

# PLANNING COMMITTEE

## AGENDA



Wednesday 7 October 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 2 September
- 3.2 To Confirm the Minutes of the Meeting held on 16 September (*to follow*)

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Director for Neighbourhood and Regulatory Services*
  - 1. H/2020/0240 5 Grange Road (page 1)
  - 2. H/2020/0242 9A Park View Road West (page 11)
  - 3. H/2020/0072 Plot 25, Haswell Avenue Allotments (page 23)
  - 4. H/2020/0230 St Francis Field, Rossmere Way (page 33)
  - 5. H/2020/0121 70-71 The Front, Seaton Carew (page 45)

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

## 5. ITEMS FOR INFORMATION

- 5.1 Appeal at rear of Milbank Close / Land at the Fens, Hart Village – *Director for Neighbourhood and Regulatory Services*
- 5.2 Update on current complaints – *Assistant Director (Place Management)*

## 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 4 November commencing at 9.30 am.



**PLANNING COMMITTEE**  
**MINUTES AND DECISION RECORD**  
**2<sup>nd</sup> September 2020**

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

**Present:**

Councillor: Mike Young (In the Chair)

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

Officers: Jim Ferguson, Planning and Development Manager  
Dan James, Planning (DC) Team Leader  
Kieran Bostock, Interim Assistant Director (Place Management)  
Sylvia Pinkney, Interim Assistant Director (Regulatory Services)  
Laura Chambers, Senior Planning Officer  
Tom Graham, Legal Representative  
Jo Stubbs, Democratic Services Officer

**44. Apologies for Absence**

Apologies were submitted on behalf of Councillor Stephen Akers-Belcher.

**45. Declarations of interest by members**

None

**46. Confirmation of the minutes of the meeting held on 19<sup>th</sup> August 2020.**

Minutes deferred.

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

<b>Number:</b>	H/2019/0457
<b>Applicant:</b>	MR MRS S COCKRILL MEADOWCROFT ELWICK ROAD HARTLEPOOL
<b>Agent:</b>	GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL
<b>Date received:</b>	05/11/2019
<b>Development:</b>	Section 73A application for the variation of conditions no. 15 and no. 17 of planning approval H/2014/0163 (for the erection of fourteen unit retirement village, access road, entrance and enclosure details) to allow for the provision of sheds within each plot and privacy screen/fencing between plots, provision of 1.8m high and 1.05m high brick walls to side boundaries of plots 1 & 14, omission of landscaping 'Pod A' and replacement with 2no. additional car parking bays adjacent to plot 1, and provision of footpath to rear of plots 5 - 9 (part-retrospective application)
<b>Location:</b>	1-14 MEADOWCROFT MEWS ELWICK ROAD HARTLEPOOL

The Chair suggested that this item be deferred to allow for a site visit. A member queried whether this would be an actual or virtual site visit. The Chair advised that officers would investigate whether it would be possible to hold a site visit in person and if it would not be he would contact members will alternative solutions.

In accordance with Rule 8 of the Council's Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken the deferral of this item for a site visit

Those for:

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

Those abstaining:

None.

Those against:

None

**Decision: Deferred for a site visit**

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**Number:** H/2020/0096

**Applicant:** MR T SANGER CROPSTON CLOSE  
HARTLEPOOL

**Agent:** MR T SANGER 19 CROPSTON CLOSE  
HARTLEPOOL

**Date received:** 19/03/2020

**Development:** Provision of hardstanding to front of property  
(retrospective)

**Location:** 19 CROPSTON CLOSE HARTLEPOOL

A member asked that this item be deferred to allow for a site visit. A discussion took place amongst members as to whether this would be in person or virtual with some members referring to the success of a previous virtual site visit. However others felt that a virtual site visit may be insufficient for this application. Other members commented that a site visit in person may not be acceptable for those members who preferred to stay at home given the current situation.

In accordance with Rule 8 of the Council’s Procedure Rules Relating to the Holding of Remote Meetings, a recorded vote was taken the deferral of this item for an in-person site visit

Those for:  
Councillors James Brewer, Paddy Brown, Marjorie James, Brenda Loynes, Cameron Stokell and Mike Young.

Those abstaining:  
None.

Those against:  
Councillors Bob Buchan, Tim Fleming, Jim Lindridge and Carl Richardson

**Decision: Deferred for site visit**

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**Number:** H/2015/0354

**Applicant:** Mr Brett Wilkinson 25a Parkview West Industrial Estate HARTLEPOOL

**Agent:** David Stovell & Millwater 5 Brentnall Centre Brentnall Street MIDDLESBROUGH

**Date received:** 21/12/2015

**Development:** Outline planning application with some matters reserved for residential development (up to 52 dwellings) with associated access and highway works and creation of wildlife ponds, park, footpaths, public car park, landscaping and open space areas.

**Location:** Land at Hart Reservoir Hart Lane HARTLEPOOL

A member queried who would be financially responsible for the ‘Ghost Island’ and new system of street lighting. The Planning (DC) Team Leader confirmed the applicant would be responsible for this under the planning conditions relating to this application

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 as set out in the report

Those for:  
Councillors Stephen Akers-Belcher, Paddy Brown, Bob Buchan, Tim Fleming, Marjorie James, Jim Lindridge, Brenda Loynes, Carl Richardson, Cameron Stokell and Mike Young.

Those abstaining:  
None.

Those against:  
Councillor James Brewer

**Decision:** **APPROVED** subject to the completion of a legal agreement securing contributions and obligations towards primary education (£153,780) and secondary education (£51,119), built sports provision (£13,000), the provision of renewable energy infrastructure (up to a value of £18,000, to be secured by a planning condition), requiring the provision and implementation of a scheme of ecological mitigation measures (household

information packs, provision of SANGS and £5,200 towards Hartlepool HRA Mitigation Strategy and Delivery Plan); securing a local labour agreement; a scheme for the provision, maintenance and long term management of the nature reserve/footpaths, car park, public open space, landscaping, waterbodies, play facilities, reservoir structures and permissive footpath.

### CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with amended plan Dwg No(s) HL/13/001/001/D (Location Plan) and HL/13/001/002/D (Existing Site Plan) both plans date received 10th December 2015 by the Local Planning Authority and amended plan Dwg No(s) 15.04/P100\_PO (Rev PO)(Proposed Site Plan) and Boho One Proposed Site Plan at scale of 1:1000@A1 both plans date received 7th September 2016 by the Local Planning Authority.  
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 52 no. dwellinghouses (C3 use class). This shall include a minimum of 5 plots with single storey dwellings i.e. bungalows.  
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with drawing ref. 15.04/P100\_PO (Rev PO)(Proposed Site Plan) date received by the Local Planning Authority 7th September 2016 including the retention of the upper and lower reservoir water bodies.  
To ensure a satisfactory form of development and in the interests of protecting/enhancing biodiversity and bat habitat.
6. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a detailed scheme for the provision of a segregated right turning lane, ghost island and widening of Hart Lane (to be provided on a 1:500 scale plan, minimum)

has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

7. Notwithstanding the submitted plans and submitted Transport Assessment, no development shall take place until a scheme for highway mitigation measures has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access), the relocation of existing highway signage and street lighting, and a system of new street lighting suitable for a 40mph road from the proposed site access to the point where the existing street lighting commences at the roundabout adjacent to High Throston Golf Club. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. To enable the Local Planning Authority to control details and in the interests of highway safety.

8. Notwithstanding the submitted plans and Transport Assessment, no development shall take place until a detailed scheme for the provision of 2.4 metre x 120 metre sight lines (minimum) in both directions at the site entrance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include appropriate measures for works to existing landscape features to facilitate the sight lines, which shall be maintained for the lifetime of the development. The scheme shall also demonstrate a minimum 6 metre radii at the junction with Hart Lane. No dwelling shall be occupied until the requisite sight lines and junction radii have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

9. The proposed car park, roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

10. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads,



footpaths, verges, and bridges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

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

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

12. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Flood Risk Assessment Version 5.0 (date received 22nd April 2016), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details as to how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall demonstrate biodiversity enhancement. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding, and to ensure underground tanks have the capacity for the carriage way and residential plots and ensure future maintenance of the surface water drainage system.

13. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

14. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:

- i) all previous uses
- ii) potential contaminants associated with those uses
- iii) a conceptual model of the site indicating sources, pathways and receptors
- iv) potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

15. Prior to the occupation of the dwellings hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.
16. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management

objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure any site contamination is satisfactorily addressed.

17. Notwithstanding the submitted information, no development shall take place until a detailed design scheme for the modification of both the upper reservoir and lower reservoir (both to be retained in their modified form as water bodies) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include materials, methodology and testing regimes, and a timetable for implementation of the proposed works. No dwelling shall be occupied until the modification works to the lower reservoir have been completed in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented as approved and shall be retained for the lifetime of the development hereby approved.

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

18. No development shall take place until a scheme, and delivery timetable, for the provision and management of a buffer zone alongside the watercourse and ponds has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and a named body responsible for management plus production of a detailed management plan
- details of any proposed footpaths, fencing, lighting and any other associated infrastructure.

In the interests of protection biodiversity and to ensure a satisfactory form of development.

19. No development shall take place until a detailed scheme and timetable for ecological measures (in respect of the works to convert the upper reservoir to a nature reserve) has been submitted to and approved in writing by the local planning authority. The scheme shall take into account the ecological recommendations set out within Appendix 1 of the submitted Planning, Design and Access Statement Revision B, reference HL/13/001 (date received by the Local Planning Authority 18th December 2015) (with an amendment to point 4

where in respect to the lower reservoir a smaller water body will be retained

as agreed as part of the scheme) and shall include biodiversity enhancement through habitat creation and enhancement, and to prevent harm to protected species including bats. No dwelling shall be occupied until the ecological measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority or unless an alternative timescale for implementation is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

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

20. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within each dwelling or its associated garage, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

21. No development shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Deciduous Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme and any Reserved Matters application(s) 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, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

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

details and programme of works. The scheme shall make provision for the use of native species and demonstrate habitat creation.

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

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

23. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to 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.

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

24. No development shall take place until details of play facilities, public open space and street furniture to be provided on site (including the location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment, siting and provision of waste bins), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appropriate pedestrian gate and boundary enclosure to the proposed children's play area(s). The play facilities, public open space and street furniture shall thereafter be provided in accordance with the approved details, to the satisfaction of the Local Planning Authority.

In the interests of visual amenity, highway and pedestrian safety, and to ensure a satisfactory form of development.

25. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

26. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or

earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the

approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

27. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.  
To ensure a satisfactory form of development.
28. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity and the amenity of the occupiers of the site.
29. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site (and the additional street lighting along Hart Lane), including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
30. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.  
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
31. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local

Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

32. Prior to the commencement of development, details of proposed interpretation panels/boards (providing information on the retained features of the reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and heritage assets.

33. Prior to the commencement of development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwellings the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.

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

34. Prior to the commencement of the development hereby approved, details of solar panels (or alternative on-site renewable energy infrastructure/equipment) to be installed to a minimum of 6no. dwellings shall be first submitted to and approved in writing by the Local Planning Authority. Following the written approval of the Local Planning Authority, the development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellinghouses (minimum of 6no. dwellings) to which the

solar panels (or other agreed infrastructure) is to be installed.  
In the interests of promoting sustainable development in accordance with the provisions of Local Plan Policy CC1 and to which the permission is based, in line with Policy QP1.

35. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan. To avoid excessive noise and disturbance to the occupants of nearby properties.
36. The dwellings hereby approved shall not exceed two and a half storeys in height.  
In the interests of visual amenity.
37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 28, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
38. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
39. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.  
To avoid excessive noise and disturbance to the occupants of nearby properties.



**48. Appeals at 68 Grange Road** (*Assistant Director (Environment and Neighbourhood Services)*)

Members were informed of the outcome of 2 related appeals for 68 Grange Road. The first – an appeal against an enforcement notice for the retrospective replacement of roof tiles and change of use to a HMO - had been dismissed. The second – an appeal against the refusal of planning permission in respect of the change of use of an HMO and the replacement of the roof – had been approved in part (the change in use to an HMO) while the roof installation had been refused. A copy of the inspector's decision letter for both appeals was attached to the report.

A member queried how long would be given for compliance with the enforcement notice. The Legal Representative confirmed that the Inspector had specified 3 months for compliance. If they failed to meet this deadline this would be a breach of the enforcement notice and it would be for members to decide what further action should be taken. A member referred to previous enforcement notices which had offered leniency depending on personal circumstances however other members felt that this should be on a case by case basis while the Planning (DC) Team Leader indicated that he agent had acknowledged the Planning Inspector decision and confirmed they would comply with all requirements .

**Decision**

That the report be noted.

**49. Update on Current Complaints** (*Assistant Director (Environment and Neighbourhood Services)*) ()

Members were given information on 5 ongoing investigations and 4 which had been completed.

**Decision**

That the report be noted.

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

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

Minute 51 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 51 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

This item was deferred

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

This item was deferred

The meeting concluded at 10.15 am

CHAIR

**No:** 1.  
**Number:** H/2020/0240  
**Applicant:** HENNESSY GROUP  
**Agent:** PLANNING HOUSE MRS C PIPE 24 BRIARDENE WAY  
 PETERLEE SR8 3NR  
**Date valid:** 04/08/2020  
**Development:** Change of Use to Residential Institution (Use Class C2)  
**Location:** 5 GRANGE ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The following application is relevant to the current proposals:

H/2018/0346 – Change of Use to Residential Institution (C2), approved 07/11/18.

## PROPOSAL

1.3 The proposal seeks planning permission for the change of use of the property to a C2 residential institution to provide accommodation and care for up to five young people aged 13-18. There are no external alterations proposed as part of this planning application.

1.4 The property has operated as a C3 Use dwelling house providing an element of care since 2014, however as identified in the Background section of this report, planning permission was later approved in 2018 for a formal change of use to a residential institution (C2) to provide residential accommodation for up to four young people requiring additional care. This application seeks consent for one additional occupant over and above the already approved use. The supporting Planning Statement notes that *“since extending the age range of the occupants to be housed it has been requested by Ofsted that the property obtain a formal planning consent for the use of the property as a C2 residential institution”*.

1.5 The application has been referred to Planning Committee due to the number of objections received, in line with the Council’s Scheme of Delegation.

## SITE CONTEXT

1.6 The applicant property is a Victorian mid-terraced, two and a half storey property with rooms in the roof served by a dormer window. The property is situated on the South side of Grange Road within the Grange Road Conservation Area, approximately 20m west of the junction with Grosvenor Street.

## PUBLICITY

1.7 The application has been advertised by way of 32 neighbour letters, a site notice and a press advert. To date, 8 objections have been received from neighbouring occupiers.

1.8 The concerns raised are:

- Noise,
- Parking,
- Traffic,
- Anti-social behaviour,
- Litter,
- Lack of management at the property,
- Occupants not same sex,
- Too many HMOs in the area.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139240>

1.10 The period for publicity (press advert) expires 21/10/2020.

## CONSULTATIONS

1.11 The following consultation replies have been received:

**HBC Traffic & Transport** – There are no highway or traffic concerns with this application. The impact on parking would be minimal.

**HBC Public Protection** – Not object.

**HBC Community Safety** – There are no community safety concerns regarding the change of use / additional occupant.

**HBC Safeguarding Children Partnership** – There would be no concerns from the Safeguarding Children Partnership regarding an additional occupant.

**HBC Housing Services** – I have reviewed this application and have no comments to make as the use would fall outside the scope of our enforcement.

**HBC Heritage & Countryside Manager** – The application site lies within the Grange Conservation Area, a designated heritage asset.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The

National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

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

The application site is located in the Grange Conservation Area. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however they share common characteristics such as 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 for the change of use of the existing building to a children's home. It is considered that this will not impact on the significance of the conservation area, no objections.

**Cleveland Police** – I have checked our systems for both the subject address and those in the vicinity and can find no issues which would impact on the application process. I am aware of the lack of space for S.20 children at a local level and we have no issue with the application.

## PLANNING POLICY

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

### Local Policy

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
HE1	Heritage Assets
HE3	Conservation Areas

### National Policy

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

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
124	Creation of well-designed places
127	Creation of well-designed places
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts
212	Implementation

#### HBC Planning Policy Comments

1.15 Planning policy have no objections in principle to the change of use to C2. This is because the site is located within a predominantly residential area, and the proposed use is also to be a form of residential use and so it is not deemed to have any adverse impact on the amenity of neighbours. Due to the application site's location within the Grange Conservation Area, policies HE1 and HE3 apply to ensure that the change of use does not have a negative impact on the character of the conservation area and any nearby heritage assets. It is noted that there are no planned external alterations and so we are satisfied that in policy terms, the proposal is acceptable. It is noted that previously, the Heritage and Countryside Manager did not raise any objections to the proposed development and as there have been no material amendments to the proposals to form this application, it is assumed that this

position still stands. Planning policy are satisfied with the proposals and raise no objections.

## **PLANNING CONSIDERATIONS**

1.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular, the principle of development, impact on the character of the conservation area, highway safety and parking, crime and anti-social behaviour, and the impact on the amenity of neighbouring occupiers.

### **PRINCIPLE OF DEVELOPMENT**

1.17 The application site is located in a predominantly residential area, within the Grange conservation area and therefore the principle of a change of use to a residential institution in C2 use class, which is also a residential use, is acceptable in planning policy terms. As detailed above the Council's Planning Policy section have raised no objections to the proposed development.

1.18 In addition, the principle of a C2 use has already been established by virtue of the 2018 planning permission and therefore the primary issue is whether the proposed additional occupant would materially alter the acceptability of the use. The previous planning permission is a realistic fall-back position for the applicant and therefore a C2 use could continue at the site, irrespective of the outcome of the current application.

1.19 Taking account of the nature of the use proposed in this location the site history and fall-back position, the proposal is considered to be acceptable in principle subject to consideration of other material planning considerations, as detailed below.

### **IMPACT ON THE CONSERVATION AREA**

1.20 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, 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.

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

1.22 In consideration of the above guidance and the impact upon the conservation area, it is considered that the principle of this residential use, which does not propose any external alterations, will not result in a detrimental impact on the significance of the conservation area in line with the requirements of HE1 and HE3 and the NPPF.

This view is supported by the comments of the Council's Heritage and Countryside Manager as detailed above.

#### HIGHWAY SAFETY AND PARKING

1.23 The existing use of the property is very similar to the current proposals, albeit with an additional young person to be accommodated at the property. As such, it is not considered the proposals would have a significant impact on highway safety or parking in the area that would warrant refusal, as noted by the Council's Traffic and Transport team.

1.24 In addition, the site is within a short walking distance of the town centre and associated services and public transport links and therefore any future occupants would not be reliant on the use of a car. The proposed development is therefore considered to be acceptable in this respect.

#### CRIME AND ANTI-SOCIAL BEHAVIOUR

1.25 A number of the objections raised refer to concerns that the nature of the use proposed would have the potential to increase anti-social behaviour in the area. While this concern is noted, it must be recognised that the nature of the use already exists and it is not considered an additional young person residing at the property would materially alter the potential for crime or anti-social behaviour in the area or warrant refusal of the application in planning terms. Further to this, the Council's Community Safety team have raised no concerns about any existing problems in the area or the potential for the proposals to have an impact on crime or anti-social behaviour. Cleveland Police has also confirmed that they have no objections or issues in respect of the current proposal and the application site.

#### AMENITY OF NEIGHBOURING OCCUPIERS

1.26 It is not considered that the amenity and privacy of the neighbouring properties would be adversely impacted upon by the proposed development, given that there are no proposed alterations to the fenestration of the existing property that could affect privacy, nor are there any extensions or alterations that could result in a loss of light or overbearing appearance. In addition, given the property has been operating in a similar manner to that proposed since 2014, it is considered that in practice, the day to day activity and operation of the premises with one additional occupant would not be detrimental to the neighbouring land users.

1.27 While it is noted objectors raise concerns with respect to noise nuisance, the Council's Public Protection Service have been consulted on the application and have raised no objections in relation to matters of amenity. The proposals are therefore considered to be acceptable in this respect.

#### OTHER MATTERS

1.28 The gender of the proposed occupants is not a material planning consideration in this instance. In respect of matters of litter and waste, again it is not considered



that the current proposal would result in a significant increase in waste generated or litter.

## CONCLUSION

1.29 The application proposes a change of use of the property to a C2 residential institution, however in practice, this use has already been granted planning permission before and is therefore considered to be acceptable in principle. The fundamental matter to consider is therefore whether the proposed additional occupant would materially alter the development and its impact to warrant refusal.

1.30 It is not considered there would be a significant negative impact on neighbour amenity, parking, highway safety, crime and anti-social behaviour or the character and appearance of the conservation area as a result of the proposed development, as such officer recommendation is to approve subject to the conditions identified below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.31 There is no evidence of equality or diversity implications.

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

1.32 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.

1.33 There are no Section 17 implications.

## REASON FOR DECISION

1.34 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 consideration of any additional comments received before the expiry of the publicity by the Planning and Development Manager, and subject the following planning conditions (with the final decision delegated to the Planning and Development Manager):

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number TQRQM1824815151682 (Location Plan), Proposed Ground Floor Plan, Proposed First Floor Plan and Proposed Second Floor Plan, received by the Local Planning Authority 10/07/20.  
For the avoidance of doubt.
3. The use hereby approved shall be limited to a maximum of five occupants, as set out in the submitted application.

For the avoidance of doubt.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139240>

1.36 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**

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**5 Grange Road, Hartlepool**



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<p><b>HARTLEPOOL</b> BOROUGH COUNCIL</p>	DRAWN <b>JB</b>	DATE <b>21.9.2020</b>
	SCALE <b>1:500</b>	
<p><b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY</p>	DRG.NO <b>H/2020/0240</b>	REV



**No:** 2.  
**Number:** H/2020/0242  
**Applicant:** MR ASHLEY MCFEE CRANSON CLOSE BOWBURN  
 DH6 5BF  
**Agent:** MR ASHLEY MCFEE 32 CRANSON CLOSE  
 BOWBURN DH6 5BF  
**Date valid:** 03/08/2020  
**Development:** Change of use from Tyre Fitting Business (Use Class B2)  
 to Gym (Use Class E) including alterations to pedestrian  
 access points  
**Location:** 9A PARK VIEW ROAD WEST HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 There are no recent planning applications relevant to the current application site.

## PROPOSAL

2.3 Planning permission is sought for the change of use of the unit at 9A Park View Road West from its last know use as a tyre fitting business (B2 Use Class) to a Gym ('E Use Class'). It is noted that recent changes to the Use Class Order came into effect on the 1<sup>st</sup> September 2020 and prior to this date the proposed use would have been classed as a D2 Use Class (Assembly and Leisure).

2.4 The proposed development has been amended since first being submitted with the exclusion of café facilities being provided within the unit. There are no external alterations to the unit proposed. Internally, the proposal includes minor alterations to provide a male and female showering facilities. The remainder of the unit will remain as an 'open' space to accommodate a 'CrossFit' (franchise) gym.

2.5 The existing external fencing on the eastern side of the unit (along the southern boundary) will include the provision of a pedestrian access gate to provide pedestrian access to the front access door (north elevation). There is also an existing rear access door (southern elevation) which can be used for pedestrian access to the unit.

2.6 The application has been referred to the Planning Committee as more than 2 objections have been received, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

2.7 The application site constitutes a vacant commercial unit on the north side of Park View Road West, Hartlepool. The unit is accessed from within a quadrangle which has an area of parking serving an additional 4 units. The site is within a predominantly commercial / industrial area, with Brenda Road beyond a row of industrial units to the east. To the rear (south) there are a number of commercial/industrial units, beyond which the residential street of Jutland Road is in excess of 200m approximately away (at its closest point). The site benefits from green space surrounding the rear of the unit, as is a characteristic of the industrial estate. The unit has been vacant for some time, and is understood to have previously been in last use as a tyre fitting business.

## **PUBLICITY**

2.8 The application has been advertised by way of site notice and neighbour letters (7).

2.9 To date, there have been 3 objections received (including more than 1 objection from the same objector) with the following concerns/reasons that are summarised as follows;

- Safety and security concerns, increase in crime
- Entrance to units is by a quadrangle with no footpaths
- Parking is limited
- Gates normally lock after hours
- Security an issue
- Busy car park large wagon and vans coming and going
- Existing crossfit business within the area
- Parking issues
- No pathway.

2.10 To date, there have been 28 letters of support (including more than one from the same person), which can be summarised as follows;

- The proposal will support a small, family run business
- Provide jobs and revenue to town
- Prevent obesity and reduce health issues
- The proposal will provide a safe facility.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139260>

2.12 The period for publicity will expire on 6 October 2020 to which Members will be verbally updated on any additional representations received at the committee meeting.

## CONSULTATIONS

2.13 The following consultation replies have been received:

**HBC Traffic & Transport** - I have no formal objections to this application I would however, recommend that the following actions are undertaken:-

The current parking area fronting the building is not marked out or (has) faded badly. I would recommend that the car park designated for the proposed gym is marked out, the pedestrian access to the gym should be kept clear of parked cars. An alternative access is created to allow pedestrians / customers parked in other locations to access the proposed gym without having to walk through the entire compound.

UPDATE 17/09/2020 - I welcome the proposed amendments to form a pedestrian access from Park View Road West. I confirm that I have no formal objections to this application, however would still recommend that the parking area fronting the proposed gym is marked out, to ensure cars are parked appropriately and pedestrian access points are kept clear.

UPDATE 23/09/2020 (verbal) – the comments regarding the parking area to be marked out are a recommendation only and without such provision (if the applicant cannot provide it as it the land is outside of their control) would not warrant a highways objection.

**HBC Public Protection** – I would have no objections to this application subject to an extract ventilation condition to the cafe area.

UPDATE 17/09/2020 - I understand that the applicant has now removed the café element from this application and that the application is now for a change of use purely to a gym. I therefore have no objections to this amended application.

**HBC Waste Management**–The proposal will in fact require disposal of trade waste, as it is a non-domestic use. Please can this be raised with the applicant, so that they are aware of their responsibilities with regard to waste. They will require a trade waste agreement with us or another authorised waste management company.

**HBC Economic Growth** - The team are in full support of the proposal to adapt the unit as a fitness facility. Hartlepool will benefit economically from this development as it is bringing an empty unit back into use and facilitating a new business to start up, invest and create job opportunities for local people.

**HBC Building Regulations** - A Building Regulation application is required for the works as described.

**HBC Engineering** - In response to your consultation on the above application, on the basis of a change of use only I have no objection to proposals in respect of surface water management or contaminated land.

**Cleveland Police** – No objections to this application.

**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.

## **PLANNING POLICY**

2.14 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

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

CC1: Minimising and adapting to climate change  
 EMP3: General Employment Land  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 RC1: Retail and Commercial Centre Hierarchy  
 RC19: Main Town Centre Uses on Employment Land  
 SUS1: The Presumption in Favour of Sustainable Development

### National Policy

2.16 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:

Paragraph 001: Introduction

Paragraph 002: Permission determined in accordance with development plan

Paragraph 003: Introduction

Paragraph 007: Achieving sustainable development

Paragraph 008: Achieving sustainable development

Paragraph 009: Achieving sustainable development

Paragraph 010: Achieving sustainable development

Paragraph 011: The presumption in favour of sustainable development

Paragraph 012: The presumption in favour of sustainable development

Paragraph 038: Decision-Making

Paragraph 047: Determining Applications

Paragraph 080: Building a strong, competitive economy

Paragraph 082: Building a strong, competitive economy

Paragraph 085: Ensuring the vitality of town centres

Paragraph 086: Ensuring the vitality of town centres

Paragraph 087: Ensuring the vitality of town centres

Paragraph 089: Ensuring the vitality of town centres

Paragraph 090: Ensuring the vitality of town centres

Paragraph 092: Promoting healthy and safe communities

Paragraph 120: Making effective use of land

Paragraph 124: Achieving well-designed places

Paragraph 127: Achieving well-designed places

Paragraph 130 :Achieving well-designed places

Paragraph 150 : Planning for Climate Change

Paragraph 212: Implementation

### HBC Planning Policy comments

2.17 There are no Planning Policy objections. The sequential test and impact test have been satisfied. With regards to policy RC19, Planning Policy are of the view that the proposal has the potential to be ancillary to the main function of the area as it will allow the employees within the area the option to carry out a leisure activity close to their workplace. Although not industrial in nature the equipment needed does require an industrial type unit and the facility is not likely to be prone to noise, smells or litter and thus disturb the function of the industrial area therefore Planning Policy consider the use to be and appropriate use within the industrial area.

### **PLANNING CONSIDERATIONS**

2.18 The main planning considerations with respect to this application are the principle of the development and the impact of the proposal on the visual amenity of the application site and the character of the surrounding area, the impact on the

amenity of neighbouring land users and the impact on highway and pedestrian safety. These and all other planning considerations are set out in detail below.

## PRINCIPLE OF DEVELOPMENT

2.19 The application site is located within the Southern Business Zone (Usworth Road/Park View West) area designated within policy EMP3 (General Employment Land) of the adopted Hartlepool Local Plan (2018). Policy EMP3 stipulates that proposals for business development (B1 and B8 Use Class) will be permitted in this area. It is acknowledged that the proposed use is not within those identified Use Classes, however, under the recent changes to the Use Class Order B1 would fall within the new E Class.

2.20 It is considered that a gym would fall within the category of a town centre use, as defined by Local Plan Policy RC1. The Council has identified and defined a hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations and/or locations where connectivity can easily be enhanced throughout the Borough.

2.21 A sequential test and impact assessment has been submitted in support of the application, which identifies that the proposed site meets the requirement of Policy RC19, namely that there are no other suitable alternative premises to accommodate the proposed use within the 'hierarchy' and that the proposal would not result in a significant impact on the defined centers. Furthermore, the Council's Planning Policy team considers that the proposal has the potential to be ancillary to the main function of the area as it will allow the employees within the area the option to carry out a leisure activity close to their workplace. Although not industrial in nature, the equipment needed does require an industrial type unit and the facility is not likely to be prone to noise, smells or litter and thus disturb the function of the industrial area therefore HBC Planning Policy consider the use to be an appropriate use within the industrial area.

2.22 Furthermore, the Council's Economic Development team do not object to the loss of the industrial unit and support the proposed change of use as detailed in their comments.

2.23 In light of the policy considerations outlined above, and given that the proposals would bring a vacant unit back into use, the principle of the development is on balance considered to be acceptable subject to the relevant material planning considerations set out below.

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

2.24 It is noted that the proposal would bring a vacant unit back into use, and it does not seek to make any external alterations to the main building with the exception of alterations to the boundary to facilitate a pedestrian gated access which is considered to be modest and in keeping with the existing boundary treatment and surrounding area.

2.25 In view of the above, it is considered that the proposal will not have any significant detrimental impact on the visual amenity of the application site or the character of the surrounding area. The application is therefore considered to be acceptable in this respect and in accordance with policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 11 and 56 of the NPPF.

#### AMENITY OF NEIGHBOURING LAND USERS

2.26 As outlined above the application site is within a designated commercial / industrial area. There are no immediate residential uses in close proximity to the site (with the closest being approx. 200m to the south west, at Jutland Road). Separation distances remains as existing to the other commercial units which are set around the quadrangle which is the parking area and access to the units which share this area. The units range from a number of commercial/industrial type uses which include a metal fabrications business, window company and other commercial premises.

2.27 Furthermore, as noted above, the proposal does not seek to extend the footprint of the building or create any new windows or openings. Owing to the above reasons, it is considered that the proposals will not have a significant impact on neighbouring land users in terms of loss of privacy or amenity through undue noise disturbance, overshadowing, any overbearing effect, poor outlook or overlooking.

2.28 The Council's Public Protection section have been consulted and have confirmed that they do not object to the application. The proposed hours of use (0600-2000 Monday - Friday, 0800-1400 Saturday, Sunday and Bank Holidays) can be controlled by a planning condition.

2.29 In view of the above it is considered that the application is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and in accordance with the relevant paragraphs of the NPPF and relevant policies of the Hartlepool Local Plan (2018), as set out above.

#### HIGHWAY AND PEDESTRIAN SAFETY

2.30 Objections have been received as summarised as above setting out concerns regarding highway and pedestrian safety, car parking and access arrangements.

2.31 Vehicle access to the site is taken from Park View Road West through a gated enclosure into a quadrangle which serves 5 units, this internal area is used by all the units for parking of vehicles, including pedestrian access. There are no dedicated footpaths within this area. The outer area of the units there are footpaths, including a footpath on the east side of the application site, this footpath leads into the quadrangle, however currently this closed with fencing. The applicant has confirmed that the management/landlord has agreed that a lockable gate can be inserted into the existing fence which will allow for a safe pedestrian access being provided, should members of the gym park in other areas and not within the quadrangle. The provision of the access gate has been agreed with the Council's Highway, Traffic and Transport section and its implementation can be secured by a planning condition.

2.32 Objections have been received with regard to the lack of parking, whilst it is acknowledged that the quadrangle is used by a number of units there is no dedicated parking offered to each unit, this is managed by the units themselves. The Council's Highway, Traffic and Transport section has no objection to the proposal but has recommended that the area to the front of the units be formally marked out to ensure cars are parked appropriately and pedestrian access points are kept clear. Whilst these comments are noted and have been relayed to the applicant, the applicant has confirmed that this land is outside of their ownership and therefore to require such works by way of a planning condition would fail the planning condition tests of reasonableness and enforceability. Therefore this cannot be enforced by way of a planning condition and therefore the parking area will remain as existing. The Council's Highway, Traffic and Transport section have confirmed without such provision, this would not warrant an objection on highways grounds to the application.

2.33 In view of the above, the proposals are, on balance, considered to be acceptable with respect to the impact of the proposals on highway and pedestrian safety and in accordance with the relevant paragraphs of the NPPF and the relevant policies of the Hartlepool Local Plan (2018).

#### OTHER PLANNING MATTERS

2.34 No objections have been received from other technical consultees including from Waste Management who has advised that the unit will need a trade waste agreement. The applicant has confirmed that they are in negotiation with a certified company (Biffa) who will undertake the removal of the waste by contract should the application be approved.

2.35 No objections have been received from technical consultees in respect of drainage and contaminated land. The proposal is therefore acceptable in this respect.

2.36 Objections relating to the safety and security of the area have been raised. The compound/quadrangle has gated access that is locked when the existing businesses close. The operation of this area will remain as existing, it is understood from the applicant that each unit is responsible for the gates, on a last out basis, the gates are locked. Cleveland Police have been consulted and raise no objection. Nevertheless, a suitable informative note is recommended to make the applicant aware that security advice can be obtained from the liaison officer of Cleveland Police.

#### OTHER MATTERS

2.37 Cleveland Fire Brigade have offered no representation regarding the development proposed however have advised the proposals will need to meet the requirements of the building regulations. They have also made comment in respect of the use of sprinklers/fire suppression methods. In response and in line with the Council's planning committee sprinklers position statement, the applicant has confirmed that these matters will be considered and addressed through the appropriate Building Regulations application. The Council's Building Control section

has confirmed a building regulations application will be required and as such these matters will be considered through that process. Nevertheless, a suitable informative note is recommended to make the applicant aware of this.

2.38 Comments raised with regard to competition with an existing 'CrossFit' business is not a material planning consideration and is therefore not taken into consideration.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.39 There is no evidence of equality or diversity implications.

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

2.40 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.

2.41 There are no Section 17 implications.

### **REASON FOR DECISION**

2.42 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 consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), and subject the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans as amended; Site Location Plan (Scale 1:1250), Proposed Layout Plan (1:50) and Proposed Layout showing boundary treatment (1:50) and details received by the Local Planning Authority on 11 September 2020. For the avoidance of doubt.
3. The proposed gate to be inserted within the existing southern boundary on the east side of the unit as shown on the amended Proposed Layout showing boundary treatment (1:50) (date received by the Local Planning Authority on 11 September 2020), shall match the materials and height of the existing adjacent palisade fencing and shall be installed prior to the development hereby approved being brought into use. Thereafter the gate shall remain for the lifetime of the development.  
In the interests of highway and pedestrian safety.
4. The premises shall not be open to the public outside the following times; 06:00 to 20:00 Monday to Friday, 08:00 to 14:00 Saturday, Sunday and Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.

5. The development hereby approved shall be laid out and operate in general conformity with drawing Proposed Layout (as amended, date received by the Local Planning Authority 11 September 2020 ) and there shall be no provision of a café or cooking facilities on the premises, without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to retain control over the development and in order to safeguard the vitality and viability of the defined town centres in the Borough.
6. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a gym use within the 'E' Use Class and for no other Use within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.  
To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139260>

2.44 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>  
except for such documents that contain exempt or confidential information.

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**9a Park View Road West, Hartlepool**



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>21.9.2020</b>
	SCALE <b>1:1,000</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG. NO <b>H/2020/0242</b>	REV



**No:** 3.  
**Number:** H/2020/0072  
**Applicant:** MR S WILKINSON HARTLEPOOL TS25 5AR  
**Agent:** MR S WILKINSON 4 STRATFORD ROAD  
HARTLEPOOL TS25 5AR  
**Date valid:** 07/04/2020  
**Development:** Siting of wind turbine on 5m high fixed galvanised steel  
column  
**Location:** PLOT 25 HASWELL AVENUE ALLOTMENTS  
HARTLEPOOL

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## **PURPOSE OF REPORT**

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

## **BACKGROUND**

3.2 There are no relevant planning applications associated with the site.

## **PROPOSAL + SITE CONTEXT**

3.3 Planning permission is sought for the erection of a wind turbine to be affixed to a 5m high pole, the height to tip of the turbine would be approximately 5.6m. An LED floodlight would be affixed to the pole at a height of approximately 3.8m.

3.4 The turbine would be located within plot 25, Haswell Allotments, which is located to the south of the site, adjacent to the site entrance and the roundabout junction between the A689 and Brenda Road to the south east.

3.5 The application has been referred to Planning Committee at the request of a Ward Councillor and due to the number of objections received in accordance with the Council's scheme of delegation.

## **PUBLICITY**

3.6 The application has been advertised by way of 27 neighbour letters and two site notices. To date, there have been two responses of no objection, two responses in support and six objections.

3.7 The comments made in support can be summarised as follows:

- Should be encouraging green initiatives,
- All allotments should invest in renewable energy.

3.8 The concerns raised by objectors are:

- Would be an eyesore/not in keeping with the area,

- Noise,
- Wind turbines in urban areas are inefficient.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136838>

3.10 The period for publicity has expired.

## CONSULTATIONS

3.11 The following consultation replies have been received:

**HBC Landscape Architect** – There are no landscape and visual objections to the proposed development.

**HBC Public Protection** – I would have no objection to this application providing a noise assessment is carried out in accordance with the MCS 020 Guidance.

*Update following submission of a noise assessment* – Thanks for submitting the attached assessment which is satisfactory in order to demonstrate that the wind turbine will not have an effect on the neighbouring residential premises.

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

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

**HBC Estates** – The Allotment site is owned by the Council but managed by the Allotments team. They should be able to provide comments on the matter.

**HBC Allotments** – I don't have any issues in principle with the suggestion, however would like to highlight the following two points as we discussed:

1. For the application to reference the fact that the Council will not be paying for its removal (when the time comes and should it be approved), nor are we paying for the remuneration of the ground to remove the concrete subbase etc.
2. For the attached light on the pole to remain 'by activation' and not to be left on overnight or for sustained periods, which would likely cause a nuisance under environmental health remit legislation.

I think additionally, I should look to reinforce the application by insisting that the appropriate insurances are in place should anything ever 'happen' and injury or damage occurs.

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

**Cleveland Police** – Police have no objections to this application, the proposed electric power to be provided for burglar alarm and lighting to the allotment plot will help to deter criminal activity on the site. I would advise however that any cabling that is used is protected from potential criminal attack.

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

## PLANNING POLICY

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

### Local Policy

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

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and Adapting to Climate Change
CC3	Renewable and Low Carbon Energy Generation
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency

### National Policy

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

Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

Para	Subject
002	Introduction
007	Achieving sustainable development
008	Achieving sustainable development
009	Achieving sustainable development
010	Achieving sustainable development
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development
038	Decision making
047	Determining applications
091	Promoting healthy and safe communities
124	Creation of well-designed places
127	Creation of well-designed places
130	Refusal of poor design
150	Planning for climate change
151	Renewable Energy
154	Renewable Energy

HBC Planning Policy Comments

3.15 With regards to the proposal for a wind turbine at Haswell allotments, the main policy to note is CC3 which relates to renewable and low carbon energy generation. This policy is broadly supportive of proposals for the generation of energy from renewable and low carbon sources in order to contribute towards the achievement of targets for renewable energy and reduction of CO2 emissions.

3.16 The approval of such projects is subject to the consideration of the below criteria:

- 1) Position of the installation on the land
- 2) Visual appearance, topography and character of the area
- 3) Impact on the amenity of local residents and nearby occupiers

3.17 In this instance, as the turbine is to be situated on an allotment, there are considered to be no detrimental impacts with regards to the visual appearance and the character of the area. The only consideration is whether nearby residents might suffer from visual intrusion or noise. It is noted in the supporting documentation that the closest residents are approximately 70m away, which appears to be a reasonable enough distance as to not be significantly impacted by any visual intrusion. Planning policy support the proposal and welcome the opportunity for micro-renewable projects, subject to the satisfaction of the public protection team that there will be no impact on the amenity of local residents.

## **PLANNING CONSIDERATIONS**

3.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular, the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, and the impact on highway safety.

### **PRINCIPLE OF DEVELOPMENT**

3.19 Policy CC3 of the Hartlepool Local Plan specifically supports the generation of renewable energy providing proposals are satisfactory with respect to matters including their location, appearance and impact on amenity for neighbouring land users. Equally, the National Planning Policy Framework supports the increased use and supply of renewable energy. While concern has been raised regarding the efficiency of wind turbines in an urban location, paragraph 154 of the framework makes clear applicants should not have to demonstrate a need for the development and local authorities should recognise the value of even small scale projects.

3.20 As such, the principle of development is acceptable, subject to an assessment of the material planning considerations outlined below.

### **CHARACTER & APPEARANCE OF THE AREA**

3.21 In terms of design, the turbine would be of a standard appearance, affixed to a narrow pole, reaching a maximum height of 5.6m. In relative terms, this is lower than the average two-storey dwellings in the area and similar in scale to typical lamp columns in residential areas. The lamp columns on main roads, including those adjacent to the site on the A689 and Brenda Road junction are higher than this. As such, it is not considered that the proposal would be obtrusive or out of character with the area as to warrant a refusal of the application.

3.22 Furthermore, the Council's Landscape Architect has confirmed there are no landscape or visual objections, accordingly the proposals are considered to be acceptable in this respect.

### **AMENITY OF NEIGHBOURING LAND USERS**

3.23 The proposed wind turbine would be approximately 75m away from the closest residential properties on Haswell Avenue to the west and approximately 73m from the closest properties on St Joan's Grove to the north. Given the modest scale of the proposals and the substantial separation from neighbouring dwellings it is not considered the development would have an adverse impact in terms of loss of light or overbearing appearance.

3.24 Given the commercial nature of the premises to the south and east of the site (Stag and Monkey public house and Belle Vue Local Centre respectively), and that there is an intervening main road between, it is not considered the proposals would have an appreciable impact on amenity with respect to light or overbearing appearance.

3.25 Concerns have been raised in respect to the potential impact of the proposals on noise. The Council's Public Protection team requested a noise assessment be carried out in relation to the proposals and the applicant has duly done so. Following consultation on the submitted noise assessment, HBC Public Protection have confirmed the proposals are satisfactory and they have no objections.

3.26 The proposals include an LED floodlight affixed to the proposed pole, this would be directed towards the ground and would be motion activated to detect unauthorised persons on site during hours of darkness. This approach is supported by Cleveland Police as a means to protect the equipment. This is similar arrangement to domestic security lighting and is not considered to impact on the amenity of neighbouring occupiers.

3.27 Given the assessment above, the proposed development is considered to be acceptable with regards to neighbour amenity.

#### HIGHWAY SAFETY

3.28 The proposed development will not involve any alterations to access arrangements or parking provision at the site, nor is it considered likely to impact on the level of visitors frequenting the site. The proposals are set back from the main highways of the A689 and Brenda Road and it is not considered it would cause any undue distraction or safety issues for drivers. The Council's Traffic and Transport team have raised no concerns with respect to traffic or safety matters, accordingly the proposals are considered to be acceptable in this respect.

#### OTHER PLANNING MATTERS

3.29 The Council's Ecologist and Engineering Consultancy have both confirmed there are no specific requirements for or objections to the proposed development.

#### RESIDUAL MATTERS

3.30 The Haswell Allotments site is Council owned, the Allotments team have indicated that the Council would not be responsible for the removal and restoration of the equipment should it no longer be required and there would be a requirement for suitable insurance to be in place in the event of damage. These are civil matters that will need to be resolved between the applicant and relevant Council department but do not have a bearing on the planning merits of the proposals. These matters can be relayed to the applicant by way of an informative on the decision notice, should the application be approved.

#### CONCLUSION

3.31 There is specific national and local policy support for renewable energy projects, subject to their impacts on the character and appearance of the surrounding area, the amenity of neighbouring land users and highway safety. It is considered that the proposed development is acceptable in each of these respects and therefore officer recommendation is to approve subject to standard conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.32 There is no evidence of equality or diversity implications.

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

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

3.34 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan at scale of 1:1250 received by the Local Planning Authority 17/02/20, Proposed Elevation at scale of 1:25 and Proposed Elevation at scale of 1:50, received by the Local Planning Authority 30/03/20, and Proposed Block Plan at scale of 1:500 received by the Local Planning Authority 07/04/20.  
For the avoidance of doubt.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136838>

3.37 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information.

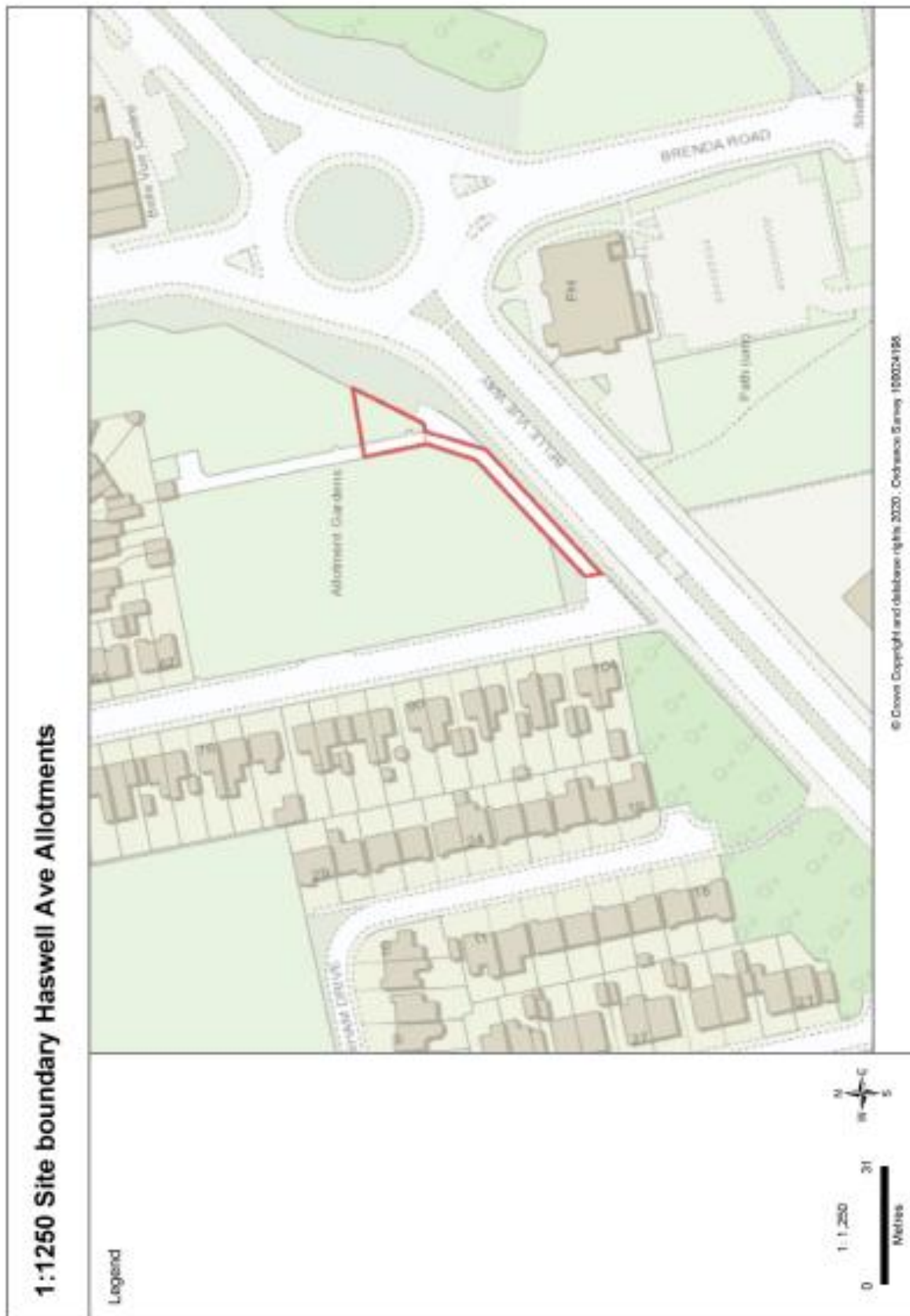
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**No:** 4.  
**Number:** H/2020/0230  
**Applicant:** MR TREVOR ROBINSON DUNCAN ROAD  
HARTLEPOOL TS25 4EB  
**Agent:** MR TREVOR ROBINSON 18 DUNCAN ROAD  
HARTLEPOOL TS25 4EB  
**Date valid:** 23/07/2020  
**Development:** Display of advertisement boards around 11-a-side playing  
pitch (136no. boards in total)  
**Location:** ST FRANCIS FIELD ROSSMERE WAY HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2006/0795 - Retention of 3 containers for storage and changing. Approved 28.11.2006.

H/2007/0597 - Change of use from public open space to football pitches, erection of 2.2 metre high perimeter fencing and re-siting of 3 existing site cabins. Refused 05.12.2007, allowed in appeal (ref: APP/H0724/A/08/2070106) 17.07.2008.

H/2020/0231 - Installation of block paving in front of 3no. porta-cabins in the south west area of the playing fields (retrospective). The application is currently pending consideration (as of 23.09.2020).

## PROPOSAL

4.3 This application seeks advertisement consent for the erection of 136no. advertisement boards around the 11-a-side pitch. The proposed advertisement boards would each measure approximately 1.8m in width x approximately 0.91m in height and would be affixed to posts with an above-ground height of approximately 1.2m overall. The advertisement boards would be approximately 15cm in depth (to include the wooden posts and wooden support boards).

4.4 The proposed advertisement boards would be arranged around the 11-a-side pitch with 26no. along the eastern side (closest to Balmoral Road), 26no. along the western side (with an aspect toward the remaining area of St Francis Field), 42no. along the northern side, with a break in the centre therefore forming two sections of 21no. boards (closest to Rossmere Way) and 41no. (comprising two sections of

21no. boards with a break in the centre) along the southern side (with an aspect toward St Teresa's School). Therefore the proposed boards would span a width of approximately 47.5m along the 'goal' ends of the pitch, and approximately 80m in total along the lengths of the pitch (comprising two sections each measuring approximately 38.4m with a break in the centre measuring approximately 1.6m).

4.5 The advertisements would be arranged with the side of the boards facing onto the playing pitch, thereby resulting in the view of the boards from the main St Francis playing fields and the wider area would be of the rear of the advertisement boards. It is understood that the outside of the boards would only show the supports to the structure and would be blank/not feature adverts.

4.6 A separate application has been submitted for retrospective planning permission for paving slabs to be erected to the front of porta-cabins (reference H/2020/0231) which is pending consideration at the time of writing (17.09.2020).

4.7 The application has been referred to the Planning Committee for determination, as more than 2 objections have been received, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

4.8 The application site related to a specific playing pitch within the St Francis playing fields, known as the 11-a-side pitch. The playing pitch is sited in the eastern section of the fields, being orientated as such that the goal ends are sited at the east and west sides of this section of the playing fields. The playing pitches are surrounded by an open metal railing fencing, painted green in colour, with the 11-a-side pitch being sited approximately 26m south of this fence on the Rossmere Way side and approximately 26m to the west of the fence at the Balmoral Road side (at the closest points). Beyond the public highway of Rossmere Way to the north lies residential properties

## **PUBLICITY**

4.9 The application has been advertised by way of 45 neighbour letters and the display of two site notices. To date, there have been 40 objections. Of these, 35 are a pro forma response objecting to the application on the grounds that the football field is a green open space owned by "the people of Hartlepool" and rented out to the applicant (St Francis Football Club). A number of additional concerns have been added to the pro forma response in some instances.

4.10 The concerns raised from all objections can therefore be summarised as follows:

- The boards will be vandalised
- The porta-cabins make the area look unsightly
- Traffic concerns
- The proposed alteration to the green open space is "illegal"
- It will turn the green space into a commercial site
- The green field should not be fenced off

- Original planning has been breached (litter, dogs roaming, grass not being cut, not open to public use, no car park, porta-cabins without planning permission, litter bins unsightly, cars blocking driveways on match days, not used as stated on original planning approval)
- Anti-social behaviour, existing and worsened by proposal
- Visual intrusion
- Potential for arson
- Noise
- Wind tunnel which could be dangerous
- Potential graffiti
- Obstruct view of football pitch
- Run down area
- Plans only account for 84 boards
- Fewer boards would be acceptable
- Boards are too high, 91cm from the ground would be preferred

4.11 In addition, one letter of 'support' has been received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139122>

4.13 The period for publicity has expired.

## CONSULTATIONS

4.14 The following consultation replies have been received:

**Sport England:** It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field.

Unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy)

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

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

**HBC Landscape Architect:** There are no landscape and visual objections to the proposed development.

**HBC Public Protection:** No objection.

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

**HBC Community Safety:** No comments received.

**HBC Participation & Strategy Manager:** I have reviewed the documentation relating to the above planning application and have no concerns in regards to the proposed development.

**HBC Estates:** No comments received.

**HBC Arboricultural Officer:** No comments received.

**HBC Parks & Recreation:** No comments received.

**Tees Archaeology:** There are no archaeological considerations for this application.

**Cleveland Police:** Police have no objections.

## **PLANNING POLICY**

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

### Local Policy

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

CC1: Minimising and Adapting To Climate Change  
LS1: Locational Strategy  
NE1: Natural Environment  
NE5: Playing Fields, Tennis Courts and Bowling Greens  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
QP8: Advertisements  
SUS1: The Presumption in Favour of Sustainable Development

### National Policy

4.17 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's 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 124: Achieving well-designed places  
PARA 127: Achieving well-designed places  
PARA 130: Achieving well-designed places  
PARA 132: Achieving well-designed places  
PARA 150: Planning for climate change  
PARA 153: Planning for climate change  
PARA 212: Implementation

### **Planning Policy comments**

4.18 Planning policy have no objections to the proposed adverts, they are deemed to be in accordance with policy QP8.

## **PLANNING CONSIDERATIONS**

4.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 132 of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Therefore the material planning considerations in regard to this proposal are the impacts on visual amenity and the impact on highway safety.

### **VISUAL AMENITY**

4.20 The application site lies within the playing fields at St Francis, on Rossmere Way, being sited approximately 39m from Balmoral Road at its closest point, and approximately 59m from the apartments at Balcary Court. To the north, the main highway of Rossmere Way is sited approximately 45m from the proposed development at its closest point, with the closest neighbouring property being 24 Rossmere Way, at a distance of approximately 65m from the proposed advertisement boards at the application site. To the south, the proposed advertisement boards would be sited approximately 16m from the boundary with the grounds of St Teresa's RC Junior School, with a separation distance of approximately 75m remaining to the main school building (at the closest point).

4.21 Policy QP8 of the Hartlepool Local Plan (2018) requires that the design and placement of advertisements is such that it does not result in an adverse impact on the amenity of the area (including visual amenity and neighbour amenity) and taking into account the specific characteristics of the application site and any potential cumulative impact. Paragraph 132 of the NPPF 2019 states "the quality and character of places can suffer when advertisements are poorly sited and designed." With regard to the design and placement of the signs, the intention is to enclose one of the numerous playing pitches with advertisement boards in a cohesive layout where boards are evenly spaced around the pitch. This formation would allow for a break in the centre of the sides, as well as at each corner. The applicant has stated in the submitted Planning Statement that the advertisements would face into the 11-a-side pitch, with the outside that would face onto the remaining areas of St Francis Field and the streets beyond being plain.

4.22 The proposed advertisement boards are considered acceptable in this location. It is considered that it is not an uncommon or significantly incongruous feature within a sports pitch of this type to feature such signage or boards/fencing enclosing the area. Furthermore, the size of the sign is such that the advertisement boards would sit modestly within the site as a whole, sitting at a total height of approximately 1.2m from the ground level. The proposed advertisement boards are considered to complement other signage around the wider sports field.



4.23 It is of further consideration that the wider sports field is enclosed on all sides by open metal railing fencing with a height of approximately 1.8m. Although the proposed advertisement boards would be visible from both Rossmere Way and Balmoral Road, given the existing fence around the field and the above referenced separation distances, it is considered that they would be read in the context of the perimeter fencing and other paraphernalia (including the existing porta-cabins to the west of the application site and other furnishings such as street lighting). It is noted that the existing fencing is painted in a colour scheme considered to be sympathetic to its surroundings (being green in colour). It is considered that specific details of the appearance of the rear of the advertisement boards (which would have an aspect onto the remaining playing fields and that would not feature adverts on them) could be agreed by the Local Planning Authority to ensure that an appropriate colour is applied and that the proposed advertisement boards remain sympathetic to the character and appearance of the application site and its wider surroundings. A planning condition is necessary to secure this detailing.

4.24 Given that the closest residential properties are situated approximately 59m away (to the east, at Balcary Court), it is considered that the proposed advertisement boards would not impact any adjoining land user. Although they may be visible from parts of the residential streets abounding the application site, they are not considered to result in any significant visual incursion or overbearing impression, even when taking into account any potential cumulative impact from the 136no. boards which would enclose the 11-a-side pitch. This view is supported by the Council's Planning Policy section and the Council's Landscape Architect.

4.25 On balance and subject to the identified condition, the proposed development is considered to be of a design and scale that respects the character and appearance of the existing application site as a whole and would not result in a significant adverse impact on the street scene. Therefore the proposals are considered to accord with policies NE5 and QP8 of the Hartlepool Local Plan (2018) and paragraph 132 of the NPPF.

#### HIGHWAY SAFETY

4.26 It is acknowledged that a number of objections have been received raising concerns around parking and highway safety matters. The Council's Traffic and Transport section were consulted on the proposed advertisements and have raised no objections. Therefore, it is not considered that the proposed development would result in an adverse impact upon highway safety (including traffic and parking) and the proposal is considered to be acceptable in this regard.

#### OTHER PLANNING MATTERS

4.27 Sport England have been consulted on the application and have advised that there are no objections to the proposal given that it is considered the proposed advertisement boards would be for ancillary facilities supporting the principal use of the site as a playing field, which would not affect the quantity or quality of playing pitches or otherwise adversely affect their use. The proposal is therefore considered acceptable in respect of this.

4.28 A number of objections have been received raising concerns around matters of criminal activity and anti-social behaviour (ASB), e.g. that the advertisement boards could potentially be vandalised. Policy QP5 of the Hartlepool Local Plan (2018) seeks to provide development that protects or enhances safety and security in the Borough. Cleveland Police have confirmed that they have no objections to the proposals and no comments/objections have been received from HBC Community Safety. Therefore, it is considered that the erection of the proposed advertisement boards would be compliant with this policy.

4.29 Concerns have been raised from members of the public making reference to issues of noise disturbance. The Council's Public Protection section has had regard to the proposal and has confirmed that they have no objections in respect of the proposed works.

#### **NON-PLANNING MATTERS**

4.30 It is noted that a pro forma response has been received raising concerns that the application site (St Francis sports field) is not in ownership of the applicant. The response states that the land is owned by the people of Hartlepool with Hartlepool Borough Council being the guardian. The applicant has indicated on the relevant section of the application form that they (the applicant) are not the owner. Notwithstanding this, ownership of the application site is not a material planning consideration and therefore this matter cannot be considered in the determination of this application.

#### **CONCLUSION**

4.31 With regard to the above planning considerations and the relevant provisions of the Town and Country Planning Act (1990), paragraph 132 of the NPPF (2019) and policies NE5, QP4 and QP8 of the Hartlepool Local Plan (2018), the proposed signage is considered to be acceptable and the application is recommended for approval subject to the conditions below.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.32 There is no evidence of equality or diversity implications.

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

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

4.35 There are no Section 17 implications.

#### **REASON FOR DECISION**

4.36 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 hereby permitted shall be carried out in accordance with the plans and details Existing Site Plan Rev 1, Proposed Site Plan (scale 1:1350) Rev 1, Proposed Site Plan (Layout) (scale 1:550) Rev 1, Side Elevation of Proposed Advertisement Rev 1, Advertisement Board Detail Rev 1 received by the Local Planning Authority on 13<sup>th</sup> July 2020; Site Location Plan Rev 3 (scale 1:1600) received by the Local Planning Authority on 27<sup>th</sup> July 2020.  
For the avoidance of doubt.
2. Prior to above ground construction, details of all external finishing materials for the proposed advertisement boards (including the colour of the rear of the boards) shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. No adverts shall be placed or displayed on the rear/outside of the boards at any time. Thereafter, the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
3. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.  
To ensure that any site contamination is addressed.

**BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139122>

4.38 Copies of the applications are available on-line:

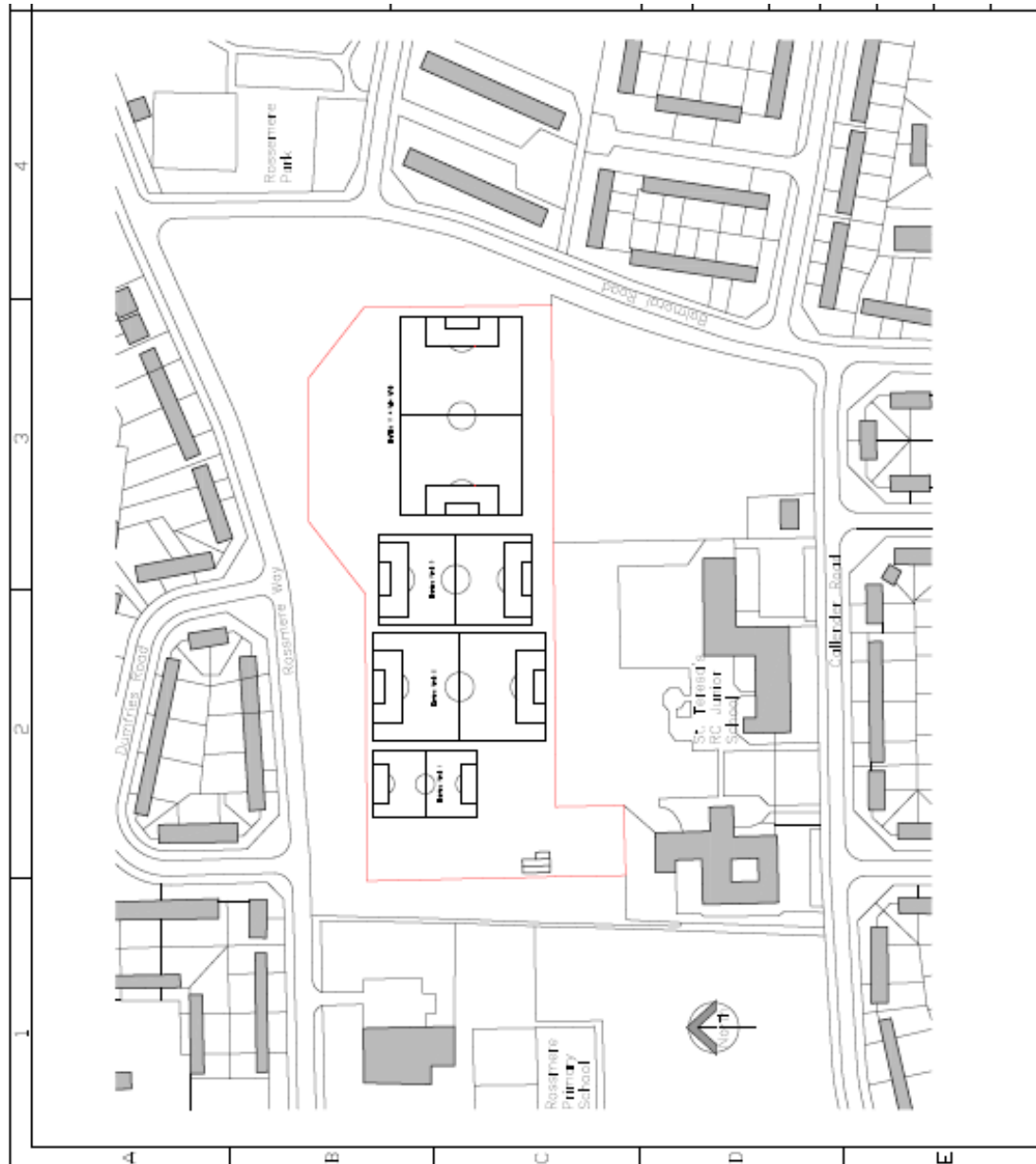
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>  
except for such documents that contain exempt or confidential information.

## CONTACT OFFICER

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## AUTHOR

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**No:** 5.  
**Number:** H/2020/0121  
**Applicant:** MR J UNWIN C/O AGENT  
**Agent:** COLLABORATIVE DESIGN MR CHRISTOPHER SUTTON 65 ELMWOOD PARK COURT GREAT PARK NEWCASTLE UPON TYNE NE13 0BP  
**Date valid:** 17/04/2020  
**Development:** Replacement of bay window to front, installation of new awning over front elevation (retention of existing awning), repairing existing windows and refurbishments to existing cast iron columns and beams (resubmitted application)  
**Location:** SEATON GIFT AND ROCK SHOP 70 71 THE FRONT HARTLEPOOL

## PURPOSE OF REPORT

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

## BACKGROUND

5.2 A summary of the relevant planning history is detailed below:

H/2012/0435 - Internal and external alterations including demolition of rear offshoot and new boundary wall to provide hot and cold food takeaway and sit in cafe (no. 71). Approved on 25/09/2002;

H/2013/0023 - Alterations to shop to display painted mural. Approved on 08/03/2013

H/2017/0521 - Provision of roof over rear yard to create a room. Approved on 15/02/2018;

H/2018/0397 - Resubmission of planning application (H/2017/0522) for the removal of an existing projecting bay window and the installation of a new shop front (including the installation of new awnings) to the front elevation. Refused on 07/01/2019. The LPA's I decision was upheld at appeal (ref: APP/H0724/W/19/3231726), decision date 18.10.2019.

## PROPOSAL

5.3 Planning permission is sought through this application for the replacement of an existing projecting bay window at 71 The Front; refurbishments of the shop fronts to the front elevations of 70 and 71 The Front; and the installation of new awnings to the front of 70 and 71 The Front.

5.4 The proposed replacement of the existing bay window at No. 71 would be larger in scale than the existing, measuring approximately 3.6m in width (approximately 1.2m wider than the existing) and comprising 4 panes rather than 3; and would incorporate fully openable double panes, allowing the central panes to open and return over the corner splays of the bay window.

5.5 The proposal includes the repair of the existing windows and beams and seeks to reinstate the covered walkway to the front of No. 70 by installing a new canopy from the frontage extending to the existing beams, installing steel beams to facilitate this. As such the awning would measure approximately 5m in width x approximately 2.7m in projection. The proposed canopy above No. 71 would measure approximately 4m in width x approximately 1.4m in projection from the main frontage.

5.6 The proposal has changed over the course of the application since being submitted. After consultation responses from the Council's Heritage and Countryside Manager and the Civic Society requested further information on the workings of the proposed bay window (including section details of this element), the applicant submitted these details along with a further plan indicating a box frontage that spanned the width of both properties of 70 and 71, housing the proposed separate awnings that were proposed for No. 70 and No. 71 distinctly. Following concerns expressed by the Council's Heritage and Countryside Manager, this was amended in the latest revision of the proposed plans. As such it is taken that the proposal relates to the latest iteration of Drawing 20011.P03 (Rev B, date received by the Local Planning Authority on 24<sup>th</sup> August 2020).

5.7 As mentioned above, the proposal is an amended scheme resubmitted by the applicant following the refusal of the former scheme (H/2018/0397, decision date 07.01.2019) which was dismissed at the appeal stage (Appeal ref: App/H0724/W/19/3231726). The proposal differs from the previously refused application which sought to replace the bay window with a flat window, whilst this current application seeks to replace it with a larger bay window. The previous application also sought to install a new shop front whilst this application seeks to restore some existing detailing, including pillars by painting and stripping wood to reinstate elements of the existing shop front. These elements are discussed in further detail below.

5.8 The proposal makes reference to proposed new signage on the front and side (north) of the application site. These works would be subject to separate legislation and as such will not be considered further in the report.

5.9 The application has been called in to be determined in the Planning Committee at the request of a local ward councillor.

## **SITE CONTEXT**

5.10 The application site comprises two adjoining two-storey terraced properties located within the commercial area of the Seaton Carew Conservation Area. The application site is currently used for A1 retail purposes (being a sweet shop and ice cream parlour) with 70 forming the end-of-terrace property to the north, 71 adjoining



to the south, and similar commercial properties further along the terraced row of The Front to the south. A public car park is sited to the rear (east), accessed via a side road on the northern side of the application site. Further to the north is the site of the former Longscar building. Beyond the main highway of The Front are other commercial buildings to the west. No. 70 has a cream render finish and includes an original cast iron walkway to the western side (front). No. 71 (south) has a pink coloured render finish and features a single glazed bay window.

## PUBLICITY

5.11 The application has been advertised by way of six neighbour notification letters, the displaying of a site notice and the publication of a press advert. To date, there have been no responses.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137438>

5.13 The period for publicity has expired.

## CONSULTATIONS

5.14 The following consultation replies have been received:

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

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

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

Policy HE6 of the Local Plan will seeks to retain historic shop fronts. Replacement shopfronts should "respond to the context reinforcing or improving the wider appearance of the shopping parade within the street." Proposals should be

compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

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

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The application is for the installation of a retractable awning to the existing framework attached to 70 The Front and the removal of a bay window and the installation of an awning to No. 71.

In principle there would be no objection to the installation of an awning to No 70. Further details are required including, if the fascia will be increased in depth in order to accommodate the awning, and how the awning would be fixed to the framework.

An application for the removal of a bay window has previously been considered and taken to appeal. At that time the inspector noted that, "The appeal property contributes to the character (and significance) of the CA [(conservation area)] by virtue of its historical shopfront which includes the bay window on the frontage to no. 71 which displays characteristics that are reflective of the CA (such as its overall traditional design and style) even though it has been had minor alterations made to it in the past." The Inspector went on to note that, "the CA's 'at risk' status in combination with; previous unsympathetic alterations to shop fronts; the increasing use of modern materials; and the fact that the existing bay window is the only traditional feature remaining on the appeal property, means that its removal would cause harm to the character of the building. Consequently, I consider that the appeal scheme would have a negative effect on the CA's significance resulting in less than substantial harm to the character of the building and the CA as a whole."

It is noted that efforts have been made in order to find a solution which will reflect the characteristics of the existing bay window however the proposed window is somewhat larger than the existing and no large scale details have been provided to demonstrate how the windows would be constructed and therefore retain the character of the bay. Further to this the proposal to provide boxing over the structure to incorporate a canopy appears somewhat incongruous.

Whilst it is considered that part of the application is acceptable the installation of an enlarged bay window and awning to No. 71 would cause less than substantial harm to the designated heritage asset (NPPF, 196). The information provided does not demonstrate that this harm will be outweighed by the public benefits of the proposal.

*Update 13.08.2020*

With regard to the amended plans I would make the following comments.

The retractable awning is shown running across the front of both shop elevations without a break however in plan form it appears to be two separate canopies as these are extended to different lengths. The creation of a single box housing the canopy is considered to cause less than significant harm to the conservation area. The individual properties with their own distinct character contribute to the significance of the designated heritage asset. Therefore the inclusion of a box across both shop fronts would result in the loss of the distinct detailing on each property.

The detailing of the bay window is noted however it is still considered that the increased size of the bay window and its detailing would cause less than significant harm to the conservation area. In particular it is noted that the window detailing that is existing is replicated rather than that of a traditional sash window and the externally mounted hinges would be an inappropriate detailing to the mullions on the bay window.

It is not considered that this additional information overcomes the concerns that were raised regarding the less than significant harm that the proposal will cause to Seaton Carew Conservation Area.

**HBC Flood Risk Officer:** In response to your consultation on the above application, I have no objection to proposals in respect of contaminated land or surface water management. Please note that the Environment Agency Flood Map For Planning shows the site to be situated in Flood Zone 3 which triggers the requirement for a flood risk assessment; Minor Development in Flood Zone 3 does not require the Environment Agency to be consulted on proposals. I do not expect the flood risk assessment to be onerous due to the nature of proposals.

*Update 11.05.2020*

The flood risk assessment is satisfactory and I confirm that I have no objection to proposals on the basis of contaminated land or surface water management.

**HBC Traffic and Transport:** No objections.

**Hartlepool Civic Society:** Hartlepool Civic Society would like to see further detail provided with regards to the construction and materials of both the window and the retractable canopy before commenting further on this application.

**HBC Public Protection:** No objection

## **PLANNING POLICY**

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

### Local Policy

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

CC1: Minimising and Adapting To Climate change  
HE1: Heritage Assets  
HE3: Conservation Areas  
LS1: Locational Strategy  
LT3: Development of Seaton Carew  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
SUS1: The Presumption in Favour of Sustainable Development

### National Policy

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

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

PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 038: Decision-making  
 PARA 047: Determining applications  
 PARA 124: Achieving well-designed places  
 PARA 127: Achieving well-designed places  
 PARA 130: Achieving well-designed places  
 PARA 150: Planning for climate change  
 PARA 153: Planning for climate change  
 PARA 190: Proposals affecting heritage assets  
 PARA 192: Proposals affecting heritage assets  
 PARA 193: Considering potential impacts  
 PARA 212: Implementation

### HBC Planning Policy Comments

5.18 With regards to the proposed development at Seaton Rock and Gift Shop, a primary consideration is the location of the site within the Seaton Carew conservation area, especially considering that there is a fair amount of external work proposed. The proposal is expected to be in accordance with policy HE3 of the Local Plan, which stipulates that development within conservation area must enhance or conserve the distinctive character of the conservation area. As a result of this, particular regard must be given to the scale and nature of the development and its appropriateness, alongside the design, materials and finishes – and the retention of original features of architectural interest where possible. If it is deemed that the proposal is unacceptable in heritage terms due to a detrimental effect on the setting of the conservation area, then this will be contrary to policy.

5.19 Alongside this, the Shop Fronts SPD should be accorded with. In particular, the Shop Fronts SPD seeks to encourage good design within the retail areas of Hartlepool. The SPD acknowledges that in some instances it will be desirable to maintain the original design of a shop front or re-instate traditional features when lost, and this approach would be recommended in conservation areas to ensure the character is maintained. The comments of the Heritage and Countryside manager should further detail if the proposal is acceptable in heritage terms.

5.20 Planning policy have no objections to the repair and refurbishment or the existing external features, and are acceptant of the proposals as a whole – subject to the assessment of the Heritage and Countryside manager on the heritage considerations of the proposals.

### **PLANNING CONSIDERATIONS**

5.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and in particular the impact on the character and appearance of the existing building and surrounding conservation area, the impact on the amenity of

neighbouring land users, the impact on flood risk and the impact on highways. These and any other planning and non-planning matters are considered in full below.

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

5.22 The application site is situated within the southern commercial centre area of the Seaton Carew Conservation Area, being on the eastern side of the main highway running north to south through Seaton.

5.23 When considering any application for planning permission that affects a conservation area, section 72 of the Listed Buildings and Conservation Area 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.

5.24 Policy HE3 of the Hartlepool Local Plan (2018) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

5.25 Policy HE6 of the Hartlepool Local Plan (2018) seeks to retain historic shop fronts. Replacement shop fronts should, 'respond to the context reinforcing or improving the wider appearance of the shopping parade within the street. Proposals should also be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

5.26 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building, a substantial vacant building on the boundary of the conservation area.

5.27 Policy HE7 of the Hartlepool Local Plan (2018) sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

5.28 The NPPF (2019) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

5.29 As identified in the comments received from the Council's Heritage and Countryside Manager above, the special character of Seaton Carew Conservation Area can be separated into distinct areas. It is considered that this character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this erosion of character include the loss of original shop fronts and the installation of inappropriate signage.

5.30 The existing bay window appears to have been modified in the past, however the style and design are reflective of the character of the conservation area and in particular of this property. Whilst a justification for its replacement with a larger bay window has been provided, it is the Heritage and Conservation Manager's opinion that the supporting documentation has failed to fully investigate the possibility to retain and modify the existing bay window in order to serve the purpose proposed.

5.31 It is considered that the proposed works to replace the bay window at 71 The Front with a larger, fully openable bay window would cause less than substantial harm to the significance of Seaton Carew Conservation Area. The information provided does not provide sufficient justification (or public benefit) in order that it would outweigh the identified harm caused.

5.32 During the course of the application, the applicant amended the design of the proposals to include a continuous box housing across the frontages of both No. 70 (on the northernmost side) and No 71 adjoining. The Council's Heritage and Countryside Manager considered that this would result in less than substantial harm to the designated heritage asset, as it was expected that the two properties are distinct in character and would therefore require separate awnings (and housing of these).

5.33 However, the applicant submitted the final revision of the plan showing that the frontages would be distinct between Nos. 70 and 71 The Front (Drg. No. 20011.P01 Rev B). In responding, the Council's Heritage and Countryside Manager reiterated that for the reasons detailed above, the replacement of the bay window with a larger and fully openable bay window would not be considered acceptable.

5.34 Furthermore, planning application H/2018/0397 sought a similar replacement to the frontage of 70-71 The Front (including the replacement of the bay window at No. 71) which was refused, and upheld at appeal (ref: APP/H0724/W/19/3231726 decision date 18.10.2019), with the Inspector concluding that "The appeal property contributes to the character (and significance) of the CA [(conservation area)] by virtue of its historical shopfront which includes the bay window on the frontage to no. 71 which displays characteristics that are reflective of the CA (such as its overall traditional design and style) even though it has been had minor alterations made to it in the past." The Inspector went on to note that, "the CA's 'at risk' status in combination with; previous unsympathetic alterations to shop fronts; the increasing use of modern materials; and the fact that the existing bay window is the only traditional feature remaining on the appeal property, means that its removal would cause harm to the character of the building. Consequently, I consider that the appeal scheme would have a negative effect on the CA's significance resulting in less than substantial harm to the character of the building and the CA as a whole."

5.35 It is considered that the replacement of the bay window with a larger, fully openable bay window would be more modern in its design and character than the existing bay window, which would result in a similar impact and less than substantial harm on the designated heritage asset.

5.36 The applicant has been advised of the concerns detailed above, with requests to consider the comments and submit a more appropriate design for the

refurbishments to the shop front (and bay window of No. 70). The applicant has confirmed that they wished the application to be determined as submitted.

5.37 The NPPF (2019) requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. As detailed above in the full comments, the Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. The supporting documentation provided as part of the fails to indicate any public benefit to the scheme to outweigh the harm and the applicant has not submitted any additional information through the process of considering the application.

5.38 In terms of the proposed canopies above No. 70 and No. 71, it is considered that these could be accommodated in principle as the Council's Heritage and Countryside Manager has confirmed that subject to further details being agreed by the Local Planning Authority, these elements would not result in any adverse impacts on the designated heritage asset. Furthermore, it is considered that works to reinstate the existing appearance of the frontage of No. 70 in the form of stripping down and repainting existing beams and pillars would be encouraged.

5.39 However, for the reasons detailed above, overall, it is considered that the proposed works would be unacceptable in terms of the impact on the identified heritage asset due to the proposed replacement of the bay window being considered to result in less than substantial harm on the conservation area, with insufficient justification for the need for the works or the public benefit created by the works to justify the proposal. This identified 'harm' would therefore warrant a refusal of the application.

#### IMPACT ON EXISTING CHARACTER OF THE HOST BUILDING AND SURROUNDING AREA

5.40 The Hartlepool Local Plan (2018) policy QP4 advises that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally.

5.41 In addition, the Council's Shop Front and Commercial Frontages Design Guide SPD requires that replacement shop fronts should respond to the context of the character of the street scene, and historic shop fronts should be refurbished to maintain the detailing which contributes to the character of the area.

5.42 Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) sets out the Government's commitment to good design which would contribute positively to making places better for people.

5.43 It is considered that the introduction of a modern larger bay window (fully openable) to the application property (No. 70) fails to positively contribute or enhance the character and history of the area, and respect the surrounding buildings and environments contrary to Policy QP4 of the Hartlepool Local Plan (2018) and taking into account Policies HE3 and HE6 (of the Hartlepool Local Plan 2018) and



the above mentioned SPD, and therefore, on balance, the application is deemed unacceptable in this instance.

#### AMENITY OF NEIGHBOURING OCCUPIERS

5.44 As noted above, the application site is situated at the end of a terrace of commercial properties. It is acknowledged that residential flats are situated above the commercial properties (at 72B The Front) with a distance of approximately 10m remaining between the closest of these residential land users and the proposed development.

5.45 Given that the proposed refurbishments to the shop front of Nos. 70 and 71 The Front would not seek to significantly extend the premises, change the position of windows/doors (aside from the enlargement of one window at No. 71), significantly reduce existing separation distances or otherwise alter the nature of the use of the businesses, it is considered that the proposed works would not have any significant adverse impact on the amenity or privacy (including loss of outlook, overbearing impression, overshadowing or overlooking) for neighbouring occupiers when compared to the existing shop front. Furthermore, no objections have been received from HBC Public Protection.

#### FLOOD RISK (INCLUDING CONTAMINATED LAND & SURFACE WATER MANAGEMENT)

5.46 The application site is situated within an area identified by the Environment Agency considered to be in an area with a high potential risk for flooding (Flood Zone 3), depending on the nature and extent of development. The applicant has submitted a Flood Risk Assessment. The Council's Flood Risk Officer has considered the application (and accompanying Flood Risk Assessment) and has no objections in terms of contaminated land or surface water management.

#### HIGHWAYS

5.47 No objections have been received from HBC Traffic & Transport, therefore the proposals are considered to be acceptable in respect of highway and pedestrian safety.

#### CONCLUSION

5.48 It is considered that the proposed works will cause less than substantial harm to the significance of the conservation area by virtue of the design, and loss of traditional features. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area, contrary to policies HE1, HE3, HE6, HE7 and QP4 of the Hartlepool Local Plan (2018), the Council's Shop Front and Commercial Frontages Design Guide Supplementary Planning Document and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework 2018.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.49 There is no evidence of equality or diversity implications.

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

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

5.51 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority, it is considered that the replacement of the existing projecting bay window with a larger bay window including fully openable central panes to the front elevation of No. 71 would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3 & HE6 of the Hartlepool Local Plan (2018), the Shop Front and Commercial Frontages Design Guide SPD and paragraphs 124, 130, 185, 190, 192 and 200 of the National Planning Policy Framework (2019).

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=137438>

5.54 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information.

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## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019**

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

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

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

## PLANNING COMMITTEE

7<sup>th</sup> October 2020



**Report of:** Director for Neighbourhood & Regulatory Services

**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 the outcome of a planning appeal made 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 subject to a planning condition (no. 4) requiring that, 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 was first submitted to and approved in writing by the Local Planning Authority
- 1.3 The appeal was 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).
- 1.4 The appeal was allowed on 10<sup>th</sup> September 2020. A copy of the Inspector's decision letter is attached.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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## Appeal Decision

Site visit made on 4 August 2020

by **M L Milliken BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 September 2020**

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**Appeal Ref: APP/H0724/W/20/3252289**

**Street Record, Milbank Close, Hart, Hartlepool TS27 3BT (Easting 447218, Northing 535026).**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Michael Seymour against the decision of Hartlepool Borough Council.
- The application Ref H/2019/0047, dated 4 February 2019, was approved on 13 November 2019 and planning permission was granted subject to conditions.
- The development permitted is Reserved Matters application (appearance, layout, scale and landscaping) in respect of outline planning application H/2025/0209 for the erection of 15 dwellings with associated infrastructure.
- The condition in dispute is No 4 which states 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 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.

Appeal Decision APP/H0724/W/20/3252289

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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".

- The reason given for the condition is: "To prevent overlooking".
- 

## Decision

1. The appeal is allowed and the approval of reserved matters Ref H/2019/0047 (appearance, layout, scale and landscaping) in respect of outline planning application H/2025/0209 for the erection of 15 dwellings with associated infrastructure at Rear of Milbank Close, Land at the Fens, Hart Village, Hartlepool, granted on 13 November 2019 by Hartlepool Borough Council, is varied by deleting condition No 4 and substituting it for the following condition:

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.

Appeal Decision APP/H0724/W/20/3252289

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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.

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.

Plot 14: 1no. first floor bathroom window in east facing side elevation.

Plot 15: 1no. first floor bedroom window in west facing side elevation, 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.

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.

### **Procedural Matters**

2. Since the application form as submitted was silent in relation to the description of the development, I have taken the details from the appeal form and the decision notice, as reflected in the banner.
3. For completeness, some minor adjustments have also been made to the address provided by the appellant on the application form, when compared with the Council's decision notice for the permission, as reflected in the decision. I am however satisfied that the adjustments made do not materially change the nature of the development as permitted.

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### **Main Issue**

4. The main issue is whether or not amending Condition No 4 of the approval of reserved matters, specifically regarding the requirement for obscure glazing and restricted opening of east facing habitable room windows, in relation to plots 11, 13 and 15, would result in acceptable living conditions for future residents, with particular regard to outlook.

### **Reasons**

5. The appeal site is located adjacent to the existing village of Hart and is surrounded by agricultural land, existing residential development at Milbank Close, Manor Farm and The Fens, and a tree belt with the A179 Hart Bypass beyond.
6. I note that the Case Officer's delegated report for the reserved matters application refers to the fact that 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. However, the report goes on to state the need for a planning condition to secure details of obscure glazing and restricted opening of windows in order to prevent overlooking, and that 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.
7. From the evidence before me, I note that both parties accept there are no formal development plans for the land in question, in terms of a planning application, permission or residential development allocation. It is noted that the land is outside the development limits of Hart Village and is designated as a Strategic Gap/Green Gap within both the Hartlepool Local Plan (adopted 2018) and the Hartlepool Rural Neighbourhood Plan (made 2019).
8. The inclusion of the land within the Council's Strategic Housing Land Availability Assessment (SHLAA) (2014) is noted, however such an inclusion does not in itself constitute robust evidence that the site is suitable for residential development, and I note the appellant's evidence in this regard, particularly in relation to the potential for archaeological finds to be present on the land in question, together with other potential constraints to development, including an existing watercourse.
9. Notwithstanding the above, from examination of the approved separation distances between the appeal site and the adjacent land, together with the number of windows that would be affected, I do not consider that removal of the requirement for obscure glazing and restricted opening of east facing habitable room windows in relation to plots 11, 13 and 15 would have an adverse effect on the living conditions of future residents. Whilst I have had regard to the Council's aim to safeguard the land for future development, the potential for overlooking in relation to the properties in question would be a matter for consideration in the design of any future proposal on the adjacent land, to be considered on its own merits and in the context of development plan policy at that time. Moreover, given the scale of the adjacent land, I consider that it is likely to afford reasonable scope and flexibility in this regard.
10. I therefore consider that the requirement for obscure glazing and restricted opening of east facing habitable room windows in relation to plots 11, 13 and

Appeal Decision APP/H0724/W/20/3252289

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15 to be unnecessary and thus amending Condition No 4 of the approval for reserved matters would be acceptable. In coming to my decision I have had due regard to adopted Policy QP4 of the Hartlepool Local Plan (2018) which seeks to ensure, amongst other things, that developments should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of overlooking and loss of privacy, and I have found no conflict in this regard.

11. For similar reasons, I also find no conflict with Policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018), which seeks to ensure that new developments are of a high quality design that respects local character.
12. The Council have provided me with an extract from the Hartlepool Residential Design SPD (adopted September 2019), in relation to privacy. For the reasons set out above, I also find no conflict with extract provided, which states that residents should be able to enjoy their home and should benefit from privacy and should not be unreasonably overlooked by neighbours.

### **Conclusion**

13. For the reasons set out, I conclude that the appeal should be allowed. I shall vary the approval of reserved matters by deleting the disputed condition and replacing it to the effect of the Council's recommended modified Condition 4, as stated.

*M L Milliken*

INSPECTOR

# PLANNING COMMITTEE

07 October 2020



**Report of:** Assistant Director (Place Management)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The provision of outdoor seating at the rear of a licensed premises on Warrior Drive.
2. Running a business (undefined) at a residential property in Brecongill Close.
3. The erection of an extension and modifications to a garage at a residential property in Warkworth Drive.
4. Alterations to the shopfront at a licensed premises in Victoria Road.
5. The use of land and car park at a leisure complex as a caravan site.
6. The erection of an outbuilding at the rear of a residential property in Dunlin Road.
7. Changes of use from offices to various uses including shops, cafes, tattoo studio and massage studio at a former office premises on Victoria Road.
8. The erection of front and rear extensions at a residential property in Brierton Lane.
9. The provision of outdoor seating at the front of a licenced premises on Church Square.

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

1. Non-compliance with the construction traffic management plan at a residential development site at land off Elwick Road. The site is now operating in accordance with the construction traffic management plan.
2. Non-compliance with the construction management plan at a residential development site at land off Station Road, Greatham. The site is now operating in accordance with the construction management plan.

3. The replacement of roof tiles at a residential property in Hutton Avenue. A retrospective planning application seeking to regularise the development has since been approved.
4. Non-compliance with conditions relating to the installation of a public address/tannoy system and hours of opening at a leisure complex on Tees Road. The leisure complex is now operating in accordance with the relevant conditions.
5. The permanent siting of a caravan in the car park of a licenced premises at The Front. No evidence of the permanent siting of a caravan could be established.
6. The retention of an earth bund at a residential development site at land off Worset Lane. The retention of the earth bund benefits from planning permission.
7. The erection of a fence at the rear of a residential property in Breward Walk. No evidence of the erection of a fence at the property was found.
8. The erection of a high fence at the side of a residential property in Hazelwood Rise. Permitted development rights apply in this case.
9. The felling of trees on land at the entrance to Elwick Grove. There is no breach of planning control in this case as the trees are not protected by TPO, conservation area or planning condition.
10. The erection of a fence at the side of a residential property in Wynyard Road. Permitted development rights apply in this case.

## 2. RECOMMENDATION

- 2.1 Members note this report.

## 3. CONTACT OFFICERS

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