA on 05.10.2017. The applicant appealed the LPA's decision which was later dismissed on 09/03/2018, appeal reference: APP/H0724/W/17/3190602.

1.4 **H/2019/0155** – Change of use from a vacant retail unit (A1) to Hot Food Takeaway unit (A5) – refused 15/07/2019 for the following 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.*

1.5 The applicant appealed against the LPA's decision which was again dismissed by the Planning Inspectorate on 24.10.2019, appeal reference APP/H0724/W/19/3234665.

PROPOSAL

1.6 Planning permission is sought through this application for a change of use of a vacant A1 retail unit at Unit 4 of the former Saxon public house (now a designated local centre) to accommodate a drinking establishment (A4 use) 'with expanded food provision' (A3 use) which together will be considered a mixed use development (A3/A4 use, now defined as an 'AA' use). The accompanying application form indicates that the proposed unit would be open to the public between the hours of 11am and 11pm, 7 days a week. No external alterations are proposed to the unit, with the exception being the erection of a flue to the rear elevation. Internally, the proposal would relocate the disabled WC to create a kitchen at the rear of the unit, with a bar area at the front of the unit, although the submitted information indicates that this, along with the external flue final detail, is to be confirmed with the end user.

1.7 The application has been referred to the planning committee due to the amount of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.8 The application site is Unit 4 of the former Saxon Public House on Easington Road, which was granted planning permission for the conversion of the former pub to create individual units, comprising retail units (A1 use class) and a hot food takeaway (A5 use class). Additional planning permissions were approved (and allowed at appeal) for the erection of a further two single storey units for retail (A1) uses and the use of the first floor of the former public house as a licensed restaurant (A3). The application site relates to the single storey extension unit on the south east elevation of the main premises, which is currently vacant, with its last known use being a florist in March 2018. As detailed in the background section of this report, this unit (No 4) has been subject to two refused planning applications and two associated dismissed appeal decisions in respect of a previously proposed hot food takeaway (A5 Use).

1.9 The site is designated within the Hartlepool Local Plan (2018) as a Local Centre with the area surrounding this local centre predominately of residential use, with Whin Meadows to the east and Marshall Close to the north. Other units within the centre include a convenience shop, a dental surgery and a hot food takeaway (fish and chip shop). A large car park is sited to the side (northwest) and rear (north east) and the site is enclosed by a 2m acoustic boundary fence.

PUBLICITY

1.10 The application has been advertised by way of neighbour letters (22) and a site notice. To date, there have been six objections from members of the public.

1.11 The concerns raised can be summarised as follows:

- The application is an attempt to create what has already been refused (A5 use class)
- A drinking establishment open 12 hours per day is inappropriate
- Final details are unknown
- Odour nuisance
- Increased litter, including in residential gardens
- Increased noise disturbance
- Fears regarding security of home
- Anti-social behaviour already prevalent in the area
- Alcohol misuse is a problem in Hartlepool resulting in an impact on hospitals and courts
- The establishment is located within 50 metres of a children's playground
- There are 50 establishments locally (and 3 within 0.5 miles of the site) and this will impact upon public health
- Local residents were glad the former pub closed down
- It would be better used as a food bank base or something useful
- Unit would be acceptable as a pub but not with a flue installed due to relationship with neighbouring properties

1.12 Additionally, one letter supporting the merits of the proposal has been received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136941>

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

HBC Building Control: I can confirm that a building regulations application will be required.

HBC Engineering Consultancy: In response to your consultation on the above application I have no objections in respect of contaminated land or surface water management.

HBC Countryside Access Officer: No comments on the application.

HBC Landscape Architect: There are no landscape and visual objections to the proposed change of use.

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

HBC Arboricultural Officer: There are semi mature trees in adjacent gardens but these will not be affected by the proposals outlined in this application. "No external alterations proposed other than a flue above the kitchen" as mentioned under clause 3.2.4 of the submitted Planning Statement. In this respect I have no objection to this application.

HBC Ecology: No objection.

HBC Public Protection: I would have no objections to this proposal subject to an extract ventilation condition.

HBC Waste Management: No comments received.

HBC Public Health: No comments received.

HBC Community Safety: No comments received.

HBC Economic Regeneration: No comments received.

Cleveland Police: I have consulted with Police licensing department who have no objections to this application but will be asking for appropriate conditions in relation to the licence this will most likely include installation of CCTV at premises which is capable of producing images that can be used in a court of law.

Cleveland Fire: Cleveland fire Brigade offers no representations regarding the development as proposed, however Access and Water Supplies should meet the requirements as set out in Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5, Table 15.2.

Recommendations

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

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

PLANNING POLICY

1.16 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

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

CC1: Minimising and Adapting To Climate Change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RC1: Retail and Commercial Centre Hierarchy

RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

National Policy

1.18 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 07-10: Achieving sustainable development

PARA 11-12: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 80a: Impacts from noise

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 182: Ground conditions and pollution

HBC Planning Policy comments

1.19 There are no Planning Policy concerns regarding this application. The use of the unit for A3 and A4 purposes is supported.

PLANNING CONSIDERATIONS

1.20 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 (including the impacts on the vitality and viability of the local centre), visual amenity, neighbour amenity, crime and anti-social behaviour and highway and pedestrian safety. These and all other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

1.21 The proposal involves the change of use from a retail unit (A1) to mixed use “drinking establishment with expanded food provision” (defined as Use Class ‘AA’ but in effect relates to an A4 drinking establishment use with an extended food/A3 use provision). The application site is located within the Former Saxon Pub Local Centre as defined in policy RC16 of the Hartlepool Local Plan (2018) Policies Map. In accordance with Policy RC1 of the Hartlepool Local Plan (2018), which sets out the hierarchy for acceptable uses, a mixed use A4/A3 establishment is considered acceptable in this location where it is considered that it would not adversely affect the character, appearance, function and amenity of the property and the surrounding area. This view is supported by HBC Planning Policy.

1.22 Furthermore, it is acknowledged 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 brought back into use through an appropriate use for a local centre.

1.23 Subject to the proposal satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable.

NEIGHBOUR AMENITY

1.24 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 the proposed use of the unit as a drinking establishment with expanded food provision.

1.25 It is acknowledged that there would be a remaining separation distance of approximately 16m to the rear elevation of the closest neighbour at 13 Whin Meadows, approximately 18m to the rear No. 11, approximately 16.5m to the rear of No. 12, approximately 21.5m to the rear of No. 14, and approximately 22m to the rear elevation of No. 15 from the existing unit and associated proposed external flue to be installed on the rear elevation. A separation distance of approximately 52m-55m would remain between the host unit and neighbouring properties at 31-35 (odds) Fulthorp Avenue, and a separation distance of approximately 65-70m would remain between the host unit and 37-43 (odds) Fulthorp Avenue (with the host unit between).

1.26 Consideration is given to the host unit being an established single storey element to the main building whilst no external alterations are proposed with the exception of a proposed flue; it is considered that a proposed flue on the rear elevation would be modest in scale and projection when read in the context of the application site as a whole. Therefore it is considered that subject to a planning condition requiring the precise and final details of such works, and in view of the above, it is considered that the proposals would not result in any adverse impacts on the amenity or privacy of neighbouring properties (including 11-16 (inclusive) Whin Meadows and 31-43 (odds) Fulthorp Avenue) in terms of loss of light, loss of outlook, overbearing impression or overlooking.

1.27 Given the established footprint of the building (which does not include any new openings) and remaining separation distances to residential properties to the rear (Whin Meadows), it is considered that the proposal would not result in an adverse loss of amenity and privacy for neighbouring land users, subject to final details of the layout being agreed by the Local Planning Authority. A planning condition is necessary in respect of this.

Odour nuisance

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

1.29 Furthermore, the Inspector considered that *“given the intervening distance to the nearest properties, I am satisfied that this matter could be dealt with by the imposition of conditions relating to the siting and specifications of the extraction plant and equipment, should the appeal have succeeded. If properly installed and maintained, which can also be controlled by condition, cooking fumes and odours can be limited to an acceptable level. Furthermore, there is no evidence before me to suggest that the existing HFT has given rise to any complaints regarding odour*

nuisance". The Inspector therefore did not dismiss the appeal on this ground/reason for refusal. In dismissing the appeal for the subsequent application H/2019/0155 (reference APP/H0724/W/19/3234665), the Inspector made reference to matters of potential odour nuisance, concluding *"I also do not dispute that matters to address issues including cooking fumes, odour and opening hours could be regulated through appropriately worded conditions."*

1.30 The Council's Public Protection team have not objected to the current application for a drinking establishment with expanded food provision, but have requested that a condition in relation to final details of the flue and extraction details should be attached to any potential grant of planning permission to ensure it is fit for purpose, in the interests of the amenity of neighbouring occupiers. It is therefore considered that subject to the necessary planning condition that the proposal would not result in a significant impact on the amenity of neighbouring residential land users in terms of odour nuisance. The proposal is therefore considered, on balance, to be acceptable in this respect.

Noise disturbance

1.31 Paragraph 180a of the NPPF (2019) states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"*.

1.32 The application form indicates the intention to open between 11am and 11pm, which is in accordance with the provisions of Policy RC16 of the Hartlepool Local Plan (2018) for local centres which precludes permitted uses operating between 11.30pm and 7am. The Council's Public Protection section have made no comments or raised any objections to the opening hours proposed and therefore it is considered, that the proposed hours are acceptable, and a planning condition is necessary to secure this. Subject to this planning condition and taking into account the established siting and separation distances to surrounding properties, on balance, it is considered that the proposal would not result in an adverse loss of amenity in terms of noise disturbance, and the proposal is considered to accord with policy RC16 of the Hartlepool Local Plan (2018) and paragraph 180a of the NPPF (2019).

1.33 In view of the above and subject to the above conditions, 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 policies LS1 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 80a, 124 and 127 of the NPPF (2019).

VISUAL AMENITY

1.34 It is noted that there are no external alterations proposed with the exception of a flue proposed at ground floor level at the rear. It is acknowledged that by virtue of the orientation of the building, the flue would be partially visible from the main street scene (at the front of the site on Easington Road). However, it is noted that the host unit is a single storey addition to the main two storey building which is set back from the main public highway and that the proposed flue would be situated towards the rear of the unit and would be read in the context of the above described relationship. As noted above, HBC Public Protection have indicated that the proposed flue would be acceptable subject to the a planning condition to secure final details of the flue being agreed by the Local Planning Authority, and subject to this condition, it is considered that the proposed flue would not result in any adverse visual impact for the host building or street scene.

1.35 Given the existing appearance of the unit and the context in terms of surrounding units, the proposal would not have a detrimental impact upon the existing street scene or the character of the area.

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

HIGHWAY AND PEDESTRIAN SAFETY

1.37 It is noted that the Former Saxon Pub Local Centre is served by a large car park which would remain unaltered by the proposed change of use of one unit from A1 to the proposed use. The Council's Highways, Traffic and Transport section have been consulted on the application and have no raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

CRIME AND ANTI-SOCIAL BEHAVIOUR

1.38 It is acknowledged that a number of neighbour representations have made reference to the prevalence of anti-social behaviour in the vicinity. Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 91 of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion".

1.39 Cleveland Police have confirmed that they would have no objections to the proposal subject to a number of safety and security measures, to include the installation of appropriate CCTV. This advice can be relayed to the applicant via a suitable informative. HBC Community Safety have not offered any objections or comments in respect of the proposal. It is therefore considered acceptable in respect of crime and anti-social behaviour matters.

HEALTH AND WELLBEING

1.40 The proposed use would result in an additional drinking establishment with expanded food provision in the area. The Council's Public Health section were consulted and have offered no comments or objections to the proposal.

1.41 In relation to planning and health, paragraph 91 of the NPPF (2019) underlines that planning decision should aim to achieve healthy, inclusive and safe places and take into account and support the delivery of local strategies to improve health, social and cultural well-being. It is recognised that planning is closely linked with health and has an important role to play in encouraging health habits and active lifestyles.

1.42 Whilst it is acknowledged that there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating and drinking habits, the end user has a choice. Therefore, given the number of existing bars/drinking establishments in the locality, and this area having been designated a Local Centre within the Hartlepool Local Plan Policies Map (2018) to which the proposed use(s) are deemed acceptable in planning terms, it is not considered that the addition of a 'drinking establishment with expanded food provision' would result in a significant or disproportionate reduction in the health and well-being for residents in this area of Hartlepool. The proposal is therefore, on balance, considered to be acceptable in this respect.

OTHER PLANNING MATTERS

1.43 The Council's Arboricultural Officer has been consulted in respect of the proposal and considers that although there are semi-mature trees in the vicinity of the application site, as the proposal does not seek to make any alterations or propose development in the outdoor space of the Unit, it is considered that there would be no adverse impacts on the trees as a result of the proposal.

1.44 It is noted that existing provision is made for refuse storage at the rear of the unit, with access to this directly from the rear of the unit. No objections have been received from HBC Waste Management or HBC Public Protection in respect of waste facilities, and therefore the proposal is considered acceptable.

1.45 No objections have been received from technical consultees in respect of drainage and contamination, and ecology matters. The proposal is therefore acceptable in this respect.

OTHER MATTERS

1.46 Cleveland Fire Brigade have indicated that fire suppression measures should be considered as part of the proposed works. These comments have been relayed to the applicant for their consideration. Notwithstanding the Planning Committee's previously adopted position on sprinklers in various types of potentially vulnerably developments (which does not include the change of use to an A4/A3 use), a suitable informative is recommended to make the applicant aware of this advice.

Ultimately, this is a building regulations matter and is therefore beyond the remit of the Local Planning Authority.

PLANNING BALANCE AND OVERALL CONCLUSION

1.47 In relation to the material planning considerations examined above, it is considered that the principle of development in this location is acceptable in relation to policy RC16 of the Hartlepool Local Plan (2018). It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, which would therefore accord with policies QP4 and QP6 of the Hartlepool Local Plan (2018) and paragraphs 11, 124, and 127 of the NPPF (2019). It is therefore recommended that the proposal be approved subject to planning conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250), Drwg. No 136/FP/02 (Existing Site Plan), Drwg. No 136/FP/04 (Existing Ground Floor Plan), Drwg. No 136/FP/06 (Existing Elevations), Drwg. No 136/FP/02 (Proposed Block Plan), Drwg. No 136F/P/03 (Proposed Site Plan), Drwg. No 136F/P/05 (Proposed Ground Floor Plan), Drwg. No 136F/P/07 (Proposed Elevations), received by the Local Planning Authority on 25th February 2020.
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the first use of the development, details of the final internal layout shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In the interests of the amenities of occupants of neighbouring properties.

4. Notwithstanding the submitted information and prior to the first use of the development hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the development, the approved scheme shall be implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food requiring ventilation, filtration and fume extraction is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. The premises shall only be open to the public between the hours of 11.00 and 23.00 Mondays to Sundays inclusive.
In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC16 of the Local Plan.
6. No deliveries shall be taken or despatched for the premises outside of the following hours 0900 to 1900 Monday to Sunday (including Public/Bank Holidays).
In the interests of the amenities of the occupants of neighbouring properties.
7. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises shall be used as a drinking establishment with expanded food provision (Use Class 'AA' as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017) and for no other purpose or use.
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC16 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136941>

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.

CONTACT OFFICER

1.53 Tony Hanson
Assistant Director of Environment & Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523400

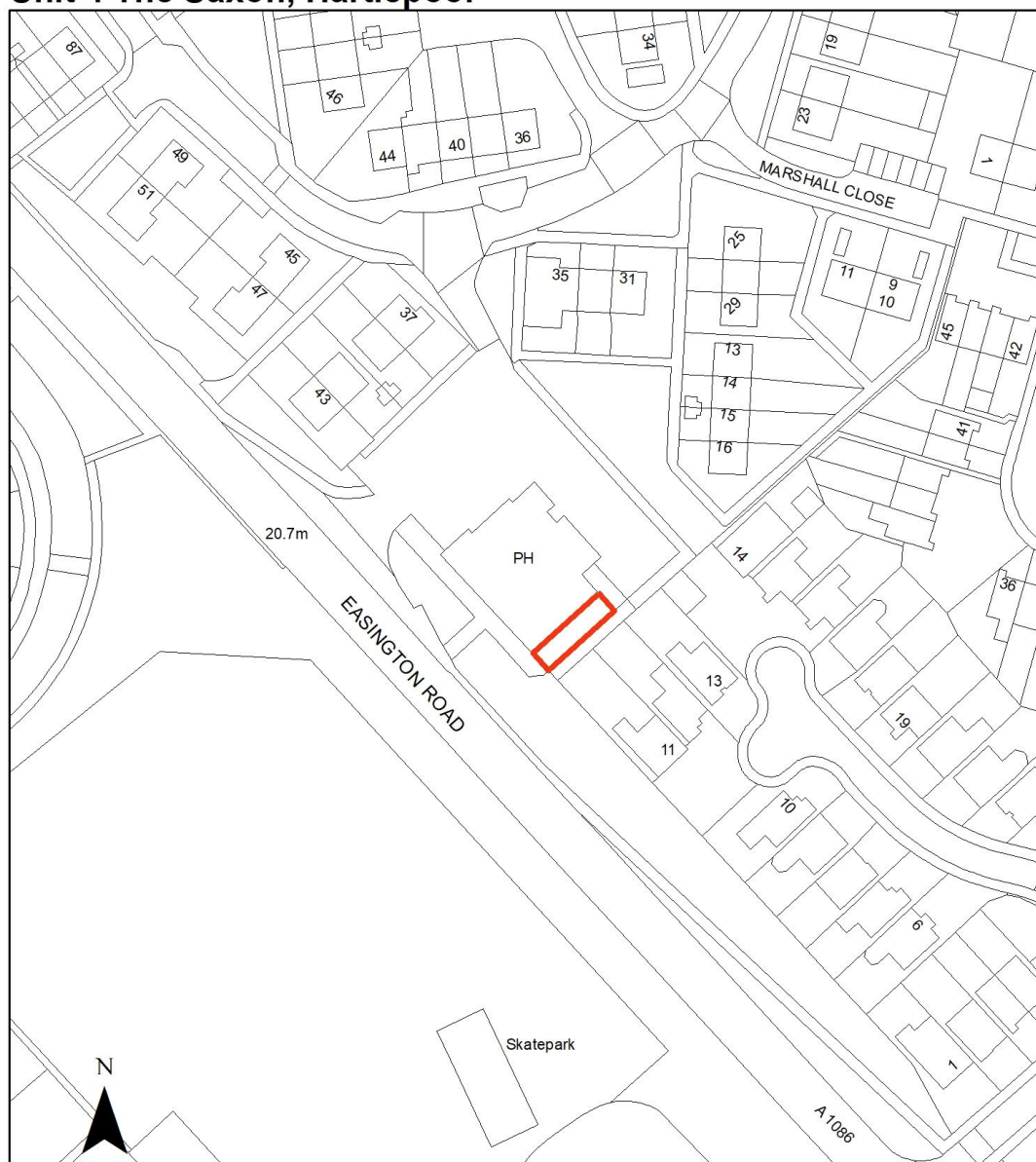
E-mail: tony.hanson@hartlepool.gov.uk

AUTHOR

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

Tel: 01429 523246

E-mail: Stephanie.Bell@hartlepool.gov.uk

Unit 4 The Saxon, Hartlepool

Copyright Reserved Licence No100023390 (2020)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.7.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0080	REV

No: 2.
Number: H/2020/0119
Applicant: MR P MILLION DUKE STREET DARLINGTON DL3 6SP
Agent: ROCKET ARCHITECTURAL DESIGNS MR A BOYCE
105 WEST AUCKLAND ROAD DARLINGTON DL3 0LF
Date valid: 14/04/2020
Development: Change of use to house in multiple occupation for 8
individuals (Sui Generis Use Class)
Location: 50 GRANGE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL

2.2 Planning permission is sought through this application for the change of use from a dwelling most recently in use as a smaller house in multiple occupation (HMO) (C3 use class) to a large HMO (Sui-generis use class) for up to 8 tenants at 50 Grange Road. The property would consist of:

- Ground Floor: Communal rooms (consisting of a kitchen, utility, hall and boiler room) and 2no. bedrooms (1no. with a private yard space and en-suite);
- First Floor: 3no. bedrooms (1no. with an en-suite) and a bathroom, separate shower room and separate W.C; and
- Second Floor: 3no. bedrooms (1no. with an en-suite).

2.3 There are no external alterations proposed to facilitate the proposed change of use.

2.4 The application has changed over the course of the application, as initially it was proposed to erect a single storey extension on the rear to provide additional living/dining space for the occupiers. Following concerns from the Council's Heritage and Countryside Manager that this element would not be sympathetic to the character of the Conservation Area, the applicant removed the element from the proposal. Amended plans were received in this respect and the application description updated accordingly.

2.5 The application has been referred to the planning committee due to the amount of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.6 The application site is a traditional mid-terrace two storey property (with living accommodation in the loft space) constructed from yellow brick, located on the northern side of Grange Road. The site is within the Grange Conservation Area and covered by an Article 4 Direction, which removes permitted development rights to alter or extend properties. The property is adjoined by No. 48 Grange Road to the east and No. 52 Grange Road to the west with Nos. 43 and 45 Grange Road beyond the highway to the front (south) and Nos 109 and 111 Milton Road beyond an alleyway to the rear (north). The application site benefits from a yard to the front, enclosed by a hedge with a height of approximately 2m, and a yard to the rear, with a brick wall and gate with a height of approximately 2m.

PUBLICITY

2.7 The application has been advertised by way of 21 neighbour letters, a site notice and a press notice. To date, 7 objections have been received from members of the public.

The concerns raised are:

- Parking concerns which would be exacerbated by the proposal (including parking permits)
- Traffic (including speed of travelling cars)
- Former uses in the street included drug and alcohol rehabilitation centres
- Concerns regarding the type of residents at the property
- Concerns that the Council should be responsible for the actions of the residents
- Several properties in the street have been converted to HMOs
- Antisocial behaviour (including noise, partying)
- Conservation Area results in costly upkeep of properties
- Extension on the rear would obstruct refuse wagons
- Good residents will move out of the street
- Detrimental to character of the area

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137364>

2.9 The period for publicity has expired.

CONSULTATIONS

2.10 The following consultation replies have been received:

HBC Engineering Consultancy: In response to your consultation on the above application, I have no objections in respect of contaminated land or surface water management.

HBC Landscape Architect: While there are no landscape and visual objections to the proposed development/change of use, it should be ensured that the existing front boundary hedge is protected during construction works.

HBC Public Protection: No objections.

UPDATE 04.08.2020

Confirmed requirement for noise insulation measures to adjoining properties.

HBC Waste Management: No comments received.

HBC Traffic and Transport: The site provides no off street parking so there is potential to increase parking demand on Grange Road however a HIMO would normally require 1 parking space per 5 beds due to the low car ownership exhibited by residents living in such premises. Therefore I would expect a similar parking demand if the property remained a single residential property. I therefore have no objections to this application. Residents with cars would have to obtain resident permits and park in adjacent streets.

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

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

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

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

The proposal is the change of use to a house in multiple occupation and a single storey extension to the rear.

In relation to the change of use only there would be no objections to this element of the work.

With regard to the extension to the rear of the property. This looks like an uncomfortable fit and it steps outside the usual rhythm of rear extensions being offshoots with space to the side of them. It would appear that the extension would be visible from Milton Road.

The Grange Conservation Area Appraisal notes that “in general, 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.” With regard to the terraced plots it is noted that “The terraced plots are [also] shorter, so offshoots, outhouses and garages can stretch right to the back of the plot, leaving only a rectangular rear yard on each plot.”

It would appear that the proposal would introduce an extension which would reduce this rear yard space, altering the grain of the terrace and therefore the character of the conservation area. The appraisal concludes that “It is important to protect plot shape and size and density levels as this protects grain, rhythm, spatial character and historic plot boundaries.”

It is considered that the proposal will affect the non-designated heritage asset. In such instances a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset (NPPF, 197). In this instance no information has been provided to suggest that the harm would be outweighed by the public benefits of the proposal.

UPDATE 04.05.20

The removal of the extension addresses the concerns that I had regarding the loss of space in the rear yard.

I would have no objections to the proposal in its current form.

Cleveland Fire Brigade: Cleveland fire Brigade offers no representations regarding the development as proposed; however Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2: 2019, Section B5 for buildings other than Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Recommendations

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

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

Cleveland Police Crime & Architectural Liaison Officer: These type of premises have the potential of an increased risk of crime and disorder which can have an adverse impact on the local community this tends to be linked to the nature of tenants who reside at the premises.

In order to reduce these risks any such premises require to be well managed along with careful selection of tenants who are to reside at the premises.

Appropriate security measures require to be in place the communal entrance door requires to have a visitor door entry system and access control system with a facility in place to record and identify of all visitors .All entrance doors including flat doors and accessible windows need to deter unauthorised access doors and windows that are certified to PAS24: 2016 would provide this.

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

Dusk/Dawn lighting fitted to al entrance doors.

Secure mail delivery requires to be provided.

Secure bin storage provided.

CCTV to all entrances.

HBC Community Safety: No comments received.

HBC Economic Development: No comments received.

Civic Society: Hartlepool Civic Society would like to comment on the use of modern materials in the rear extension corrugated metal sheeting and GRP roofing. It is noted that the developer has offered to discuss and consider using more traditional materials such as brick and slate and we feel that this opportunity should be taken in order to maintain the integrity of the Conservation Area.

PLANNING POLICY

2.11 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

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

CC1: Minimising and adapting to climate change
HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RC1: Retail and Commercial Centre Hierarchy

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for climate change

PARA 153: Planning for climate change

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 212: Implementation

HBC Planning Policy comments:

2.14 It is worth noting that the site is located within a primarily residential area and so the change of use to an alternative residential use would be acceptable in principle. It is worth noting, however, that there are several other considerations that must be taken into account when assessing the application. Firstly, with the conversion from a singular dwelling to one which houses 8 people, there is the potential increase in private vehicles that might come about, and so the Highways team has to be satisfied that the change of use would not negatively impact on the local highway network, particularly with regards to parking.

2.15 Also, the dwelling is situated within the Grange conservation area, and so the proposals must be deemed acceptable in heritage terms. The proposal includes a single storey rear extension, and policy HE3 stipulates that development within conservation areas must conserve or enhance the distinctive character of conservation areas. As a result of this, particular regard must be given to the scale and nature of the development and its appropriateness, the design, height, materials and finishes etc. alongside the retention of original features of architectural interest. The policy also stipulates that developments which affect the setting of a conservation area, should take account of the character and setting of the conservation area through appropriate design, scaling, siting, use of materials and impact on the significance. The comments of the Heritage and Countryside manager should further detail if the proposal is acceptable in heritage terms. It is worth noting that if those comments indicate that the proposal is unacceptable, this will render the development contrary to policy.

PLANNING CONSIDERATIONS

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2019) including the principle of development, the impact on the character and appearance of the existing building and surrounding area (including the conservation area), the impact upon highways, impact on the amenity and privacy of neighbouring properties, safety and security, and any other planning matters. These and any other matters are detailed below.

PRINCIPLE OF DEVELOPMENT

2.17 The primary use in this location is residential, and as such it is necessary to ensure that similar or complimentary uses are maintained to protect the character and amenity of the area. The proposed use whilst being defined as a 'sui-generis' use is ultimately a residential use (albeit a higher density use than the surrounding uses) and as such it is considered that the principle of large HMO residential use is within keeping with the general character of the area. The application site is located within the limits to development within walking distance of existing shops and services, and close proximity to local bus services which provides access to the public transport network. Therefore the site is considered to be in a sustainable location. Therefore the principle of development is considered to be acceptable subject to the consideration of all other material planning considerations as detailed below.

IMPACT ON VISUAL AMENITY AND CHARACTER OF SURROUNDING CONSERVATION AREA

2.18 The application site is located within the Grange Conservation Area, a designated heritage asset. When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

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

2.20 The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The character of the Conservation Area is detailed within the HBC Heritage and Countryside Manager's comments (detailed above).

2.21 Initially, as mentioned above, the proposal included the erection of a single storey extension at the rear. The Council's Heritage and Countryside Manager considered that this element would result in less than significant harm on the designated heritage asset (the conservation area). In addition, Hartlepool Civic Society provided comment to request that details of materials be reconsidered in order to be more sympathetic with the surroundings (and conservation area). The applicant removed this element from the proposals and submitted amended plans in this respect.

2.22 As the proposal does not seek to make any external alterations to the host property as part of this application, the Council's Heritage and Countryside Manager has confirmed that there are no concerns with regard to the impacts on the conservation area resulting from the proposal for the change of use to a house in multiple occupation.

2.23 The Council's Landscape Architect was consulted in respect of the proposal and has no objections provided that the existing hedge at the front of the curtilage remains in situ and would be protected during construction works. The applicant has agreed to this and a planning condition can secure that the hedge (at the front) is protected during construction works.

2.24 Owing to the above and subject to necessary planning conditions, the proposal is therefore considered to be acceptable with respect to the impacts on the character and appearance of the existing building and surrounding conservation area.

AMENITY OF NEIGHBOURING LAND USERS

2.25 It is not considered that the proposed use would have an adverse impact on the privacy of the adjacent neighbouring properties, given that the proposal does not intend to introduce any additional windows nor extend the property or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. Furthermore, the existing window openings would primarily continue to serve rooms of a similar nature i.e. existing habitable room windows (bedrooms, living room etc) continuing to serve habitable room windows and existing non-habitable room windows (bathrooms, landing etc.) serving proposed non-habitable rooms.

2.26 It is acknowledged that the nature and layout of the proposed use has the potential to introduce greater levels of activity to areas of the property than the current approved use as a small HMO (the proposal introducing a further 2 bedrooms) and as such has the potential to cause noise related nuisance to areas of the neighbouring dwellings (particularly bedrooms) where they could reasonably expect low levels of noise and disturbance. In response, the Council's Public Protection team have been consulted upon the application and their response raises no objections to the application but have confirmed the requirement for noise insulation measures between the host property and neighbouring party walls. It is considered that a planning condition is necessary to secure noise insulation measures and therefore, subject to this, the proposal is acceptable in this regard. It is further considered that a limit on the amount of residents living within the property (no more than 8) can be secured via an appropriate planning condition, which is considered necessary in this instance.

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

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

2.28 It is acknowledged that an objection has been received in respect of parking, parking permits and traffic. The site is located with an area consisting primarily of terraced properties reliant on available on-street parking in the vicinity. In common with other dwellings in the neighbourhood, the site lacks in-curtilage parking accessible to the highway and would therefore be unable to provide for any off street parking.

2.29 In respect of the proposal, the Council's Traffic and Transportation team have indicated that HMOs are usually required to provide a minimum of 1 car parking space per 5 occupants. However, given the location of the property and lack of any potential to provide off-street parking, the HBC Traffic and Transport team consider that, on balance, that there are no objections to the proposal in relation to parking

issues or highway safety. They have advised that residents will need to apply for resident parking permits and this can be appended to the decision notice as an informative.

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

SAFETY AND SECURITY

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

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

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

2.34 The above matters can be controlled under the requirements imposed on any HMO License issued by the Council's Housing Standards Team. Notwithstanding the above, Cleveland Police's advice can be relayed to the applicant via an informative.

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

OTHER PLANNING MATTERS

Drainage & Contaminated Land

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

Waste

2.37 The proposed use has the potential to generate a higher level of refuse/waste given the increased number of occupants. It is noted that the property is served by an enclosed rear yard and the applicant has indicated that waste would be sited in this area. No objections have been received from HBC Waste Management, Public Protection, and Traffic and Transport. Subject to a planning condition requiring waste storage to be in the area detailed on the submitted plans, the proposal is considered to be acceptable in this respect.

RESIDUAL MATTERS

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

2.39 Notwithstanding the above, in view of Cleveland Fire Authority's position statement on suppression systems and the Council Planning Committee's previously adopted position on sprinklers in various types of potentially vulnerably developments (including HMOs), the applicant has been asked whether the provision of a sprinkler system in the building has been considered and has confirmed their intention to take on board the advice of the Fire Authority through the Building Regulations process. Ultimately, this is a building regulations matter and is therefore beyond the remit of the Local Planning Authority.

NON PLANNING MATTERS

2.40 It is acknowledged that an objection has been received which refers to other planning applications in the street and wider area. Every application is considered on its own merits and matters and therefore the determination of other planning applications in the vicinity have not been considered.

2.41 An objection received highlights concerns regarding the character of people living in the proposed HMO. This is not a material planning consideration.

CONCLUSION

2.42 On balance and in light of the considerations detailed above, it is considered that the principle of the proposed change of use to a large HMO is acceptable. It is considered that the proposal would not give rise to adverse impacts upon the visual amenity (including impacting upon the Conservation Area), neighbour amenity, highway safety, community safety or any other planning matter. It is therefore considered the development accords with policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019, and should be conditionally approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.45 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans and details Drwg. No. GR/01 REV B (Site Location Plan (scale 1:1250), Drwg. No. GR/03/B 'Existing Elevations, sections & Site Plan', Drwg. No. GR/02/B 'Existing Plans (Floor Plans)' received by the Local Planning Authority on 15th April 2020; and Drwg. No. GR/05/C 'Proposed Elevations & Site Plan' and Drwg. No. GR/04/C 'Proposed Plans' (Floor Plans) received by the Local Planning Authority on 1st May 2020.
For the avoidance of doubt.
3. No development shall take place until a scheme for the protection during construction works of all hedges to be retained to the front of the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any hedges which are seriously damaged or die as a result of site works shall be replaced with hedges of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing hedges and the visual amenity of the area.
4. Prior to the development hereby approved being brought into use a scheme demonstrating appropriate noise insulation between the application site and adjoining neighbouring properties at 48 Grange Road and 52 Grange Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.

5. Any waste generated from the HMO use hereby approved (Sui Generis use) shall be stored in the bin store area as indicated on the plan Dwrg. No. GR/04/C ('Proposed Plans', received by the Local Planning Authority on 1st May 2020). In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
6. The use of the property as a house in multiple occupation (Sui Generis Use) shall not exceed more than 8 residents at any one time.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137364>

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.

CONTACT OFFICER

2.48 Tony Hanson
Assistant Director of Environment & Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523400
E-mail: tony.hanson@hartlepool.gov.uk

AUTHOR

2.49 Stephanie Bell
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk

50 Grange Road, Hartlepool

Copyright Reserved Licence No100023390 (2020)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.7.2020
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0119	REV

No: 3.
Number: H/2020/0160
Applicant: MR MICK STEPHENSON HILLCREST GROVE ELWICK
HARTLEPOOL TS27 3EH
Agent: Mr Mick Stephenson 21 HILLCREST GROVE ELWICK
HARTLEPOOL TS27 3EH
Date valid: 04/05/2020
Development: Felling of tree covered by Tree Preservation Order No 94
Location: 21 HILLCREST GROVE ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/FUL/0321/94 – extension to main dwelling

3.3 In 1994 planning permission was granted by the Local Planning Authority to extend the property by creating a kitchen, lounge and garage extension and front canopy (Planning reference H/FUL/0321/94).

3.4 At that time the Planning Officer dealing with the application considered that the tree subject to the current application, a medium sized mature Sycamore, was a “significant asset to the area generally” and as part of granted planning permission, the tree was to be retained and foundations of the correct design were to be built without damaging it. A planning condition on the planning permission also protected the tree during construction work by ensuring that appropriate measures were put in place so that it was not damaged during the construction phase of the development. Furthermore the sycamore tree was also put on a formal Tree Preservation Order (TPO number 94) to guarantee that it co-existed alongside the development.

H/2016/0087 – application for works to tree

3.5 A request to have the tree pruned was received in 2016 (Planning reference H/2016/0087) by the Local Planning Authority and this was duly granted on the basis that the works complied with the standard of professional tree care and that all work was carried out in a judicious manner and in accordance with the current standards of professional tree care at that time.

Recent tree applications and associated appeal decisionH/2019/0285 – application for tree pruning works

3.6 A request to prune the tree was received on the 26/06/2019 (Planning reference H/2019/0285) from contractors working on behalf of the owner/applicant but this time it was to pollard the tree (i.e. severely prune it), leaving the stem at 3.5m. This was subsequently refused by officer delegation on the 20th August 2019 on the basis that the proposed work to the tree was contrary to the aims of the Tree Preservation Order and would remove any visual amenity that the tree offers.

3.7 It was considered that only Crown Reduction or Crown Thinning to British Standard (BS3998:2010) would be acceptable as was the case previously. It is also of note that in the official guidance notes (that should be read in association with any tree works application) that under Section 7 “Poor tree surgery - proposals that would endanger the health of condition of a tree or greatly reduce its amenity value to the local environment are unlikely to be allowed unless there are strong reasons for doing so”.

3.8 The applicant (Mr. Stephenson) appealed the LPA’s decision (Appeal reference: APP/TPO/HO724/7608) but this was later ‘rejected’ by the Planning Inspector on a technicality with the way that the appeal had been submitted by the aforementioned contractors and not by the applicant himself.

H/2019/0423 – application for removal of tree

3.9 A further application was received by the applicant on 17/09/2019 (Application reference H/2019/0423) this time to fell the tree completely. This application was refused by way of officer delegation for the following reason;

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the removal of the protected tree is justified and therefore the proposed removal of the tree would result in an unacceptable adverse loss of visual amenity for the area, contrary to the provisions of Hartlepool Local Plan Policies NE1 (7) and QP6 (4).

3.10 The applicant/owner again appealed the Council’s decision to the Planning Inspectorate in December 2019 (Appeal reference APP/TPO/HO724/7709). Due to delays with the Covid-19 virus issue, the Planning Inspector had to delay his visit until the 20/05/2020. The outcome however, was that the appeal was dismissed on the 01/06/2020 (the appeal decision forms part of this committee agenda under ‘items for information’). Within the appeal, the Inspector concluded;

As observed during my site visit it is the scale of the tree which adds to its prominence and consequent contribution to the character of the area...With any application to remove a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the visual amenity of the area. Trees are just one possible cause of movement of a building and thorough investigation of the cause(s) is essential. This has not been done in this

case and removal of the sycamore would result in harm to the character and appearance of the area. Insufficient justification for this course of action has been demonstrated.

PROPOSAL

3.11 This application seeks consent to completely remove the 1no. mature sycamore tree covered by TPO no. 94 at No 21 Hillcrest Grove. Within the applicant's submitted supporting documentation, they have indicated that they are seeking the removal of the protected tree for the following reasons:

- The tree does not have an outstanding or special amenity value, particularly it lacks 'Visual Amenity';
- The tree has outgrown the surroundings;
- Excessive shading to both properties located at 21, Hillcrest Grove and 10, The Paddock;
- Damage caused to property - garage floor, roof, drains;
- Health & hygiene issues from extensive bird droppings;
- Increased general property maintenance due to tree debris;

3.12 A Building Survey report (dated September 2019) has again been submitted (the same report that accompanied the previously refused application H/2019/0423 and dismissed appeal decision) and this identified signs of movement in the brickwork although movement-monitoring had not been carried out. It is understood that paving slabs to the side of the property have recently been removed because they were lifting by tree roots and replaced with stone chippings and evidence of roots were found to be present. This is discussed in further detail below.

3.13 The applicant has also submitted details of neighbour 'support' to remove the tree including a list of people in Hillcrest Grove, The Walk, and The Paddock where it is understood that the applicant had approached such neighbours for their views and emphasising that the removal of the tree was supported by Elwick Parish Council from the previous application. This along with the applicant's supporting documentation can be viewed on the referenced public access link below.

3.14 The application has been brought before Planning Committee after being called in by the Chair of Planning Committee (and local ward councillor for this area), in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.15 21 Hillcrest Grove is situated at the end of a quiet cul-de-sac leading off North Lane and situated East of St. Peter's Primary School. The site occupies an elevated position and the 1no. Sycamore tree that this application relates to is readily visible from an area of the road frequented by the public and forms part of the high tree canopy in Elwick Village.

PUBLICITY

3.16 The application has been advertised by way of neighbour notification letters (10 The Paddock and 7 Greenlea), which immediately abound the site where the tree in question is located). Elwick Parish Council were also consulted together with local ward councillors.

3.17 To date, 3no. letters of support have been received, which can be summarised as follows;

- the loss of the tree will not lessen views of the village;
- cannot understand why the tree has a TPO on it when it is so close to the property and that the tree should be removed as it causing damage to the property;
- letter of support from a car body shop supporting the applicant because of the damage being caused to cars and the costs involved to repaint them;
- the reasons for protection the tree in the first place are 'questionable';
- the tree species is 'not under threat' and does not have a 'critical ecological role'.

3.18 To date, there has been one letter of objection from a neighbouring resident, which can be summarised as follows;

- This tree has been there for a long time (it was present when they moved into the village in 1983);
- It is a valuable ecological site and supports wildlife;
- The village is becoming less and less rural;
- The loss of trees is contributing to climate change.

CONSULTATIONS

3.19 The following consultation replies have been received:

HBC Ecologist; *verbally confirmed 'no concerns' in respect of any impact on wildlife such as bat roost potential and nesting birds.*

Elwick Parish Council; No comments received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137778>

3.20 The period for publicity has expired.

PLANNING POLICY

3.21 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

3.22 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application. Several Policies cover the protection/retention of trees throughout the Borough of Hartlepool and the following are relevant in this case:

CC1 Minimising and adapting climate change
NE1 Natural Environment
QP6 Technical Matters

National Policy

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

PARA 001: Introduction
PARA 002: Permission determined in accordance with development plan
PARA 003: Introduction
PARA 007: Achieving sustainable development
PARA 008: Achieving sustainable development
PARA 010: Achieving sustainable development
PARA 011: The presumption in favour of sustainable development
PARA 012: The presumption in favour of sustainable development
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 150: Planning for Climate Change
PARA 212: Implementation

PLANNING CONSIDERATIONS

3.24 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 potential impact on the visual amenity of the surrounding area as a result of the loss of the protected tree having regard to the reasons and information put forward by the applicant in support of their application and whether or not the proposal is justified.

3.25 As ‘amenity’ is not defined in law, it is for Local Authorities to exercise judgement to decide on how ‘amenity’ is decided and, if following the removal of a tree or trees, if it would have a significant negative impact on the local environment and its enjoyment by the public. The applicant has provided supporting information with photos of the tree from surrounding areas and is of the view that the tree does not contribute to the visual amenity of the area.

3.26 In response, Officers are of the view that the amenity value of this tree is that it enhances the street scene through its size and form, and its contribution to the village setting. The tree is readily visible from a number of vantage points within the area. The removal of this large mature tree would therefore result in the loss of a mature tree canopy that punctuates this part of the street and contributes to the visual amenity of the area. As noted in the recently dismissed appeal decision for the removal of the same tree (appeal reference APP/TPO/HO724/7709), the Inspector highlighted that the prominence of the tree, commenting that the tree *“is clearly visible in longer views south east along Hillcrest Grove towards the property and above the rooftops from within The Paddock and Greenlea. From these viewpoints the tree, due to its height, stature and prominent position, adds to the verdant and sylvan character of the area”*.

3.27 Using the Tree Evaluation Method for Preservation Orders used by many Local Authorities this tree scores 21 out of 25 with the recommendation that it definitely merits a TPO. Should the tree be removed it would be a visual loss, not only in terms of visual amenity, but would deplete the character of this part of the village, contrary to the provisions of Local Plan Policy NE1 which states that trees of amenity value will be protected.

3.28 It is of further note, that the LPA’s original decision (H/2019/0423) to refuse the application has been supported in the recent Planning Inspectorate’s decision to dismiss the appeal (appeal reference APP/TPO/HO724/7709) for the removal of the tree. Within the appeal decision the Inspector is in agreement that *“the loss of the tree would result in unacceptable harm to the character and appearance of the area to which I give significant weight. Any reasons to justify its removal therefore need to be compelling”*.

3.29 In this context, National Planning Practice Guidance states that *“applicants must provide reasons for proposed work. They should demonstrate that the proposal is a proportionate solution to their concerns and meets the requirements of sound arboriculture... It is important that applications suggesting that the proposed tree work is necessary to address tree-related subsidence damage are properly supported by appropriate information”* (Paragraphs 068 + 069).

3.30 As noted above, the application is accompanied by the same building survey report (dated September 2019) that was submitted to accompany the previously refused application (H/2019/0423) and associated dismissed appeal decision (reference APP/TPO/HO724/7709); the building survey report does not include details of soil type and plasticity index nor did the slip gauge readings show a period of monitoring to ascertain if subsidence was fluctuating over the summer and winter months which would ascertain any differential settlement of the ground beneath the foundations. The applicant has also submitted a number of more subjective supporting documents (alleged damage as a result of the tree and views from the surrounding areas) as detailed in the 'proposal' section.

3.31 As noted in the 'background' section of this report, planning permission to build the garage extension (adjacent to the tree in question) was granted in 1994 with the specific condition that the tree be protected from damage at that time during the construction work and that the foundations were required be built to avoid the influence of any tree roots and avoid damage to any major roots themselves. This was a mature tree then and although it has grown in size, the nature of mature trees is to grow at a much slower rate than if they were semi-mature. The foundation specification should have accommodated the root system of this tree when the garage was built and any future damage should have been avoided. The LPA's view is that this tree is a protected tree from the day the Tree Preservation Order was made and any alterations around the roots should have been done so as not to damage the tree and not the other way round.

3.32 Furthermore and although a building survey report has been submitted, no exploratory or invasive tests have been carried out to determine the extent of the roots where they are alleged to be present and if they are present then these need to be excised or the foundations made good to accommodate them without resorting to the destruction and total loss of the tree.

3.33 As part of the aforementioned and recently dismissed appeal decision (reference APP/TPO/HO724/7709) for the removal of the same tree in question, when considering the applicant's submitted supporting building survey report (the same report, dated September 2019, submitted with the current application), the Inspector considered this but was also dismissive of the findings, commenting *"whether or not the tree is removed, remedial work to the garage would be required...no substantive evidence of a causal relationship has been advanced, I give little weight to this document"*.

3.34 Furthermore and with respect to the applicant's concerns to safety as a result of any cracks in the flooring, the Planning Inspector commented *"for those concerns to carry any weight in favour of the tree's removal, substantive evidence that the tree is causing floor cracks that hinder access would be required. This has simply not been provided"*.

3.35 It is considered that none of the applicant's additional supporting documents further their argument to justify the removal of the tree and as such, it is considered that the applicant has (again) failed to satisfy the provisions of Policy QP6 (4),

namely that the any impact on protected trees should be investigated and satisfactorily addressed.

3.36 The issues of falling leaves, birds etc. is not a consideration that can overturn a TPO and is not a nuisance in the legal sense under the TPO regulations.

Furthermore, in the aforementioned appeal decision, the Inspector also dismissed such concerns, commenting that *“these are natural phenomena which go hand in hand with living in an area which is defined by mature trees and which provide an attractive place to live”*.

3.37 In this instance and for the reasons identified above, the LPA is of the view that the applicant has failed (again) to demonstrate that there is justification/mitigating circumstances for the tree’s removal. As such, it is considered that such a removal would result in an unacceptable adverse loss of visual amenity for the surrounding area, contrary to Policies CC1 and NE1 of the Hartlepool Local Plan 2018 (Local Plan) which seek to protect trees of amenity value and those which are part of the habitat and green infra-structure network. The proposal is also in conflict with Policy QP6 (4) of the Local Plan which requires claims of tree-related subsidence to be investigated. Officers would reiterate the conclusions of the Inspector in dismissing in the recent appeal decision namely that *“the lack of substantive evidence linking movement in the garage to the tree, in addition to the lack of thorough investigation of alternative courses of action provide inadequate justification for removal of this tree”*.

3.38 Comments stating that the tree being non-native and should not have been planted are not considered to be relevant when considering objections. The tree is part of an old hedge boundary and is likely to be self-sown rather than planted and pre-dates the property itself.

3.39 The relevant consultations were carried out when the Tree Preservation Order was first made and the tree since then has been legally protected to avoid it being damaged or destroyed. There are no exemptions applicable to this tree and although allegations have been made that the tree is dangerous, it is considered that the applicant has failed to provide evidence to support this to date.

3.40 With respect to whether any requirements apply in respect of protected species, no objections/requirements have been received from the HBC Ecologist in this respect.

CONCLUSION

3.41 Although the applicant has produced several reasons for wishing to remove this tree, none of them are appropriate under the TPO exemptions and the report on damage to car paintwork or the tree not being under threat from an ecological perspective are not appropriate in planning terms and is almost an everyday complaint from people affected by trees that they do not like.

3.42 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable and that the loss of the tree would result in an unacceptable adverse loss of visual amenity for the

surrounding area. As such the works are considered to be contrary to the identified Local Plan Policies and would therefore warrant a refusal of the application.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.43 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.44 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

RISK IMPLICATIONS

3.45 As with any tree there is some degree of risk however at this moment in time there is nothing to suggest it is dangerous and should that stage arise the exemptions under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 would apply providing that the local planning authority is satisfied that this is the case.

FINANCIAL CONSIDERATIONS

3.46 For a claim to be made against the local planning authority it must be demonstrated that the damage was not foreseeable. It is also expected for the person whose land is affected to have taken reasonable steps to avert the loss or damage. In this case the driveway has impacted on the roots system not the other way around and the foundations of the garage appears not to have been constructed to withstand root activity from a well-established mature tree.

LEGAL CONSIDERATIONS

3.47 Unless covered by an exemption as previously described under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the tree remains protected by law.

REASON FOR DECISION

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

RECOMMENDATION – Refuse for the following reason;

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the removal of the protected tree is justified and therefore the proposed removal of the tree would result in an unacceptable adverse loss of visual amenity for the area, contrary to the provisions of Hartlepool Local Plan Policies CC1 (4), NE1 (7, 8) and QP6 (4) and general provisions of the National Planning Policy Framework.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137778>

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.

CONTACT OFFICER

3.50 Tony Hanson
Assistant Director of Environment & Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

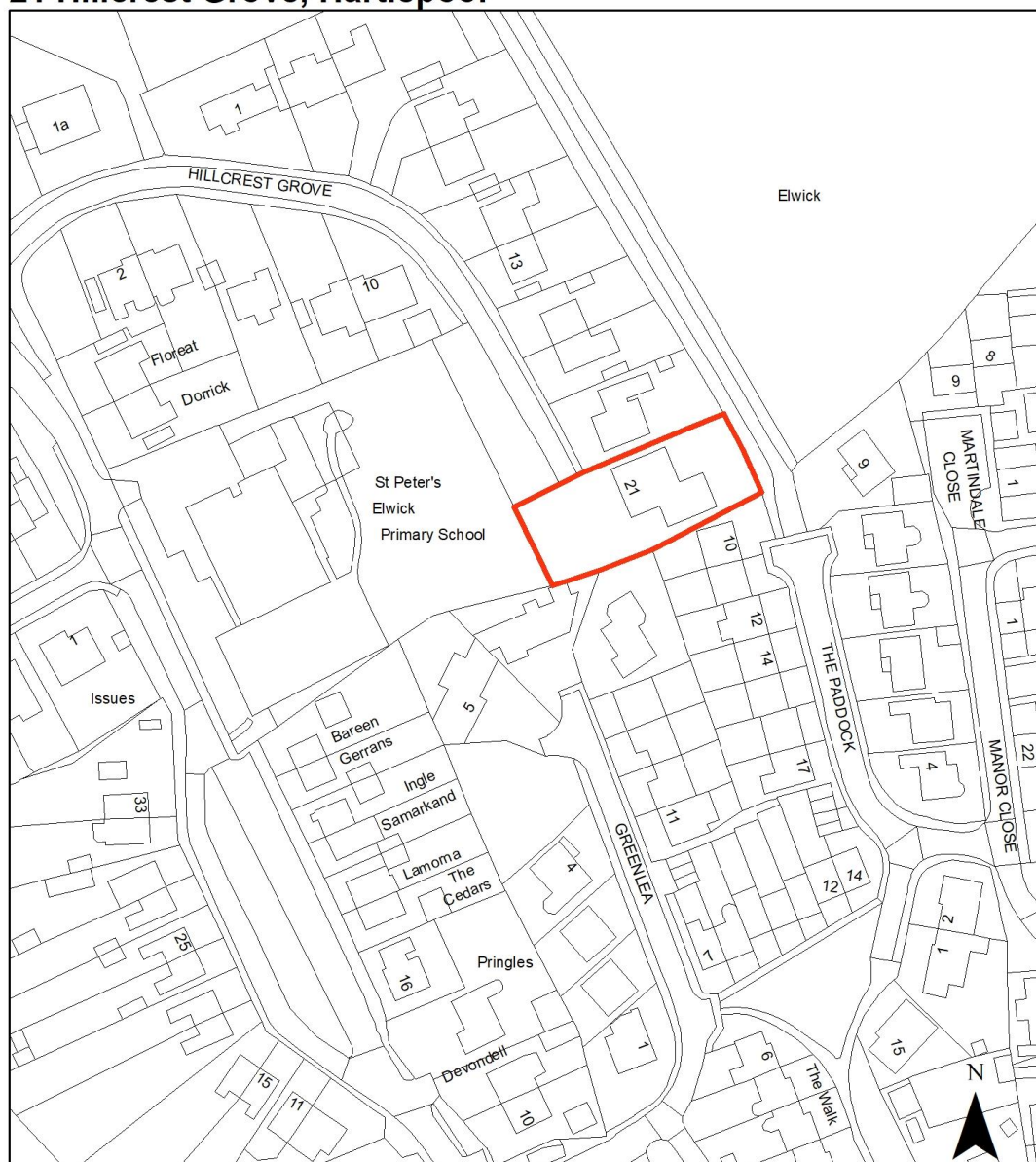
E-mail: tony.hanson@hartlepool.gov.uk

AUTHOR

3.51 Derek Wardle
Aboricultural Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523414

E-mail: derek.wardle@hartlepool.gov.uk

21 Hillcrest Grove, Hartlepool

Copyright Reserved Licence No100023390 (2020)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.7.2020
	SCALE 1:1250	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0160	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

MINERALS & WASTE DPD 2011

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 21 HILLCREST GROVE, ELWICK,
HARTLEPOOL TS27 3EH
APPEAL REF: APP/TPO/H0724/7709
Felling of 1no. sycamore tree (H/2019/0423)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of an application to remove 1no. sycamore tree by Hartlepool Borough Council in respect of the above referenced property at 21 Hillcrest Grove, Elwick, Hartlepool.
- 1.2 The appeal was dismissed on June 1st 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

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



The Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2020

by **E Symmons BSc (Hons) MSc MA ArborA**

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/TP0/H0724/7709

21 Hillcrest Grove, Elwick, Hartlepool TS27 3EH

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mr Mick Stephenson against the decision of Hartlepool Borough Council.
 - The application Ref: H/2019/0423, dated 17 September 2019, was refused by notice dated 29 November 2019.
 - The work proposed is to fell sycamore T1.
 - The relevant Tree Preservation Order (TPO) is Hartlepool Borough Council Tree Preservation Order No 94, which was confirmed on 30 August 1994.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of removing the tree on the character and appearance of the area, and whether the reasons given for the work justify that course of action.

Reasons

Character and appearance

3. The appeal property, which has an attached double garage, sits at the end of Hillcrest Grove. The surrounding estate is characterised by relatively well-spaced properties with trees, hedges and lawns to the front and there are several large prominent trees in the surrounding area. Adjacent and to the south of the garage is a mature sycamore tree which is clearly visible in longer views south east along Hillcrest Grove towards the property and above the rooftops from within The Paddock and Greenlea. From these viewpoints the tree, due to its height, stature and prominent position, adds to the verdant and sylvan character of the area.
4. The tree has been crown-raised and thinned in the past and has tolerated this work well, appearing healthy at the time of my site visit. No arboricultural evidence to the contrary has been submitted.
5. The loss of the tree would result in unacceptable harm to the character and appearance of the area to which I give significant weight. Any reasons to justify its removal therefore need to be compelling and it is to that which I now turn.

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

Appeal Decision APP/TPO/H0724/7709

Justification

6. A building survey report¹ was submitted in support of the application. This states that the garage has cracks in the floor, in wall mortar joints, deflection of brickwork causing interference with the garage door opening/closing and movement associated with a utility cabinet. The report states that movement of the garage results from subsidence/heave rather than settlement.
7. The tree would have been present when the garage was constructed in 1994 and the foundation depth should have accounted for its presence. However, no trial pits have been excavated to assess the prevailing sub-soil type and to ascertain whether the constructed foundation depth is suitable. Although movement of the garage is alleged to be caused by the tree, no further evidence such as sequential level survey or crack monitoring measurements have been taken to demonstrate this.
8. Whether or not the tree is removed, remedial work to the garage would be required. No details of available options to achieve this, with associated costs, have been submitted and there is nothing to corroborate the view that the tree would need to be removed to facilitate remedial work. The report refers to a flowchart from the BRE Good Repair Guide 2. The title and introductory text to this flowchart clearly states that it is to be used 'if tree roots are decided to be the cause of damage'. As no substantive evidence of a causal relationship has been advanced, I give little weight to this document.
9. The report states that the cracks to the garage floor cause specific concern as the garage is the main access route to the house for the occupants who have ongoing mobility issues. Although I do not have the full details of these issues, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
10. Since it is stated that the floor cracks are a risk to occupants' safety, this could represent a barrier to people with mobility issues and affect people who share a protected characteristic for the purposes of the PSED. However, for those concerns to carry any weight in favour of the tree's removal, substantive evidence that the tree is causing floor cracks that hinder access would be required. This has simply not been provided.
11. I have also considered issues of general nuisance associated with the tree including shade, droppings from roosting birds, blocked rainwater goods, moss on the roof and bulging and depressions within the driveway paving.
12. I have no doubt that moss may grow on the roof and that tree sap, leaves, debris and bird droppings fall on cars, surfaces and the roof. This may create a maintenance inconvenience, including the need to clean more frequently or install gutter or drain leaf-guard covers. However, these are natural phenomena which go hand in hand with living in an area which is defined by mature trees and which provide an attractive place to live. From my experience, barriers such as canopies can be constructed to protect cars from debris and bird droppings, and it was evident on site that there are alternative

¹ Bryal Consultancy, Building Survey Report 21 Hillcrest Grove, TS27 3EH. 23 September 2019.

parts of the driveway available for car parking which are not beneath the tree canopy.

13. Remedial work to the side of the garage involving replacement of paving with stone chippings to accommodate roots has already been completed. During my site visit only minimal deflection of paving blocks was seen and the area of stone chippings installed appeared to have resolved a localised area of damage. Should further unevenness become apparent a range of measures to resolve this, other than removal of the tree, could be considered.
14. The Parish Council support the tree's removal on the basis that it has poor visual amenity value, is non-native and too large. I have discussed the tree's positive visual amenity value above, and it is a matter of opinion whether the tree is too large. As observed during my site visit it is the scale of the tree which adds to its prominence and consequent contribution to the character of the area. With respect to the tree species, TPO legislation protects specific trees in the interests of their visual amenity value to the area irrespective of whether they are native or non-native.
15. Furthermore, the removal would be at odds with Policies CC1 and NE1 of the Hartlepool Local Plan 2018 (Local Plan) which seek to protect trees of amenity value and those which are part of the habitat and green infra-structure network. It would also conflict with Policy QP6 (4) of the Local Plan which requires claims of tree-related subsidence to be investigated. The lack of substantive evidence linking movement in the garage to the tree, in addition to the lack of thorough investigation of alternative courses of action provide inadequate justification for removal of this tree.

Conclusion

16. With any application to remove a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the visual amenity of the area. Trees are just one possible cause of movement of a building and thorough investigation of the cause(s) is essential. This has not been done in this case and removal of the sycamore would result in harm to the character and appearance of the area. Insufficient justification for this course of action has been demonstrated.
17. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 1 BATHGATE TERRACE,
HARTLEPOOL TS24 7QW
APPEAL REF: APP/H0724/W/20/3244541
Single storey extension to side (H/2019/0164)

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 Bathgate Terrace, Hartlepool.
- 1.2 The appeal was allowed on 21st July 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

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



The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2020

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/H0724/W/20/3244541

Elwick Studios, 1 Bathgate Terrace, Elwick Road, Hartlepool TS24 7QW

- 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 Geoff Lucas of Elwick Studios against the decision of Hartlepool Borough Council.
 - The application Ref: H/2019/0164, dated 3 April 2019, was refused by notice dated 22 November 2019.
 - The development proposed is a single storey extension to side.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to side at Elwick Studios, 1 Bathgate Terrace, Elwick Road, Hartlepool TS24 7QW in accordance with the terms of the application Ref: H/2019/0164, dated 3 April 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; Existing and Proposed Plans – Drawing Number A101 Rev A, Proposed Plan – Drawing Number A102, Elevations as Proposed – Drawing Number A104 Rev A, Existing and Proposed Side and Rear Elevations – Drawing Number A106.
 - 3) No development shall take place until details of all external finishing materials have been 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.
 - 4) No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written

Appeal Decision APP/H0724/W/20/3244541

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.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of development.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Stranton Conservation Area (CA).

Reasons

4. The appeal property is an end of terrace commercial property. It is set back from the highway at the front by a small garden area which contains a number of substantial trees. There are boundary walls to the front and side of the property, with the front boundary incorporating railings and the side boundary being of solid construction.
5. The appeal site is located within the Stranton Conservation Area which is characterised by a range of commercial, industrial and residential land uses. Key features of the CA include the brewery, All Saints Church and an area of open space containing a number of mature trees adjacent to a curved shopping parade.
6. The appeal proposal involves the construction of a single storey extension to the side of the property. It replicates the features of a two-storey off-shoot to the side of the property in relation to materials, fenestration and the incorporation of a flat roof. Due to its design, scale and siting, the extension would not appear as a dominant feature or detract from the contribution that the existing building makes to the CA. The use of matching materials and fenestration would ensure a successful harmonisation with the existing building that would ensure the extension would not harm the appearance of the property.
7. Although the proposal would be constructed in front of an existing window that is located in the side elevation of the property, and would remove a small area at the side of the property that is currently open, I consider that neither of these existing features are of particular significance in the CA. Additionally, they are largely obscured by the boundary wall to the side of the property and the trees on the side boundary. For these reasons, the obscuring of the window and the removal of the existing gap, would not cause harm.
8. I therefore find that the extension has a neutral impact on, and thereby preserves, the character and appearance of the CA. Thus, it complies with Policies QP4, HE1 and HE3 of the Hartlepool Local Plan (2018) which seek, amongst other things, that proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.
9. The proposal would also comply with guidance contained in the National Planning Policy Framework (the Framework) (2019), which requires, amongst

Appeal Decision APP/H0724/W/20/3244541

other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.

10. In reaching my findings, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

11. In their decision, the Local Planning Authority has referred to the failure of the appellant to demonstrate that the less than substantial harm they found with the proposal would be outweighed by any public benefits of the proposal. As I have found that the proposal would preserve the character and appearance of the conservation area, and not cause harm, it is not necessary for public benefits to be demonstrated.
12. The Local Planning Authority have referred me to a number of policies in the Local Plan which they consider to be relevant to the appeal. Of those listed, I find that Policies LS1, QP3, QP5, QP6, QP7, RC5 and SUS1 are not pertinent to the main issue before me. Similarly, I do not find that the sections of the Framework which the Council consider are relevant to the appeal, other than those relating to design and heritage assets, are pertinent to the main issue.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
14. It is necessary to impose a planning condition requiring the submission of details/samples of external materials. The reason for this condition, and its requirement to be prior to commencement, is in the interests of amenity and the character and appearance of the CA.
15. It is also necessary to impose a planning condition requiring the submission of a scheme for the protection of trees to be retained. Such a condition is necessary in order to protect landscape features that are to be retained, in the interests of the character and appearance of the CA. It is necessary that tree protection measures are approved and installed prior to commencement of development to ensure the protection of landscape features for the duration of the construction phase.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 12 MEADOWCROFT MEWS,
HARTLEPOOL TS26 0FS
APPEAL REF: APP/H0724/D/20/3252388
Erection of a single storey extension at the rear
(resubmitted application) (H/2019/0496)

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 12 Meadowcroft Mews, Hartlepool.
- 1.2 The appeal was dismissed on 22nd July 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

- 4.1 Ryan Cowley
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523279
E-mail: Ryan.Cowley@hartlepool.gov.uk



The Planning Inspectorate

Appeal Decision

Site visit made on 14 July 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/H0724/D/20/3252388

12, Meadowcroft Mews, Hartlepool TS26 0FS

- 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 Norman Jackson against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0496, dated 19 November 2019, was refused by notice dated 13 March 2020.
 - The development proposed is single storey pitched roof extension to incorporate a new garden room.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Park Conservation Area

Reasons

3. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas (CA). Policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan 2018 (HLP) seek to, amongst other things promote good design that preserves or enhance conservation assets within the borough. Of particular note is Policy HE7 of the HLP which specifically relates to the Council's priority to retain, protect and enhance of heritage assets classified as 'at risk.' The Council submit that the Park Conservation Area has been considered to be at risk since 2016.
4. The appeal property is a modern two storey property set within the parkland associated with Meadowcroft/Meadowside, a Grade II Listed building and in the heart of The Park Conservation Area (CA).
5. The Council submits that the character of this part of the CA is derived from the large 19th Century houses set within large landscaped grounds that are divided by walls and railings. Of particular note is the sense of openness that exists around the built form and its connection to the surrounding landscape and woodland that is assisted by the use of open estate railings. The Council's

Appeal Decision APP/H0724/D/20/3252388

concern relates predominantly to the incremental loss of the open spaces that are characteristic of the CA.

6. The appeal proposal would see the construction of a brick built extension to the rear of the appeal property to form a sunroom. The extension be semi octagonal in shape and would occupy approximately half the width of the rear elevation, positioned off centre with a pitched roof and several window openings.
7. Whilst the projection of the proposed extension would be modest at around 2.8 metres I saw during my site visit that the rear garden is relatively shallow and consequently the proposed extension would occupy a relatively large proportion of it. Consequently, I consider that by virtue of its scale and bulk it would dominate the open area to the rear of the appeal property and the neighbouring properties by infilling part of the the open space that exists between the existing development and the woodland beyond. In the context of the character of the CA this disproportionate addition would compound the incremental loss of the parkland to development thus resulting in less than substantial harm to the character and appearance of the CA.
8. In the context of Paragraph 196 of the National Planning Policy Framework (the Framework) such harm must be weighed against any public benefits identified. Neither party has identified any public benefits arising from the proposal and there are none that I can identify.

Other matters

9. The appeal property is near to Meadowcroft/Meadowside, which is designated as a Grade II listed building. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, acknowledging the physical relationship between the appeal site and the heritage asset and the distance between them, I consider that the setting would be preserved, and the development would not distract from it. Nevertheless, this does not overcome the harm I have identified in relation to the main issue.

Conclusion

10. Overall, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. It would also be contrary to heritage Policies HE1, HE3 and HE7 of the HLP as well as the more general design requirements of Policies QP4 and HSG11. Therefore, for the reasons set out above and taking into account al other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Environment & Neighbourhood Services

Subject: APPEAL AT 11 QUEEN STREET, HARTLEPOOL, TS24 0PR
APPEAL REF: APP/H0724/C/19/3241624
Installation of uPVC replacement windows

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 11 Queen Street, Hartlepool.
- 1.2 The appeal was dismissed on 30th July 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

- 4.1 Stephanie Bell
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk



The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/H0724/C/19/3241624

11 Queen Street, 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 Gwyneth Margaret Fletcher 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)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

The appeal on ground (a)

1. The appeal on ground (a) is that planning permission should be granted. The main issue is the effect of the development on the character and appearance of the Headland Conservation Area (CA).
2. The CA covers a substantial part of the eastern extremities of this peninsula location. Centred on the imposing St Hilda's Church, it includes several short and densely developed, but quiet, streets of Victorian residential architecture.
3. Buildings are a mixture of two and three storeys in height, with many retaining traditional features, including vertical sliding sash timber windows, with painted heads and cills. Despite the inclusion of some more modern housing developments and evidence of modern replacement materials on several buildings, it seemed to me from my visit that original architectural features remain sufficiently represented to depict the building heritage and to ensure that this remains an important characteristic of the CA. I acknowledge that it is undisputed that the CA is recorded on Historic England's 'Heritage at Risk' register.
4. The appeal site consists of a two-storey dwelling in a prominent corner location at the junction of Queen Street and Victoria Place, the property forming the end of the terrace on the latter street. The development has resulted in the replacement of traditional timber framed windows with uPVC frames.
5. Whilst I acknowledge that the original window surrounds and cills appear to have been retained, it is evident from the information provided that the new

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

uPVC frames are thicker and heavier in appearance, when compared with the former timber, sliding sash counterparts¹. They also incorporate moulded horns which appear as a contrived feature. Besides this the original window sashes, each included vertical glazing bars. The effect of this was to give the individual panes a vertical emphasis complementing the vertical architecture of the door and its surround. By contrast, it appears to me that the single panes in the replacement units are somewhat detrimental to this harmonious characteristic.

6. Furthermore, their undisputed outward opening design would be at odds with a traditional vertical sliding sash arrangement, because of which the uPVC windows are also noticeably different in profile when considered in vertical section. In addition the use of uPVC, which tends to be a uniformly smooth material, would be a departure from the textured, traditional appearance of painted timber.
7. In combination these alterations mark a detrimental step away from the narrow, more elegant proportions associated with traditional timber framed, vertical opening windows and which would have better reflected the architectural detailing of the building. The changes draw the eye to a degree and constitute a harmful change to the appeal property.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, I conclude that the development causes less than substantial harm to the character and appearance of the CA. However in terms of the guidance in the National Planning Policy Framework (the Framework), there is still real and serious harm which is a consideration of significant weight.
9. In such circumstances, where harm is identified to the significance of a designated heritage asset, in this case the CA, the Framework requires that this harm is weighed against the public benefits of the proposal. I acknowledge that it is likely that the replacement windows would bring benefits in terms of better insulation to the property and also that the requirements of the notice would result in financial loss for the appellant. However I have not been provided with a compelling argument that there are no other solutions available to improve insulation whilst allowing for satisfactory maintenance. A convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm I have identified.
10. For the aforementioned reasons the development would be in conflict with the Framework and also with Policies HE1 and HE3 of the Hartlepool Local Plan 2018 (LP), insofar as they seek to promote high quality design and conserve or enhance the appearance and character of Conservation Areas, including the retention of original features of special architectural interest. It would also be in conflict with Policy HE7 of the LP which states that the retention of heritage assets classified as 'at risk' is a priority for the Council.
11. Part of the appellant's case is that the replacement windows would be in keeping with a relaxation in Council policy towards the use of uPVC windows in

¹ Photographs of the original timber windows submitted as part of the appellant's evidence.

2009, which the appellant argues would have been in force at the time of the development.

12. However I concur with the Council's view that the adoption of the LP, and its policies towards heritage protection, would serve to supersede this previous guidance. The appellant claims that the windows were changed in 2015, however no evidence is provided to support this. Furthermore it appears to me that the LP would have been in force at the time the retrospective application for planning permission for the windows was considered in September 2019. As such it was appropriate to consider the development in the context of the LP then in force.
13. In any event, even when the more relaxed policy was in place, this indicated that when replacing a timber sliding sash window with a uPVC window it should nevertheless continue to be a sliding sash frame of the same design and detailing. For the reasons set out above I am not persuaded that the windows in this case would meet this requirement.
14. The appellant has also referred to the Council making inconsistent decisions in relation to the CA, having allowed the installation of uPVC windows on a listed property in nearby Regent Street in the past. I have been provided with very limited details of the case in question and the facts underlying this decision. However each case must be decided on its own merits, and the limited information that I have been given does not alter my assessment of this case. The ground (a) appeal therefore fails.

The appeal on ground (g)

15. The ground of appeal is that the time given to comply with the requirements is too short. The appellant requests an open-ended time frame on the basis that the time needed to plan the work cannot be accurately assessed and there would be a need to avoid winter weather conditions. The concerns raised are general in nature and are not compelling. Furthermore, I am mindful that the Framework states that effective enforcement is important to maintain public confidence in the planning system. I am not persuaded that the 3-month compliance period given would be unreasonable. The ground (g) appeal fails.

Conclusion

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

17. 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.

Roy Merrett

INSPECTOR

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Environment & Neighbourhood Services

Subject: APPEAL AT 16 SYDENHAM ROAD, HARTLEPOOL TS25 1QB
APPEAL REF: APP/H0724/W/20/3246860
Change of use to a hot food takeaway (A5 use class) (H/2019/0496)

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 16 Sydenham Road, Hartlepool.
- 1.2 The appeal was dismissed on 30th July 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

- 4.1 Stephanie Bell
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk



Appeal Decision

Site visit made on 13 May 2020

by **Alison Scott BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/H0724/W/20/3246860

16 Sydenham Road, Hartlepool TS25 1QB

- 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 Malik against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0419, dated 16 September 2019, was refused by notice dated 14 November 2019.
 - The development proposed is Change of use from A1 to A5 use for a ground floor unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed change of use on:
 - The vitality and viability of the Local Centre; and
 - The health and well-being of local residents.

Reasons

Vitality and viability

3. Facing onto Sydenham Road, the appeal site is one of five ground floor commercial units within a parade of shops in the Brenda Road/Sydenham Road local centre (LC) of the Headland and Harbour ward. The appeal premises is a vacant unit at the end of the parade beside two hot food takeaways (HFT) side by side, an A1 unit and a welfare office at the far end of the parade, with residential use above these premises.
4. Policy RC16 of the Hartlepool Local Planning Framework Hartlepool Local Plan (May 2018) (HLP) relates specifically to LCs, seeking broadly to diversify, support and protect them. It identifies them as sequentially preferable locations for a range of uses below 300m², including retail (A1), financial and professional services (A2), and hot food take-aways (A5). Policy RC16 also clarifies that applications for HFT A5 uses will be determined in accordance with Policy RC18 and that those identified uses will only be permitted where they do not adversely affect, in particular, the character and function of the property and the surrounding area.
5. Policy RC18 specifically relates to hot food takeaways. This policy states that within the Brenda Road/Sydenham Road LC, the amount of A5 floorspace

should not exceed 4%. The Council has confirmed that the number of A5 uses within this LC, as of 2019, amounted to approximately 6.5% of the centre's total floorspace thereby breaching the A5 threshold of Policy RC18. An additional A5 floorspace would increase the centre's total floorspace to approximately 9.94%. This would have the resultant effect of more than doubling the threshold set at RC18 levels.

6. In addition to the above, the proposed HFT would be directly adjacent to the other two HFT's within the parade, and as such would constitute a significant proportion of A5 uses within this short parade of five units, therefore resulting in an over concentration of the provision of HFT's both within this parade, but also within the LC as a whole. A concentration of such uses would negatively impact on the vitality and viability of the retail and commercial centres.
7. For these reasons, I conclude that the proposal would be harmful to the vitality and viability of the centre's retail character and function overall. It would therefore be contrary to Policies RC16 and RC18 of the HLP which seeks, amongst other matters, to protect the vitality and viability of retail centres, having regard to the service these centres can provide to local communities.

Health and Well-being

8. The supporting text to Policy RC18 of the HLP advises that in order to consider the health impact of development, one of the factors used to set the A5 floorspace thresholds for particular LCs was ward level obesity data for adults, childhood obesity data for schools within the Borough, and the proximity of each area to residential properties. It states that an unhealthy diet is a proven causal link for many illnesses.
9. As a consequence, Policy RC18 identifies that one measure to tackle this issue is to control the number of fast-food take-away outlets. Whilst it acknowledges that there are other factors that lead to unhealthy lifestyles, the purpose of the Policy is to avoid a proliferation of hot food takeaways across the Borough.
10. Of particular note is the advice from the Council's Public Health officer. They confirm that within the ward, both reception and Year 6 children are classified as having excess weight and of these, approximately 12.8% and 25.1% respectively are classed as obese. This is higher than the England average. Public Health go on to explain that both childhood and adult excess weight levels/obesity generally within the ward and the wider Hartlepool area are above national averages. These health statistics have not been disputed by the appellant.
11. There is no evidence provided by the appellant to explain their reasoning as to why they consider the menu choice and pricing would deter people from eating their food most days, although I note their aspiration to offer healthy options. However, in any event, there is no mechanism in place within the planning system to control either. I therefore apply limited weight to these arguments.
12. For these reasons, I conclude that the proposal would result in harm to the health of local residents, contrary to Policy RC18 of the HLP (2018). This policy seeks, amongst other matters, to ensure that HFT proposals have regard to the health and well-being of residents. It would further conflict with guidance within the National Planning Policy Framework, including at Paragraph 91, to

achieve healthy, inclusive and safe places that enable and support healthy lifestyles, including access to healthier food.

Other Matters

13. Despite assurances that the food service would be high, and food choice differ from the other local food choice, and whilst opening hours can be conditioned in the interest of living conditions, this and the additional job creation that would be created, does not over-come the harm that would arise to the vitality and viability of the LC and to the health of local residents. I am therefore not persuaded to reach a different view.

Conclusion

14. For these reasons the appeal is dismissed.

Alison Scott

INSPECTOR

PLANNING COMMITTEE

19th August 2020



Report of: Assistant Director Environment & Neighbourhood Services

Subject: APPEAL AT 56 STATION LANE, HARTLEPOOL TS25 1BG
APPEAL REF: APP/H0724/D/20/3247360
Section 73 amendment application for variation of conditions 2 and 3 of planning application H/2019/0233 (demolition of outbuilding and erection of single storey timber annexe for ancillary use to main dwelling) in order to provide a kitchen (H/2019/0398)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of a section 73 amendment to vary the conditions of planning permission H/2019/0233 (in order to provide a kitchen on the approved single storey timber annexe) by Hartlepool Borough Council in respect of the above referenced property at 56 Station Lane, Hartlepool.
- 1.2 The appeal was allowed on 31st July 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

- 3.1 Tony Hanson
Assistant Director of Environment and Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523400
E-mail: Tony.Hanson@hartlepool.gov.uk

4. AUTHOR

- 4.1 Stephanie Bell
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523246
E-mail: Stephanie.Bell@hartlepool.gov.uk



Appeal Decision

Site visit made on 7 July 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: 31 July 2020

Appeal Ref: **APP/H0724/D/20/3247360**

56 Station Lane, Hartlepool TS25 1BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Clayton against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0398, dated 3 September 2019, was refused by notice dated 28 October 2019.
 - The application sought planning permission for demolition of outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling without complying with conditions attached to planning permission Ref H/2019/0233, dated 23 July 2019.
 - The conditions in dispute are Nos 2 and 3 which state that: *The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Location Plan, Ref. 1788.3, Ver. 1, Rev. 0 (1:1250); Proposed Block Plan, Ref. 1788.5, Ver. 1, Rev. 0 (1:500); Elevations (Proposed), Ref. 1788.2, Ver. 1, Rev. 0 (1:100), all received 17th May 2019 by the Local Planning Authority; and Footprint (Proposed Floor Plan), Ref. 1788.1, Ver. 1, Rev. 1 (1:50), received 19th July 2019 by the Local Planning Authority; and The ancillary living accommodation (annexe) hereby approved shall be laid out strictly in accordance with the Footprint (Proposed Floor Plan) received by the Local Planning Authority on 19th July 2019 (Ref. 1788.1, Ver. 1, Rev. 1) and shall not include a kitchen.*
 - The reasons given for these conditions are: *For the avoidance of doubt and in the interests of a satisfactory form of development, to comply with Policy HSG12 of the Hartlepool Local Plan.*
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling at 56 Station Lane, Hartlepool TS25 1BG in accordance with the application Ref H/2019/0398, dated 3 September 2019, without compliance with condition numbers 2 and 3 previously imposed on planning permission Ref H/2019/0233, dated 23 July 2019 and subject to the conditions stated in the attached schedule.

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.

Background and Main Issues

3. An application for the demolition of an outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling ¹ was approved and granted permission on 23 July 2019. Condition No 2 of this permission required that the development granted approval should only be carried out in accordance with the approved plans which were considered in determining the application and condition no 3 required that the approved development shall not include a kitchen.
4. The appellant is seeking to vary this condition regarding revised design plans to include a kitchen, however the outline footprint has not changed. The appellant maintains that the changes would provide ancillary accommodation for the appellant's family and would not be used as a separate dwelling. The Council considers that the inclusion of the kitchen would effectively mean that the proposal would not serve as an ancillary unit of accommodation and that it would be of a form that would encourage occupation as a separate dwelling in future. If that did occur, the Council contends that the proposal would reduce private amenity space within the curtilage to the detriment of living conditions of future occupiers.
5. It is important to understand the nature of the proposal and the remit of the appeal. The original application was submitted as a householder proposal for an outbuilding that was ancillary to the use of the existing dwelling. It was approved on that basis. The appeal proposal sought to vary conditions 2 and 3 to facilitate the inclusion of a kitchen. If the proposal, including the kitchen, is not capable of being used in an ancillary manner planning permission it would fall outside the scope of the original permission. A separate planning permission would be required for the erection of a new dwellinghouse and that is not something that can be considered within the scope of this appeal.
6. Therefore, the key question for the appeal is whether the inclusion of a kitchen would fall within the scope of the original permission such that it would still be ancillary to the original property or whether it is of a form that would inevitably lead to the creation of an independent dwellinghouse. The Council's concerns relating to future living conditions would only potentially arise if the property was used as a separate dwellinghouse. In other words, if the development is used in a manner that is ancillary to the existing dwelling, the Council's concerns would not materialise because the garden would be used by members of the same household.
7. If it were used as a separate dwellinghouse, unconnected to the main property, a separate planning permission would be required, and the Council could consider the merits at that stage. That is not a scenario that I need to consider here because, if I was to find that the proposal would not be ancillary the appeal would fail because the proposal would not fall within the scope of the original permission.
8. As such, the main issue in this appeal is whether the proposed development would serve an ancillary function to the existing dwelling or whether the design and function of the property would encourage its occupation as a separate dwelling when no longer required.

¹ H/2019/0233

Reasons for the Recommendation*Principle of development – use and occupation*

9. The outbuilding to be demolished is located within the curtilage of no.56 Station Lane. The amended proposal would include as previously approved a living area, shower room, a bedroom and would now include a kitchen within the previously approved living area.
10. The Council's concern that the proposal would give the occupant the facilities of a self-contained unit and could be used as a separate dwelling is acknowledged, however the appellant has stated that the proposal is only intended to function as an annex and would be occupied by family relatives sharing living activity in company with the family in the main dwelling. I can only base my decision based on evidence before me and given that the appellant has not applied for a separate planning unit with its own access and parking, I find no reason to suggest that the proposal would be used contrary to what has been applied for.
11. The appellant has also made reference to the case of *Uttlesford DC v SSE & White [1992]* in which the judge considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annex with the occupant sharing her living activity in company with the family in the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling. I find no reason to dispute this judgement and apply same reasoning in consideration of this appeal.
12. In other words, each case must be considered on its individual merits. In this case, the annex would be used by a member of the family of the main house, there would be no separate access or postal address and all services would be connected and metered to the main house. The garden would not be segregated and the appellant states that the occupants would spend time eating and socialising in the main house. On the information provided I am satisfied that the building would be used in an ancillary manner. Whilst a kitchen may be included to enable the occupant to prepare meals it does not follow that they would lead a life independent of the other residents of the household. Rather, the information presented suggests that they would form part of the household in the sense of being a relative but also in a functional sense. They would no doubt prepare some meals in the annex but would also share accommodation at other times with members of the family. Consequently, I am satisfied that the building, including a kitchen, would be used in an ancillary manner.
13. Furthermore, occupation as a separate dwelling would be prevented by condition 4 of the existing approval, which is to be retained, which requires that occupation is solely for purposes ancillary to the residential use of the main dwelling and thus cannot be used for any other purpose. There is nothing to suggest that the appellant has any intention of using the building other than in the manner specified in the appeal statement. If such circumstances did arise, and the property was used as a separate dwellinghouse occupied independently of the main house, that would amount to a breach of condition 4

and it would be open to the Council to consider taking enforcement action at that stage.

14. In addition, it does not follow that the inclusion of a kitchen would encourage use as a separate dwellinghouse in future. The annex would be situated in close proximity to the main house and the garden area would be shared. That is an arrangement that may well be acceptable where occupants are from the same family, but residents of the main house are less likely to find that proximity acceptable if there was no connection between them and the occupants of the annex. Thus, the position in the plot is likely to discourage separate occupation. If occupation by the currently intended relative should cease, other family members could make use of the building or it could be repurposed for other ancillary activities. Therefore, I am not satisfied that the design or location would necessarily encourage use as a separate dwellinghouse, notwithstanding the inclusion of a kitchen.
15. I find that the addition of a kitchen to the proposal would not change the intended use as applied for, and that the proposed development would serve an ancillary function to the existing dwelling and is not of a form that would encourage its occupation as a separate dwelling. Accordingly, I find no conflict with the National Planning Policy Framework (NPPF) and policy HSG12 (criteria 2) of the Hartlepool Local Plan (2018) (the 'LP') which seeks to ensure that residential annexes are designed so that it will serve an ancillary function to the existing dwelling and are not of a form that would encourage occupation as a separate dwelling when no longer required.

Conditions

16. 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 impose a condition which limits the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling in line with the development for which permission was sought. It is also necessary to attach a condition to ensure that the materials used are in accordance with the details within the Planning, Design and Access Statement submitted in support of the application, in order to ensure a satisfactory appearance.
17. Additionally, in order to enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property, a condition is necessary to remove permitted development rights to prevent the extension or alteration of the approved ancillary living accommodation without prior approval of the Local Planning Authority.
18. In the interests of the amenities of the occupants of neighbouring properties with regards to noise and disturbance, a condition is necessary in order to control the timing of construction and other associated activity related to developing the proposal.
19. Given that condition 2 would now include the revised footprint, condition 3 of the previous approval (H/2019/0233) which excludes the addition of a kitchen is no longer required.

Appeal Decision APP/H0724/D/20/3247360

Conclusion and Recommendation

20. 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

21. 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

19th August 2020



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT REAR OF MILBANK CLOSE / LAND AT THE FENS, HART VILLAGE, HARTLEPOOL, TS27 3BT
APPEAL REF: APP/H0724/W/20/3252289
Reserved matters application (appearance, layout, scale and landscaping) in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure (H/2019/0047)

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 a reserved matters application (appearance, layout, scale and landscaping) in respect of outline planning permission H/2015/0209 for the erection of 15 dwellings with associated infrastructure (H/2019/0047) at the rear of Milbank Close / land at the Fens, Hart Village, Hartlepool, TS27 3BT.
- 1.2 The application was approved by Officers under delegated powers subject to a planning condition (no. 4) requiring that, prior to the commencement of development above ground level on any given plot, a scheme for the obscure glazing and, where considered necessary, restricted openings (max. 30 degrees) of a number of proposed windows on various plots across the site is first submitted to and approved in writing by the Local Planning Authority (Report Attached – **APPENDIX 1**).
- 1.3 The appeal is against the inclusion within the condition wording of a number of windows in the east facing elevations of plots 11, 13 and 15 of the development (only), and the appellant is seeking the removal of these windows from the condition wording.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Tony Hanson
Assistant Director of Environment & Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: tony.hanson@hartlepool.gov.uk

AUTHOR

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

Tel: 01429 523279
E-mail: Ryan.Cowley@Hartlepool.gov.uk

Appendix 1

DELEGATED REPORT

Application No	H/2019/0047
Proposal	Reserved matters application (appearance, layout, scale and landscaping) in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure
Location	LAND AT THE FENS HART VILLAGE HARTLEPOOL

PS Code: 7

DELEGATION ISSUES	Neighbour letters:	26/09/2019
1) Publicity Expiry	Site notice:	01/05/2019
	Advert:	10/04/2019
	Weekly list:	31/03/2019
	Expiry date:	04/06/2019
	Extended date:	13/11/2019
2) Publicity/Consultations		
PUBLICITY		
The application was advertised by way of neighbour letters (48), site notice and a press notice. No comments or objections have been received from neighbouring land users to date.		
CONSULTATIONS		
The following consultation responses were received;		
HBC Public Protection – I would have no objections to this application subject to the following conditions;		
Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.		
A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, 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, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.		

UPDATE 19/09/19: I have no objections to the amended plans.

HBC Engineering – I note no drainage details have been supplied. Can I please request a surface water condition on this application.

UPDATE 26/04/19: Nothing further from me at this stage. I will at some point need final clarification on the drainage proposals including a full design for approval again as there have been so many changes on this application.

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

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

UPDATE 23/09/19: As above.

HBC Traffic & Transport – There are no Highway or Traffic concerns.

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

UPDATE 25/09/19: No further comments relating to this development. Please refer to my previous comments made earlier.

HBC Heritage and Countryside Manager – The proposal is a Reserve Matters Application on the edge of Hart Village for 15 dwellings on a site adjacent to Millbank Close.

Hart Village is not a conservation area. There are a number of listed buildings within the village however these are some distance from the site and therefore will not be effected by this proposal.

UPDATE 13/09/19: The proposal is amendments to an application on the edge of Hart Village. The village is not a conservation area. There are a number of listed buildings within the village however these are some distance from the site and therefore will not be effected by this proposal.

Tees Archaeology – The applicant has submitted a document 'A Proposal for the In-Situ Preservation of Archaeological Deposits on Land to the East of Millbank Close, Hart' which details how the archaeological remains in plots 12/13 will be preserved in situ. This has been previously discussed with Tees Archaeology and Historic England, and is an appropriate strategy for these plots.

I would recommend that a condition is applied to Plots 12 and 13 only. I suggest the following wording for this condition:

Preservation of heritage asset through design

No development shall take place except in accordance with the document 'A Proposal for the In-Situ Preservation of Archaeological Deposits on Land to the East of Millbank Close, Hart', which details the design and methodology to be employed to secure the preservation of surviving archaeological remains at a known depth of 740mm below finished floor level, which are to remain in situ.

HBC Arboricultural Officer – The updated landscape plan 1504.02B (Document Ref. 14614765) which is an improvement of that submitted previously, now provides sufficient detail, diversity and plant quantities to compliment this development scheme and mitigate the loss of those trees and hedges that were lost on this site. Other aspects of trees including Surveys, Arboricultural Method Statements and Root Protection areas were dealt with previously under H/2015/0209.

UPDATE 25/04/19: I have looked at the revised landscape plan drawing 1504.02E and consider that the most recent proposals for the tree and shrub planting together with the hedge boundary treatment is appropriate and to a high quality design and addresses the loss of trees that were on this site previously.

HBC Ecology – Amendment and re-submission of Report required.

The applicant has submitted an ecology report from E3Ecology Ltd, dated November 2018, and titled 'Biodiversity Strategy, Manor Park'. This includes recommendations for the Watercourse (given in D.2 of the report).

Control measures of Himalayan balsam (Section D.2.1) are supported and the measures recommended are satisfactory.

Watercourse profile improvements (Section D.2.2) are supported, and the measures satisfactorily address ecological mitigation and biodiversity enhancement requirements.

NB: Unfortunately the Report also includes an alternative measure (culverting) in Section D.3, which is not supported. For the avoidance of doubt, Section D.3 should be removed and the Report re-submitted.

UPDATE 23/04/19: Amendment and re-submission of November 2018 Ecology Report required. Further detail on stream re-profiling project required.

The applicant has submitted two versions of the Ecology Report prepared by E3Ecology Ltd, dated November 2018 and January 2019, and titled 'Biodiversity Strategy, Manor Park'. Both include recommendations for the Watercourse (given in D.2 of the report). The best-fit in terms of what the applicant is proposing is the November 2018 report, once it has had Section D.3 removed (alternative measure – culverting). For the avoidance of doubt, Section D.3 should be removed and the 2018 Ecology Report re-submitted.

I have studied Drawing No 14_019_C_1202 REV. A. The only detail regarding the re-profiling of the stream for biodiversity is the text in the box that reads: 'The stream banks and garden areas are to have biodiversity enhancement in accordance with the ecology report'. The Ecology Report refers to these details being incorporated in to the 'landscaping plan'.

I would like more detail including:

- The location of the 'slight meanders', given that these are only indicative in Figure 4 in the Ecology Report, and that there will now be two ornamental bridges.
- The number of 'slight meanders', given that the Ecology Report only says 'a small number' (three are indicated in Figure 4).
- Detailed design of the 'slight meanders' - the Ecology Report recommends 'These will be adjustments between 0.5-1m in width and deepened to a depth of approximately 0.5m'.
- The location and number of sections of cobbled stream bed, given that no number is given in the text, and that the three locations in Figure 4 of the Ecology Report are only indicative.
- The quantity and specification of materials used (apparently cobbles are in the range 64–256 mm) for the stream bed improvements.
- The quantity and specification of the native wildflower seed mix (the Ecology Report suggests Emorsgate EG8 mix) to be used to enhance the southern stream bank.

I am satisfied with the Plant Schedule (Drawing No 1504.02E).

UPDATE 20/05/19: The applicant has submitted an amended version of the Ecology Report ('Biodiversity Strategy, Manor Park') prepared by E3Ecology Ltd, dated May 2019. This report reflects my previous recommendation to remove a redundant section and is acceptable.

Advice as per my response dated 23/04/2019, regarding further details of the stream works to be included in Drawing No 14_019_C_1202 REV. A, stands.

UPDATE 18/09/19: I have looked at the amended plans, which do not impinge on my previous response.

Hartlepool Rural Neighbourhood Plan Group – No representation received.

Hart Parish Council - Hart Parish Council has grave concerns about this application, particularly in respect of major habitat loss and the effect this will have on the biodiversity of the area. In the application for outline planning permission the developer stated that the banks of the beck would be improved and the hedgerows and trees retained. However, Councillors have seen themselves that culvert pipes have been delivered to the site, so clearly the developer is planning to culvert part, or all, of the beck running through the site, for which we see no evidence of need. The removal of trees from the site, together with the removal of ancient hedgerows, (one of which has already been grubbed out), will further reduce biodiversity, and are contrary to the outline permission granted. We have, to date, been unable to

obtain a copy of the HBC Ecologist's full report and therefore cannot see whether he supports this in any way.

The current plans, available on the Hartlepool Planning Portal, indicate an encroachment outside of the area which has planning permission. The plans give no indication of how Plot 15 is to be accessed and therefore we have had to assume another vehicular access point onto this busy road.

As a result of these unanswered concerns, the Parish Council must object to the application.

UPDATE 06/08/19: I write to confirm that Hart Parish Council, having made a site visit and spoken with one of the Developers, Mr. Michael Seymour, has reconsidered its objection to the planning application no H/2019/0047, as recorded at its meeting of 8th July 2019.

Subject to the following conditions being met, the Parish Council will withdraw its objection to the culverting of the beck on the site:

The bed of the beck to the west of the site to be dredged, some riffles and pools created and the banks of the beck here to be cleared, thus improving the wildlife habitat and visual amenity.

Likewise, our objection to the removal of the hedge on the western side of the site is rescinded subject to the planting of a 100% Hawthorn hedge along the full length of the site boundary.

We would expect all site traffic to be cleaned before leaving the site.

UPDATE 15/10/19: Hart PC has no objection to this application subject to the developer planting 100% hawthorn hedge along the outer boundaries of the site to east and south, and making improvements to the stream bed and banks to the west of the site as previously agreed.

3) Neighbour letters needed	N
------------------------------------	---

4) Parish letter needed	Y
--------------------------------	---

5) Policy

Planning Policy

In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic

objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 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

PARA078: Rural Housing

PARA091: Promoting healthy and safe communities

PARA124: 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

Relevant Planning Policies

CC1: Minimising and adapting to climate change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy comments (summarised) -

The development is situated within the rural area and so careful consideration must be given to ensure that the development is complementary to the character of Hart village and protect the rural area, in accordance with policy RUR1. The Rural Neighbourhood Plan policy GEN2 requires development to demonstrate how the design helps create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character. The recently adopted Residential Design SPD sets out the Council's design aspirations for new residential development and allows residential developments to be assessed against various criteria which include adequate internal space

considerations, local distinctiveness and architectural interest, natural surveillance and good quality open space.

The tweaks to the amended plans seem to have contributed to some extent to solving design issues and the resulting scheme is considered to be more appropriate. The protection of existing trees to the western edge of the site will protect the existing landscape features. The site is considered to provide sufficient in-curtilage amenity space, using landscaping to ensure that the street scene is of a good quality, using trees and prominent front gardens to achieve this.

6) Planning Consideration

BACKGROUND

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

H/2015/0209 – Outline planning permission with some matters reserved (appearance, layout, scale and landscaping) was granted on 30th March 2017 for residential development comprising 15 dwellings.

SITE AND SURROUNDINGS

The site extends to approximately 0.85 hectares and was formerly an area of overgrown agricultural land. Archaeological work has been undertaken on site since outline planning permission was granted, and the ground has therefore been disturbed across the site. To the west of the site is residential development on Milbank Close, to the east is Manor Farm smallholdings, with residential properties beyond, known as The Fens, to the north is open fields, to the south is a small stable block which is bounded by a tree belt. Beyond the tree belt lies the A179 Hart Bypass. Southwest of the site there is a recently completed residential development at land adjacent to the Raby Arms public house, this was granted planning permission on appeal. There are a number of mature and semi mature trees bounding the site. The site previously sat outside of the village envelope as identified within the [now superseded] Hartlepool Local Plan 2006, however since outline planning permission was granted, the site has been included within the limits to development of Hart village in the adopted Hartlepool Local Plan (2018).

PROPOSAL

This application seeks approval for all remaining reserved matters (appearance, layout, scale and landscaping) in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure.

The access to the site is taken from the adopted highway (The Fens) to the south of the site. The internal site layout comprises a linear internal access road with a turning head adjacent to plot 13. Plots 4 to 13 front onto the internal estate road, whilst plots 1-3 and 14-15 front onto The Fens.

The proposals comprise 15 large detached executive house types that are bespoke to their respective plot. The dwellings are typically 2.5 storeys in height (with the

exception of the 2 storey dwelling at plot 3) and range from 4 to 6 bedrooms. All of the proposed dwellings are to feature detached, attached or integral garages, with private driveways. The dwellings are largely contemporary in design and typically feature large floor to ceiling windows and vaulted/double height ceilings in many instances. The ridge heights of the proposed dwellings remain below 10 metres across all plots.

The proposed boundary treatments comprise 1.2 metre high metal estate railings to the front of dwellings, with 1.8 metre high closed boarded timber fencing enclosing private rear gardens. Brick walls with railings above are proposed to the side and rear boundaries of plots 3 and 14 (adjacent to the site entrance), whilst lower timber fencing with trellis above is proposed to the side of plots 2-3, 7-8, 12-13 and 14-15.

The proposed soft landscaping scheme comprises grassed front and rear gardens with hedgerows to the front boundaries of plots and sporadic tree planting throughout. The proposed hard landscaping comprises herringbone paving to private driveways and Old Yorkstone paving to private footpaths and patios.

MATERIAL PLANNING CONSIDERATIONS

The principle of residential development on this site has been established by way of the original outline planning approval (as set out above). As such, the main considerations relate to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, amenity and privacy of existing and future occupiers of the application site and neighbouring properties, landscaping and tree protection, ecology and nature conservation, highway and pedestrian safety and flood risk and drainage. These and all other planning and residual matters are set out and considered in detail below.

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

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

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

Hart village is a relatively small settlement in the urban/rural fringe to the west of the main urban area of Hartlepool. The village is a historic settlement, with sites (including the application site) of archaeological significance in the area dating back to the early middle ages, and a number of listed buildings within the village boundaries, however the village is not designated a conservation area. The

contemporary settlement is organised around a linear main thoroughfare (Front Street) running from east to west, with the core of the village characterised by older domestic and former agricultural buildings in a mix of brick types, render and stone, perforated by mid-to-late 20th century infill development. The periphery of the village is characterised by late 20th century and early 21st century residential housing developments that are suburban in nature and are predominantly comprised of detached or semi-detached dwellings. The residential development immediately adjacent to (west of) the site at Milbank Close comprises a mixture of relatively modest 1970s two storey semi-detached and terraced dwellings and dormer bungalows.

Concerns were initially raised with the applicant with respect to the size and design of the proposed dwellings. Namely, it was considered that the overall scale/size of many of the dwellings, their relationship to one another and their positions within their respective plots and the wider site would result in a cramped appearance when viewed in the street scene, whilst the provision of prominent, projecting pitched roof elements, steep roof pitches and high ridge heights was not considered reflective of this rural-fringe location. Furthermore, concerns were raised by officers that the window arrangements of the proposed dwellings were incoherent, with an incongruous mixture of styles and sizes, and the proliferation and placement of windows making many of the elevations appear cluttered.

The applicant has since engaged with the Local Planning Authority over the course of the application in seeking to address these concerns including through reducing the ridge heights of all of the dwellings to below 10 metres, reducing the size of dwellings and their siting within plots where necessary, rationalising the proposed fenestration in places and pursuing a clearer design approach throughout the development in an attempt to instil an identifiable character to the scheme, in light of the guidance from Council officers.

Notwithstanding this, it is acknowledged that the scheme still constitutes large executive housing on the edge of a rural village, that is not necessarily of a form or character prevalent in this area, and which will have an impact on views towards the village across the open countryside/strategic gap from the urban area. However, it is noted that the layout of the site is largely in line with that approved at outline application stage, there is not a prevalent style of domestic architecture in the village and the periphery of the village is characterised by both late 20th century and more recent, contemporary housing developments, including to the immediate south west of the site adjacent to the Raby Arms public house ("The Darlings"). It is therefore not considered that the impact of the proposals on the visual amenity of the site and the character and appearance of the surrounding area would be of such a significant degree as to warrant refusal of the application.

In view of the above, the proposals as amended are considered on balance to be acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

HERITAGE ASSETS AND ARCHAEOLOGY

Hart Village is not a conservation area. There are a number of listed buildings within the village however these are some distance from the site. The Council's Heritage and Countryside Manager has however been consulted on the application and has confirmed that none of the heritage assets in the vicinity will be effected by this proposal.

The site is of archaeological interest, with site investigations carried out as per the requirements of a planning condition of the outline planning permission revealing archaeological evidence of former settlements, and therefore Tees Archaeology has been consulted.

Tees Archaeology has advised that the applicant's proposals with respect to the archaeological finds, as set out in the submitted archaeological report, has been previously discussed with Tees Archaeology and Historic England, and is an appropriate strategy for the site. Tees Archaeology therefore recommend a condition to ensure the development is carried out in accordance with this document, which is recommended accordingly.

In view of the above, subject to the identified condition (and compliance with the remaining elements of the planning condition on the outline permission), the application is considered to be acceptable with respect to the impact on heritage assets and archaeology.

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

The proposed site layout has been refined through extensive discussions during the outline planning application, with the reserved matters submission broadly in line with the indicate layout agreed at this stage. It is considered that the layout of the 15 dwellings upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

The closest neighbouring properties are to the west of the application site along Milbank Close. The separation distances indicated between the proposed dwellings and neighbouring dwellings to the west meet or exceed the guideline separation distances set out in policy QP4 (Layout and Design of Development) in the Hartlepool Local Plan (2018). The properties to the west along Milbank Close with rear elevations facing the site, for example, are some 20-30 metres (approx.) distant, whilst the gable elevation of the end property of the existing terrace adjacent to the site is in excess of 10 metres (approx.) from the gable elevation of plot 1, as required by the abovementioned policy.

There are no sensitive land users to the immediate north or east of the site and therefore no implications with respect to the amenity or privacy of neighbouring land users in these directions.

To the south of the site there is currently an open grass paddock with a stable block and small area of hard standing. This site benefits from outline planning permission (ref H/2017/0174) for the erection of a dormer bungalow. This permission has not yet been implemented. Notwithstanding this, based on the indicative proposed

layout provided as part of that application, it is considered satisfactory separation distances in excess of 20 metres (approx.) could be maintained between the closest dwellings within the application site and this neighbouring site. It is therefore considered that there would be no significant detrimental impact on the amenity or privacy of future occupiers to the south.

With respect to the amenity and privacy of future occupiers, the layout of the site achieves satisfactory minimum separation distances throughout, in line with the abovementioned policy requirements. Notwithstanding this, the proposed dwellings feature numerous windows that are located in close proximity to neighbouring plots boundaries or that could pose issues of overlooking between side elevations and, as such, a planning condition is recommended to secure details of obscure glazing and restricted opening of these windows, where necessary, to protect the privacy of future occupiers and prevent overlooking. Such a condition would also seek to prevent any future development beyond the east of the site being constrained by the siting of such windows.

It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents.

The Council's Public Protection section has confirmed they have no objections to the application, subject to restrictions with respect to construction hours and the provision and agreement of a construction management plan. The outline planning permission for this site (ref H/2015/0209) was granted subject to conditions (nos. 18 and 21, respectively) restricting demolition and construction working hours, as requested, and the submission and agreement of a construction management plan, prior to commencement of the development, which any reserved matters permission would remain subject to, and as such it is not considered necessary to reapply these conditions in this instance.

In view of the above, the application is considered to be acceptable with respect to the impact on the amenity and privacy of existing and future occupiers of the application site and neighbouring properties, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

LANDSCAPING AND TREE PROTECTION

The application has been accompanied by an Arboricultural Impact Assessment and landscaping plan. Other aspects of trees including Surveys, Arboricultural Method Statements and Root Protection areas were dealt with previously under the outline planning permission for this site (ref H/2015/0209).

Hart Parish Council has confirmed that it no longer objects to the application, subject to the planting of a hawthorn hedge along the outer boundaries of the site to the east and south.

The Council's Arboricultural Officer has been consulted and has advised that the updated landscape plan including the most recent proposals for the tree and shrub

planting together with the hedge boundary treatment is appropriate and to a high quality design and addresses the loss of trees that were on this site.

In view of the above, it is considered that the proposals are acceptable with respect to landscaping and tree protection matters. The implementation of the landscaping scheme is secured by a planning condition on the outline permission.

ECOLOGY AND NATURE CONSERVATION

The applicant has submitted an ecology report in support of the application. The site is traversed by a stream along its northern boundary, and the ecology report includes recommendations for this watercourse (given in D.2 of the report).

Hart Parish Council has confirmed that it no longer objects to the application, subject to the planting of a 100% hawthorn hedge along the outer boundaries of the site to the east and south, and making improvements to the stream bed and banks to the west of the site as previously agreed.

The Council's Ecologist has been consulted and has confirmed that control measures of Himalayan balsam (Section D.2.1) are supported and the measures recommended are satisfactory. Watercourse profile improvements (Section D.2.2) are supported, and the measures satisfactorily address ecological mitigation and biodiversity enhancement requirements. Ultimately, the Council's Ecologist has confirmed that they are satisfied in principle with the submitted ecology report and plant schedule.

Notwithstanding this, the Council's Ecologist requires final details with respect to the biodiversity enhancement works to the stream running through the site, however the outline planning permission for this site (ref H/2015/0209) was granted subject to a condition (no. 17) requiring that a scheme for the enhancement of the biodiversity of the stream banks be submitted to and approved in writing by the Local Planning Authority, prior to development commencing, which any reserved matters consent would remain subject to, and as such it is not considered necessary to reapply this condition in this instance.

In view of the above, it is considered that the proposals are acceptable with respect to ecology and nature conservation matters.

HIGHWAY AND PEDESTRIAN SAFETY

The access to the site was agreed through the outline planning permission for this site (ref H/2015/0209). Notwithstanding this, the Council's Highways, Traffic and Transport section has been consulted in the context of the finalised reserved matters layout and parking provision and has confirmed that there are no highway or traffic concerns. The application is therefore considered to be acceptable in this respect.

FLOOD RISK AND DRAINAGE

The Council's Engineers have been consulted on the application and have requested further details with respect to surface water drainage. However, as above, the outline planning permission for this site (ref H/2015/0209) was granted subject to conditions (nos. 7 and 8, respectively) requiring that details of foul and surface water drainage be submitted to and approved in writing by the Local Planning Authority, prior to development commencing, which any reserved matters consent would remain subject to, and as such it is not considered necessary to reapply this condition in this instance.

Northumbrian Water has also been consulted on the application and has confirmed that they do not have any comments to make.

In view of the above, the application is considered to be acceptable with respect to matters of flood risk and drainage.

OTHER PLANNING MATTERS

Public Rights of Way

The Council's Countryside Access Officer has confirmed that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. The application is therefore considered to be acceptable with respect to the impact on Public Rights of Way.

Energy Efficiency and Renewable Energy

The submitted Design and Access Statement briefly makes reference to the sustainability of the development, and that responsible sourcing of materials and highly efficient lighting etc. will be used. Policy QP7 (Energy Efficiency) of the adopted Hartlepool Local Plan (2018) stipulates that the layout, building orientation, scale and form of the development should minimise energy consumption and make the best use of solar gain, passive heating and cooling, natural light and natural ventilation as well as incorporation of sustainable construction and drainage methods.

The proposed dwellings are set out in a linear format along a north-south axis, however 9 of the dwellings are orientated on an east-west axis which will take advantage of solar gain. Notwithstanding this, none of the dwellings feature south facing rear elevations (where the majority of living accommodation and glazing is concentrated), with large double and triple height voids in many of the dwellings and significant glazing to north elevations in many instances, which will result in heat loss. It is considered that the dwellings will benefit from good natural light penetration. Ultimately however, in view of the above, it is not considered that the layout or form of the development has been designed with minimising energy consumption in mind. In accordance with policy QP7 therefore, a planning condition is recommended requiring details of improvements to the building fabric 10% above the requirements of the building regulations, to improve their energy efficiency credentials.

With respect to renewable energy provision, whilst it is noted policy CC1 (Adapting to Climate Change) of the adopted Local Plan requires major development to

secure, where feasible and viable, a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources, the viability of the scheme has already been considered at outline stage and planning obligations agreed on this basis and it is therefore not considered reasonable to pursue additional requirements with respect to renewable energy provision at this stage would increase build costs and re-open the question of viability.

CONCLUSION

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

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Alternative Options Considered

Yes (as per report)

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

Y

12) Recommendation

APPROVE subject to the following conditions;

CONDITIONS/REASONS

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

14_019_01_P_005 REV. B (Plot 1 - Elevations, Layouts and Site Plan Draft 6),
 14_019_03_P_005 REV. A (Plot 3 - Elevations, Layouts and Site Plan),
 14_019_04_P_005 REV. B (Plot 4 - Elevations, Layouts and Site Plan),
 14_019_05_P_005 REV. B (Plot 5 - Elevations, Layouts and Site Plan),
 14_019_07_P_005 REV. A (Plot 7 - Elevations, Layouts and Site Plan),
 14_019_09_P_005 REV. A (Plot 9 - Elevations, Layouts and Site Plan),
 14_019_10_P_005 REV. A (Plot 10 - Elevations, Layouts and Site Plan),
 14_019_11_P_005 REV. A (Plot 11 - Elevations, Layouts and Site Plan),
 14_019_12_P_005 REV. A (Plot 12 - Elevations, Layouts and Site Plan),
 14_019_15_P_005 REV. A (Plot 15 - Elevations, Layouts and Site Plan),
 14_019_C_1200 (EXISTING BLOCKING PLAN)
 received 8th July 2019 by the Local Planning Authority;

14_019_02_P_005 REV. B (Plot 2 - Elevations, Layouts and Site Plan),
 14_019_06_P_005 REV. B (Plot 6 - Elevations, Layouts and Site Plan),
 14_019_08_P_005 REV. B (Plot 8 - Elevations, Layouts and Site Plan),
 14_019_14_P_005 REV. B (Plot 14 - Elevations, Layouts and Site Plan),

14_019_C_1205 REV. B (Proposed Street Scene/Land Section B-B),
 14_019_C_1206 REV. B (Proposed Street Scene/Land section C-C, Land Sections 1-1, 2-2 & 3-3),
 14_019_C_1213 (Plot 7 and Plot 8 Land Sections)
 received 29th July 2019 by the Local Planning Authority;

14_019_C_1201 REV. C (PROPOSED BLOCKING PLAN),
 14_019_C_1202 REV. E (Planning Layout),
 14_019_C_1204 REV. D (Proposed Street Scene/Land Section A-A),
 14_019_C_1207 REV. C (Proposed Street Scene/Land Section D-D),
 14_019_C_1208 REV. D (MATERIALS LAYOUT),
 14_019_C_1211 REV. H (Landscape Layout),
 14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan),
 14_019_13_P_005 2 of 2 REV. J (Layouts and Site Plan)
 received 30th August 2019 by the Local Planning Authority;

14_019_C_1203 REV. D (EXIST/PROP LEVELS PLAN),
 14_019_C_1209 REV. A (BOUNDARY TREATMENTS),
 14_019_C_1212 REV. A (Road & Site Levels Layout)
 received 4th September 2019 by the Local Planning Authority.

For the avoidance of doubt.

2. Prior to the commencement of development above ground level on any given plot, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the dwelling on that plot and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of each dwelling, the final Building Regulations compliance report for that dwelling 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.
3. Prior to the commencement of development above ground level on any given plot, details of all external finishing materials for the dwelling (and any garages or other structures hereby approved) on that plot 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.
4. Prior to the commencement of development above ground level on any given plot, a scheme for the obscure glazing and, where considered necessary, restricted openings (max. 30 degrees) of the following proposed windows with respect to that plot (plot numbers as identified on plan 14_019_C_1202 REV. E (Planning Layout), received 30th August 2019 by the Local Planning Authority and as per individual plot details set out in condition 01) shall be first submitted to and approved in writing by the Local Planning Authority;

Plot 1:

1no. first floor en-suite window in east facing side elevation.

Plot 2:

1no. first floor en-suite window in west facing side elevation.

Plot 4:

1no. first floor en-suite window in south facing side elevation,

1no. second floor bedroom window in south facing side elevation,

1no. first floor bathroom window and 1no. en-suite window in north facing side elevation,

1no. second floor bedroom window in north facing side elevation

Plot 5:

1no. first floor en-suite window in south facing side elevation,

1no. second floor dressing room window and 2no. en-suite roof lights in south facing side elevation.

Plot 6:

1no. first floor en-suite window in north facing side elevation.

Plot 7:

1no. first floor bathroom window in south facing side elevation,

2no. first floor en-suite windows in north facing side elevation,

1no. second floor bedroom window in north facing side elevation.

Plot 8:

1no. first floor en-suite window in east facing side elevation,

1no. second floor bedroom window in east facing side elevation.

1no. first floor bedroom roof light in south facing side elevation of annexe/above double garage

Plot 9:

1no. first floor en-suite window in west facing side elevation,

1no. first floor bathroom window in east facing side elevation.

Plot 10:

1no. first floor bathroom window in west facing side elevation,

1no. first floor en-suite window in east facing side elevation.

Plot 11:

1no. first floor bathroom window in west facing side elevation,

1no. first floor en-suite window in east facing side elevation,

1no. second floor bedroom window in west facing side elevation,

1no. second floor bedroom window in east facing side elevation.

Plot 12:

1no. first floor bathroom window in north facing side elevation.

Plot 13:

1no. first floor bathroom window in south facing side elevation,
1no. second floor bedroom window in south facing side elevation,
2no. first floor home office roof lights in east facing rear elevation of annexe/above double garage.

Plot 14:

1no. first floor bathroom window in east facing side elevation.

Plot 15:

1no. first floor bedroom window in west facing side elevation,
2no. first floor bedroom windows, 1no. first floor en-suite window and 1no. first floor bathroom window in east facing side elevation.
1no. second floor bedroom window in west facing side elevation,
1no. second floor bedroom window in east facing side elevation.

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking.

5. Prior to the laying of the roads, footpaths and service infrastructure of the developments, details of all external finishing materials associated with the roads, footpaths and service infrastructure of the development shall be submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings 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.
In the interests of visual amenity.
6. Prior to any individual plots being occupied, details of all external finishing materials including car parking areas, footpaths and any other areas of hard standing to be created for each plot shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings 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.
In the interests of visual amenity.
7. Prior to the occupation or completion of any individual plot/dwelling (whichever is the sooner) hereby approved, the proposed boundary enclosures with respect to that plot shall be installed in accordance with the followings plans and details;

14_019_C_1208 REV. D (MATERIALS LAYOUT) received 30th August 2019 by the Local Planning Authority; 14_019_C_1209 REV. A (BOUNDARY TREATMENTS) and 14_019_C_1212 REV. A (Road & Site Levels Layout) received 4th September 2019 by the Local Planning Authority.

For the avoidance of doubt and in the interests of visual amenity.

8. No development shall take place except in accordance with the document 'A Proposal for the In-Situ Preservation of Archaeological Deposits on Land to the East of Millbank Close, Hart' by North East Archaeological Research Ltd, document dated March 2019 (received 6th March 2019 by the Local Planning Authority), which details the design and methodology to be employed to secure the preservation of surviving archaeological remains at a known depth of 740mm below finished floor level, which are to remain in situ.
The site is of archaeological interest.
9. The development hereby approved shall be carried out in accordance with the details and measures set out in the Arboricultural Impact Assessment (For Trees On Land Adjacent to Milbank Close, Hart, Hartlepool) by All About Trees, received by the Local Planning Authority on 3rd April 2019, and the Biodiversity Strategy (Manor Park) by E3 Ecology dated July 2019, received by the Local Planning Authority on 8th July 2019.
In the interests of visual amenity, biodiversity and to protect those trees that are considered to be of amenity value.
10. 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 extended or externally altered (including garage conversions) in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties, visual amenity and highway and pedestrian safety.
11. The first floor annexe (living, bedroom, bathroom and kitchen accommodation) above the attached double garage to the south of Plot 8 shown on plan 14_019_08_P_005 REV. B (Plot 8 - Elevations, Layouts and Site Plan), received 29th July 2019 by the Local Planning Authority, shall be ancillary to the C3 use of the main dwellinghouse at Plot 8, and shall not be used as a separate dwellinghouse, for the lifetime of the development hereby approved.
In the interests of the amenities of the occupants of the adjacent residential properties and highway and pedestrian safety.
12. The first floor home office above the attached double garage to the north of plot 13 shown on plan 14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan), received 30th August 2019 by the Local Planning Authority, shall be ancillary to the C3 use of the main dwellinghouse at Plot 13, and shall not be subdivided from the main dwellinghouse or used for the purposes of operating a separate commercial business or office space beyond that which could be considered ancillary to the C3 use of the main dwellinghouse, for the lifetime of the development hereby approved.

In the interests of the amenities of the occupants of the adjacent residential properties and highway and pedestrian safety.

INFORMATIVES

INFORMATIVE 01 - STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support 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.

INFORMATIVE 02 - DISCHARGE OF OUTLINE APPROVAL CONDITIONS

Please note, notwithstanding the approval of the reserved matters as described in the Proposal granted by this decision, you are still required to discharge any planning conditions attached to the outline planning permission for the development (reference no. H/2015/0209) through the formal discharge of planning conditions process, including any pre-commencement planning conditions. You should review the outline planning permission decision notice and discharge any relevant conditions before commencing with the development. Should you require further advice, please contact the Local Planning Authority.

Author of Report: Ryan Cowley

Signed: R. Cowley

Dated: 11/11/19

Signed: D.JAMES

Dated: 12/11/2019

Planning Team Leader DC

*I consider the scheme of Officer/Chair delegation to be appropriate in this case

Signed:

Dated: 12/11/2019

Chair of the Planning Committee

PLANNING COMMITTEE

19 August 2020



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of a high fence at the front of a residential property in Hazelwood Rise.
2. Car repairs and sales at a residential property in Sandringham Road.
3. The erection of an outbuilding at residential property in Kingsley Avenue.
4. The change of use to a gym of an industrial unit at Park View Industrial Estate.
5. Running a bicycle repair and sales business at a residential property in Sandringham Road.
6. Non-compliance with the approved plans (relates to landscaping and tree planting) at land at Butterstone Avenue.

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

1. The display of a shop front sign at a commercial premises in Church Square. The shop front sign benefits from deemed consent in this case.
2. The erection of an outbuilding at a residential property in Lingdale Drive. Permitted development rights apply in this case.
3. The erection of a large timber structure (gazebo) in the rear garden of a residential property in Briarhill Gardens. The height of the gazebo has since been reduced in accordance with permitted development rights.

4. The erection of an outbuilding in the rear garden of a residential property in Buttercup Close. Permitted development rights apply in this case.
5. The change of use of a shop to a residential dwellinghouse at a former commercial premises in Errol Street. Consent has previously been granted for the change of use through the prior notification procedure.
6. The erection of high timber fencing at the rear of a residential property in Endeavour Close. A retrospective application seeking to regularise the development has since been approved.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

- 3.1 Tony Hanson
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523596
E-mail tony.hanson@hartlepool.gov.uk

AUTHOR

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