

PLANNING COMMITTEE

AGENDA



Wednesday 23rd June 2021

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 22nd June and name and address details will be taken for NHS Test and Trace purposes.

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, B Loynes, D Loynes, 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 14th April 2021

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – Assistant Director (Place Management)

1. H/2020/0376 36 Butterstone Avenue (page 1)
2. H/2017/0054 Southbrooke Farm, Summerhill Lane (page 15)
3. H/2020/084 Kirkefields Stable Site, Land adjacent to Milbank Close, Hart (page 37)
4. H/2020/0379 58 Grange Road (page 57)

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 Hartlepool College of Further Education, Stockton Street – *Assistant Director (Place Management)*
- 5.2 Appeal at land adjacent to Lynn Street – *Assistant Director (Place Management)*
- 5.3 Update on current complaints – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

- 8.1 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*
- 8.2 Enforcement Notice (paras 5 and 6) – *Assistant Director (Place Management)*

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

10. FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 14th July 2021



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

14th April 2021

The meeting commenced at 9.30am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and 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: Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes, Tony Richardson and Cameron Stokell

In accordance with Council Procedure Rule 4.2 Councillor Christopher Akers-Belcher was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor James Brewer was in attendance as substitute for Councillor Paddy Brown.

Officers: Kieran Bostock, Assistant Director (Place Management)
Sarah Scarr, Coast, Countryside and Heritage Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning (DC) Team Leader
Scott Parkes, Engineering Team Leader (Environmental)
Jane Tindall, Senior Planning Officer
Rebecca Cockburn, Planning Officer
Alex Strickland, Legal Representative
Jo Stubbs, Democratic Services Officer

126. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Paddy Brown, Helen Howson and Carl Richardson.

127. Declarations of interest by members

None

128. Confirmation of the minutes of the meeting held on 10th March 2021

Minutes confirmed.

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

Number:	H/2017/0054
Applicant:	Mr M Dickinson Oswald House Hartlepool
Agent:	Mr M Dickinson Kingfield Developments Ltd 32 Victooria Road Oswald House Hartlepool
Date received:	07/02/2017
Development:	Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse
Location:	SOUTHBROOKE FARM SUMMERHILL LANE HARTLEPOOL
Decision:	Application withdrawn from the agenda at applicant's request and following subsequent agreement by the Chair.

Number:	H/2015/0283
Applicant:	Mr COLIN FORD COALBANK FARM HETTON LE HOLE HOUGHTON LE SPRING
Agent:	HEDLEY PLANNING SERVICES Stephen Litherland 3B EVOLUTION WYNYARD BUSINESS PARK WYNYARD
Date received:	15/07/2015
Development:	Outline application with some matters reserved for residential development comprising 50, two storey houses including highway access, layout and provision of land for use as open space
Location:	LAND AT NELSON FARM NELSON LANE HARTLEPOOL

Councillor Marjorie James queried the limited access in and out of the development and the possible impact should this entrance road be blocked for any reason. The Senior Planning Officer confirmed that highways and emergency services had expressed no concerns while the Highways, Traffic

and Transport Team Leader noted that this was not something officers could insist on. Councillor James requested that it be noted that she had raised concerns.

The Agent spoke on behalf of the applicant. He advised that the application had been delayed due to a third party drainage issue which was now resolved. He gave details of the planning obligations and noted the objections around traffic impact saying Council parking standards would have to be adhered to. In terms of the concerns raised by Councillor James he indicated there was a track around the back of the site which could be used for emergency access under reserved matters. The Chair confirmed that this could be done separate to the meeting. The application would improve the current drainage issues and the 50 dwellings could be accommodated within the required separation distances so there would be no impact on the neighbouring properties.

An objector urged members to reject the application saying the area was notorious for sub-terranean sink holes. There had been flooding 13 times between 2012 and 2021. Other concerns included a current lack of provision for play and parking, no reasonable access for plant construction equipment and a lack of infrastructure to support further development such as shops, bus routes and a church. 570 properties had recently been approved nearby so these properties were not needed. Also there were already 200 houses in place when the maximum was supposed to be 99. The area to be developed was used regularly by dog walkers and acted as a protection for wildlife such as terns. A number of Anglo Saxon skeletons had been previously unearthed. Nearby schools were already oversubscribed without these additional houses.

A member asked if a zebra crossing could be put onto the coast road. The Highways, Traffic and Transport Team Leader advised that a zebra crossing could not be installed due to the 40mph speed limit. The member asked that other options be looked at such as a chicane as there needed to be a crossing point in place.

A member asked what mitigation had been put in place for the protection of wildlife. The Senior Planning Officer confirmed that no concerns had been raised by ecology. The developer would provide sands and a financial contribution toward the protection of birds.

The Planning (DC) Team Leader confirmed that 'layout' was also part of the consideration of the current application. A member moved that an emergency access route at the back of the development, as identified by the Agent, be conditioned as part of any planning approval. The Legal Representative indicated that this would need to be justified in planning terms and confirmed by Highways. The Planning (DC) Team Leader noted that this could be land outside the control of the applicant and therefore there would need to be further discussions. The Chair asked that this be progressed. The Agent noted that the track in question could be used for heavy development traffic but not to access the site.

In accordance with Rule 8 of the Council's Procedure Rules relating to the holding of Remote Meetings a recorded vote was taken to approve the application

For:

Councillors Christopher Akers-Belcher, James Brewer, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes, Cameron Stokell and Mike Young

Against:

None

Abstained:

Councillor Tony Richardson

Decision: **Minded to approve subject to the signing of the Section 106 Legal Agreement and subject to the following planning conditions including additional conditions to cover an emergency access point into the site and to cover the potential for an alternative construction access.**

CONDITIONS AND REASONS

1. The 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 and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.

For the avoidance of doubt

3. The development hereby permitted shall be carried out in general accordance with the drawing number R2353:01 Rev E (Proposed Site Layout) received by the Local Planning Authority 9 June 2016 and TCP01 (Tree Constraints Plan) received by the Local Planning Authority on 9th July 2015 and site location plan at scale 1:1250 received by the Local Planning Authority 14th July 2015.

For the avoidance of doubt.

4. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings

to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority.

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

5. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

6. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage 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 of how surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water 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 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 increased risk of flooding from any sources in accordance with the NPPF.

7. 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.

8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before

the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

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

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

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GE1 of the Hartlepool Local Plan 2006 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 and to take account of any drainage implications.

10. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and details of hardstandings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

11. 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 the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

12. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with each of the construction phases, so as to effectively control dust emissions from any site remediation and construction works. The plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction together with measures to protect any existing footpaths and verges (including details and a timetable for the re-installation of such surfaces (paths, verges etc., where applicable), vehicle movements, wheel cleansing measures to reduce mud on highways, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents in addition to satisfactory measures to prevent the queuing

of construction vehicles prior to the opening of the site.

In the interests of highway safety and to protect the amenity of neighbouring residents.

13. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written 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 order to protect the trees and in the interests of visual amenity.

14. 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 site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

15. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwellings and/or the site being open to the public.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

16. Details of the location of the works/contractors compound, to be located outside of the root protection areas of trees shall be submitted to and

approved by the Local Planning Authority prior to the commencement of the development.

In order to maintain the amenity of the area and to protect the root system of trees.

17. No development shall take place until details of bat and bird roosts to be installed within 5 of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.

18. 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. 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.

19. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before any part of the development is occupied the renewable energy equipment, detailed in the report, shall be installed as approved for that part of the development.

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

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

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

21. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

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

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

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings or no garage(s) other than those expressly authorised by this permission 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.

24. Prior to the commencement of development hereby approved and notwithstanding the provisions of condition 3 (approved plans, including the approved 'layout'), details of the proposed emergency access to be taken from the north west corner of the site (adjacent to plots 40 and 41 as indicated on approved plan R2353:01 Rev E (Proposed Site Layout, received by the Local Planning Authority 9 June 2016)), including details of construction and surface treatments, accommodation for pedestrians and cyclists, enclosures and details of the proposed measures to manage access and to control the unauthorised use of the access by vehicles, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, in terms of its use by vehicles, this access shall function as an emergency access only.

In the interests of highway safety.

The Committee considered representations in relation to this matter.

Number:	H/2020/0376
Applicant:	MRS S SMITHSON BUTTERSTONE AVENUE HARTLEPOOL
Agent:	CMF PLANNING AND DESIGN LTD MR CHRISTOPHER FISH OLD WEST END GARAGE BOWES BARNARD CASTLE
Date received:	08/12/2020
Development:	Erection of outbuilding and alterations to existing rear boundary/provision of door openings

(retrospective) and proposed installation of first floor balcony extension to the rear

Location: 36 BUTTERSTONE AVENUE HARTLEPOOL

A member moved that consideration of this item be deferred for a site visit. Members were reminded of the previous decision of the Committee with regard to physical site visits.

In accordance with rule 8 of the Council's Procedure Rules relating to the holding of Remote Meetings a recorded vote was taken on the motion put forward by Councillor Stokell, seconded by Councillor Fleming, that this item be deferred for a site visit

For:

Councillors James Brewer, Tim Fleming, Brenda Loynes, Cameron Stokell and Mike Young

Against:

Councillors Christopher Akers-Belcher, Bob Buchan and Marjorie James

Abstained:

Councillor Tony Richardson

Decision: **Deferred for a virtual site visit to consider the impacts of the development and to take account of adjacent properties**

The Planning (DC) Team Leader asked members what they would wish to see on the video footage of the site. Members advised that wished to see the site in context and wanted to know how badly the outbuilding impacted on the neighbours' views.

130. Update on Current Complaints *(Assistant Director (Place Management))*

Members were advised of 21 complaints currently under investigation and 18 which had been completed.

Decision

The report was noted.

131. 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 132 – (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 133 – (Any other items which the Chairman considers are urgent) – 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 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

132. Enforcement Notice *(Assistant Director (Place Management))* 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.

Members were asked to consider whether it was expedient to take enforcement action. Further information is given in the exempt minutes.

Decision

Detailed in the exempt minutes.

133. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay. 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 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Southbrooke Farm, Summerhill Lane – Following a member query earlier in the meeting the Planning (DC) Leader explained why this application had been withdrawn from the agenda. Further information is given in the exempt minutes.

134. Final meeting

Councillor Marjorie James (who was standing down as a Councillor) thanked members and officers for their support over the years and wished the Council and planning department well for the future.

The meeting concluded at 10.30am

CHAIR

No: 1.
Number: H/2020/0376
Applicant: MRS S SMITHSON BUTTERSTONE AVENUE
HARTLEPOOL TS24 0GB
Agent: CMF PLANNING AND DESIGN LTD MR CHRISTOPHER
FISH OLD WEST END GARAGE BOWES BARNARD
CASTLE DL12 9LW
Date valid: 08/12/2020
Development: Erection of outbuilding and alterations to existing rear
boundary/provision of door openings (retrospective) and
proposed installation of first floor balcony extension to the
rear
Location: 36 BUTTERSTONE AVENUE HARTLEPOOL

PURPOSE OF REPORT

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

1.2 The application was deferred at the planning committee meeting of 14/04/2021 to allow for a 'virtual' site visit. Members indicated that this was required to consider the impacts of the development, in particular taking into account the adjacent properties. In light of the Covid-19 situation, it was agreed at the committee meeting of 04/11/2020 that site visits would take place by digital (virtual) means (by utilising photographs, video and google earth or similar applications) for at least 6 months. Accordingly, officers have since re-visited the application site and taken a video(s) of the application site to be presented at the meeting.

1.3 Since the planning committee meeting on 14/04/2021, the applicant has submitted further plans amending the proposals, in particular the removal of the previously proposed gates to the erected outbuilding (the elevation facing towards the rear of the host dwelling) and an amendment to the opening mechanism of the gates in the boundary fence to detail that the gates are now hinged to fold down and inwards into the site. It was confirmed on site that these works had been undertaken. The officer recommendation has not however changed from the previous recommendation for refusal, for the reasons detailed in the report.

PROPOSAL

1.4 The application seeks planning permission for the erection of an outbuilding and alterations to existing rear boundary/provision of door openings (both retrospective) and the proposed installation of first floor balcony extension to the rear No 36 Butterstone Avenue.

1.5 The erected outbuilding is positioned approximately 0.3m from the rear (eastern) boundary, with a floor area of approximately 4m (width) x 3m (depth). The structure

has a maximum roof height of approximately 2.96m and an eaves height of approximately 2.2m. The proposed structure features a pitched roof and is made from timber which has been painted green. Doors are no longer proposed to be added on the south-western elevation facing back towards the main dwelling (front) as is presently the case with this elevation 'open'. The structure currently houses a hot tub and outdoor heating equipment.

1.6 Since the publication of the previous committee report (for the meeting of 14/04/2021) and following further amendments to the gates/doors on the north-eastern elevation/rear of the outbuilding (to address officer concerns), these have been implemented on site so that a single section of gate/door now folds down and inwards with a locking mechanism (as opposed to previously opening outwards over the site boundary and the public footpath). The aforementioned gate/door to the rear of the outbuilding has been installed into the original boundary fence (which sits on top of a dwarf brick wall). As a result of the levels (the garden level being higher than the adjacent footpath), there is a step down from the garden level down to the adjacent public footpath (the difference in height being the dwarf brick wall).

1.7 The proposed balcony extension would project from the existing balcony (as originally approved) on the rear elevation at first floor level by approximately 1.55m, and would include a glass surround with screens on the east and west elevations. The proposal would be positioned on the raised ground area (same topography level as the garden). Following receipt of amended plans, the proposed glass screens have been extended in height to approximately 1.8m.

1.8 This application was originally referred to committee due to the number of objections received, the part-retrospective nature of the application and the officer recommendation, in line with the Council's scheme of delegation.

SITE CONTEXT

1.9 This application site relates to a two-storey detached dwelling located on Butterstone Avenue. The property was built by Persimmon Homes on the recently developed former Britmag site in the Headland area of Hartlepool. The area is predominantly residential in nature. No. 38 Butterstone Avenue is situated to the west of the application site, and No. 34 Butterstone Avenue to the east. To the south-west (front) lies 17 Ruby Close and to the south-east lies 69 Butterstone Avenue, with the presence of a highway in between. To the rear of the application site lies Public Footpath No.31, Marine Point, and on the same path, the England Coast Path National Trail also runs

PUBLICITY

1.10 The application was advertised by way of neighbour letters (4) and a site notice. At the time of publication of the original report to committee on 14/04/21, 13 no. objections had been received (including more than 1 from the same person). 5 of these objections were 'anonymous' (no name or address given and therefore only limited weight is afforded to these). It was also noted that 3 objectors requested that their details or representation not be published. Since the publication of the

previous committee report, a further 4no. objections have been received (of which 3no. are anonymous).

1.11 The objections/concerns can be summarised as follows:

- Cluttered appearance of the balcony
- Shed/outbuilding is too big and close to fence, and would set an undesirable precedent. It should be reduced in height to 2.5m
- Shed blocks views along the vista and is an 'eyesore'
- Shed/outbuilding blocks light/views
- Balcony would be unacceptable
- Gates are dangerous how they open onto the path
- Littering
- Upkeep of area
- Impact on property prices

1.12 4 no. letters of support and one 'do not object' response have also been received. These can be summarised as follows;

- No objection to balcony
- There are other examples of sheds/outbuildings in the street scene

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140820>

1.14 In respect of the amended plans received in late March 2021 detailing higher privacy screens to the proposed balcony and to detail amendments to the bi-fold gates/doors in the rear of the erected outbuilding, given the modest scale of the changes, no further public consultation was considered necessary (which is at the discretion of the LPA in any event), except for the Council's Countryside Access Officer, comments detailed below.

1.15 Further amended plans were received in late May 2021 detailing that gates/doors (previously proposed) would no longer be installed on the erected outbuilding (the elevation facing the dwelling) whilst the mechanism and design of the inward opening section of the gate/bi-fold door in the rear boundary (beyond the outbuilding) has been updated to reflect the amended scheme as implemented on site. Again, given the modest scale of the changes, no further public consultation was considered necessary (which is at the discretion of the LPA in any event), except for the Council's Countryside Access Officer, comments detailed below.

1.16 The period for publicity has expired.

CONSULTATIONS

1.17 The following consultation responses were received;

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

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

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

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

HBC Countryside Access Officer - Public Footpath No.31, Marine Point, Hartlepool runs directly to the rear of this property and on the same path, the England Coast Path National Trail also runs. This path is also designated as a cycleway and so the user traffic is regular as well as being popular.

The proposed gates must not open outwards onto the public footpath, which is a legal highway. To do so would directly affect the highway and the users of the said highway, which might result in injury.

Under section 153, Highways Act 1980; a gate must not open outwards onto a highway.

Hartlepool Borough Council, as Highways Authority, requires that the plans show that the proposed gates open inwards or in a fashion that makes them not open outwards onto the highway/public footpath. Not to comply with this requirement, under the law, is classed as an offense and can result in a fine.

(Update 08/03/2021):

Regarding the above address and the planning application, which, as part of the application, seeks to retrospectively seek approval for existing outward opening rear gates, onto the public footpath, located at the rear of the property; I have set out the relevant information below.

As Countryside Access Officer for Hartlepool Borough Council, I cannot support the application for the gates to open outward onto Public Footpath No.31, Hartlepool, as this contravenes section 153, Highways Act 1980. All gates/openings onto a public highway (and all public rights of way are public highways, in law) must either work to open inwards or sideways. In this case the Council would also accept the gates to be so designed as to open in a bi - fold design, folding back on themselves.

In the event the application was considered acceptable in all respects, there would be a requirement for the gates, in this case, to open as a set of sliding gates by some appropriate mechanism. This would be secured by a planning condition.

In respect to any other unauthorised and rear gates in the vicinity that open outwards onto the public footpath, I will be inspecting and acting accordingly, with those properties being written to explaining the need for their gates to be adjusted to either open inwards or sideways.

Further comments received 24/03/2021

Based on the latest drawings relating to the rear opening doors for the shed; I am happy to approve them from a public rights of way opinion/point of view.

The new design of bi-fold doors makes a big difference and still allows the owners to enjoy the use of the structure, to its full extent.

Many thanks for helping me to be able to agree to these designs.

Further comments received 30/04/2021

I recently inspected the rear of the property of 36 Butterstone Avenue as part of a wider inspection to check whether a number of properties had changed their outward opening rear gates to inward ones. This inspection was carried out on Wednesday 28th April 2021.

No 36 Butterstone Avenue (36BA) had changed their outward opening rear gate to one that folds down and inward. The bottom half of the fence is static and the top half folds inward making the gate system safe for the owner and the user of the public footpath.

I spoke with the owner of 36BA and he showed me how the gate works, allowing the family a very good view of the coast and North Sea but still maintaining safety for the walker or cyclist on the public footpath. The footpath is also a recognised and approved cycleway/walkway. I am satisfied with the resultant changes made. This rear opening no longer infringes section 153 of the Highways Act 1980

PLANNING POLICY

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

Local Policy

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

- CC1: Minimising and adapting to climate change
- CC2: Reducing and Mitigating Flood Risk
- HSG10: Housing Market Renewal
- LS1: Locational Strategy
- QP3: Location, Accessibility, Highway Safety and Parking
- QP4: Layout and Design of Development
- QP5: Safety and Security
- QP6: Technical Matters
- QP7: Energy Efficiency
- SUS1: The Presumption in Favour of Sustainable Development

National Policy

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA212: Implementation

1.21 **HBC Planning Policy** – Planning Policy has some concerns with regards to the shed, it would be preferable if it could be reduced in height so that it does not appear too bulky to those walking the costal path and to immediate neighbours. Planning Policy expect the countryside access officer's views are adhered to. Planning Policy have concerns with regards to the balcony and the possibility that it will lead to an increase in opportunities for overlooking with regards to the neighbouring property to the north.

PLANNING CONSIDERATIONS

1.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling

and street scene, the impact on the amenity and privacy of neighbouring land users and highway and pedestrian safety and any other planning matters.

IMPACT ON CHARACTER AND APPEARANCE OF THE HOST DWELLING AND THE SURROUNDING AREA

1.23 The application site and surrounding estate is predominately open plan and consists of a range of detached dwellings. The host dwelling is a two-storey detached dwelling.

1.24 Whilst it is noted that the outbuilding is sited to the rear of the application site and therefore not visible from the streetscene to the front of the host dwelling, the structure is visible when viewed from the public footpath to the rear of the site, projecting above the existing boundary fences, the prominence exacerbated by the change in levels (the gardens sit at a higher level to the adjacent footpath). In this context, the structure has the potential to result in an incongruous feature, to the detriment of the visual amenity of the surrounding area. Notwithstanding this, it is of consideration that the structure requires planning permission by virtue of it exceeding the permitted development height for detached structures (permitted under Class E) by approximately 46cm. In view of the officer concerns (including those of HBC Planning Policy) over the visual impact and that on neighbouring amenity (discussed below), the case officer requested that the applicant consider reducing the height of the erected structure to the permitted height of 2.5m, however the applicant's agent has confirmed that they do not wish to amend the structure.

1.25 Notwithstanding this, the 'fall back' position of being able to erect a 2.5m high structure without planning permission is a material consideration given that such a permitted structure would still be readily visible from the adjacent footpath. In this context and in view of the finishing materials and colour scheme of the structure, it is considered that on balance, the structure does not result in a significant incongruous feature into the surrounding area or to the detriment of the host dwelling that would warrant a refusal of the application in this instance.

1.26 As noted above, the application has been amended with respect to the proposed bi-fold door/gate in the rear boundary treatment and the application now seeks for these to be inward opening (as implemented on site). In view of the implemented scheme on site, it is considered that this element of the scheme is acceptable in terms of any landscape or visual impact.

1.27 As noted above, the existing dwelling and adjacent properties benefit from balconies to the front and rear elevations, as per the original and approved house types. The proposal would seek to extend the current balcony (which is partially enclosed and sits within the footprint of the original dwelling) outwards via a platform on stilts. Whilst the proposal would be visible from a number of vantage points along the footpath to the rear and is not generally considered to be of a complementary design to that of the host dwelling (in terms of its materials and siting on 'stilts'), given the relatively lightweight design and siting of the balcony that would primarily be read against the backdrop of the main dwelling when viewed from the rear, and that it would not be visible from the front, it is not considered that this would introduce such a significant incongruous feature that would adversely affect the

character and appearance of the host dwelling or surrounding area as to warrant a refusal of the application. Furthermore, the Council's Landscape Architect has raised no landscape and visual objections to the proposed development.

1.28 In view of the above, it is considered on balance that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area and would not warrant a refusal of the application.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on No. 38 Butterstone Avenue (west)

Outbuilding (including boundary amendments)

1.29 The existing boundary treatment consists of a 1.6m high (approx.) open-boarded fence. It is considered that that the existing boundary treatment does not assist in screening the outbuilding from view of No. 38. The erected outbuilding is situated approximately 1.6m from the shared boundary (west) of No. 38 and approximately 4.4m from the rear elevation of this property. Given the proximity of the structure to the windows in the rear elevation of No. 38, it is acknowledged that the development results in a degree of harm in relation to a loss of outlook and an overbearing nature for occupiers of No. 38.

1.30 As discussed above, the maximum roof height of the outbuilding is approximately 2.96m in height, which is approximately 46cm above the height permitted under Permitted Development (Class E). Whilst the case officer requested that the applicant consider reducing the height to the permitted height of 2.5m (the applicant was not willing to do so), given the relatively modest difference in height between the development and permitted development, this represents a 'fall-back' position and a material consideration as to the similar resultant impacts of what could be undertaken without requiring planning permission. Taking this into account, along with the separation distance mentioned above, that the building assists in screening the amendments to the rear boundary, the aforementioned boundary treatments and the oblique angle between the 'opening' in the elevation facing towards the rear of the properties including No 38 (as observed by the case officer), it is considered that, on balance, the outbuilding and boundary amendments would not have a significant impact on the amenity and privacy of No. 38 in relation to overbearing, overshadowing, loss of outlook or overlooking as to warrant a refusal of the application.

Proposed Balcony

1.31 The application proposes to extend the existing balcony out by approximately by approximately 1.55m, and include a glass surround (approximately 1m high from first floor ground level) on the rear elevation (north) and following the submission of amended plans to seek to address officer concerns, proposes obscurely glazed screens on the east and west elevations (approximately 1.8m high from first floor ground level). Whilst it is fully acknowledged that the host property and a number of surrounding properties benefit from front and rear balconies, these were as originally

intended and approved and generally consist of recessed balconies within the main framework of the house types.

1.32 This current proposal would project out further beyond the building line of the host property and adjacent properties. The separation distance between the proposed balcony and the shared boundary with No. 38 is approximately 1.17m. Given this minimal separation distance and close proximity to the adjacent rear boundary of this property, it is considered that proposal, even with the proposed side screens, would still allow for direct views to be achievable into the rear garden and private amenity area of No. 38. As such, it is considered that the proposal is a notable difference to that of the existing balcony whereby the recessed and 'enclosed' design of the balconies is considered to assist in minimising any adverse loss of privacy. It is therefore considered that the proposal, which would result in an extension of the existing balcony, would result in a potential for both direct overlooking and an increased perception for overlooking into the garden and amenity area of No. 38. As such, it is considered that this would represent an unacceptable loss of privacy for existing and future occupiers of this neighbouring property in terms of overlooking and a perception of overlooking and would warrant a reason for the refusal of the application, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users.

Impact on No. 34 Butterstone Avenue (east)

Outbuilding (and boundary amendments)

1.33 The existing boundary treatment consists of a 1.6m high (approx.) open-boarded fence. It is considered that that the existing boundary treatment does not assist in screening the outbuilding from view of No. 34. The erected outbuilding is situated approximately 4.5m from the shared boundary (east) of No. 34 and approximately 7.5m from the rear elevation of this property. Given the proximity of the structure to the windows in the rear elevation of No. 34, it is acknowledged that the development is likely to result in some degree of harm in relation to a loss of outlook and an overbearing nature on No. 34.

1.34 As discussed above, the maximum roof height of the outbuilding is approximately 2.96m in height, which is approximately 46cm above the height permitted under Permitted Development (Class E). Whilst the case officer requested that the applicant consider reducing the height to the permitted height of 2.5m (the applicant was not willing to do so), given the relatively modest difference in height between the development and permitted development this represents a fall-back position and a material consideration as to the similar resultant impacts of what could be undertaken without requiring planning permission. Taking this into account, that the building assists in screening the amendments to the rear boundary, along with the separation distance mentioned above and the aforementioned boundary treatments and boundary amendments, it is considered that, on balance, the outbuilding would not have a significant impact on the amenity and privacy of No. 34 in relation to overbearing, overshadowing, loss of outlook or overlooking as to warrant a refusal of the application.

Proposed Balcony

1.35 The application proposes to extend the existing balcony out by approximately by approximately 1.55m, and include a glass surround (approximately 1m high from first floor ground level) on the rear elevation (north) and following the submission of amended plans to seek to address officer concerns, proposes obscurely glazed screens on the east and west elevations (approximately 1.8m high from first floor ground level). Whilst it is fully acknowledged that the host property and a number of surrounding properties benefit from front and rear balconies, these were as originally intended and approved and generally consist of recessed balconies within the main framework of the house types.

1.36 This current proposal would project out further beyond the building line of the host property and adjacent properties. The separation distance between the proposed balcony and the shared boundary with No. 34 is approximately 5.9m. Giving this separation distance and close proximity to the adjacent rear boundary of this property, it is considered that proposal, even with the proposed side screens, would still allow for direct views to be achievable into the rear garden and private amenity area of No. 34. As such, it is considered that the proposal is a notable difference to that of the existing balcony whereby the recessed and 'enclosed' design of the balconies is considered to assist in minimising any adverse loss of privacy.

1.37 The case officer requested that the applicant omit the proposed balcony from the application but they were unwilling to do so. It is therefore considered that the proposal, which would result in an extension of the existing balcony, would result in a potential for both direct overlooking and an increased perception for overlooking into the garden and amenity area of No. 34. As such, it is considered that this would represent an unacceptable loss of privacy for existing and future occupiers of this neighbouring property in terms of overlooking and a perception of overlooking and would warrant a reason for the refusal of the application, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users.

Impact on 17 Ruby Close (south-west) and 69 Butterstone Avenue (south-east)

1.38 17 Ruby Close and 69 Butterstone Avenue are situated to the front of the host dwelling. Given the siting of these properties to the front of the host dwelling, it is considered that there would be no views achievable of the proposals to the rear of 36 Butterstone Avenue due to the host dwelling screening them from view. On this basis, it is considered that the proposal would not create a significant adverse impact on the amenity and privacy of these neighbours in terms of loss of outlook, overbearing, overshadowing and overlooking.

HIGHWAY + PEDESTRIAN SAFETY

1.39 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should not prejudice highway safety. The Council's Highways, Traffic and Transport

section has been consulted and has confirmed that there are no highway or traffic concerns.

1.40 The Council's Countryside Access Officer was consulted on the application and raised concerns about the design of the originally installed gates that opened outwards onto the public footpath with the potential to directly affect the safety of users of the public right of way. The Countryside Access Officer therefore requested that the plans be amended to show that the gates open inwards or in a fashion that makes them not open outwards onto the highway/public footpath. The applicant has since submitted amended plans showing a bi-fold gate/door opening downwards and inwards into the site to which the Council's Countryside Access Officer has confirmed such details are acceptable. As detailed above, this amended design has been implemented on site and the application is considered acceptable in this respect.

1.41 Whilst each application is considered on its own individual merits, it is understood that a number of access gates have been installed into the rear boundaries of a number of properties in this area. These matters are currently being investigated by the Council's Countryside Access Officer in accordance with section 153 of the Highways Act 1980.

OTHER PLANNING MATTERS

1.42 HBC's Engineering Consultancy were consulted as part of this application and confirmed they have no objection to the proposals in respect of surface water management or contaminated land. The application is considered acceptable in this respect.

RESIDUAL MATTERS

1.43 Some of the objections received contained residual matters such as littering, upkeep of the properties in the area, Right to a View, and the impact on property prices. All of these reasons are not material considerations and have therefore not been taken into account in this instance.

CONCLUSION

1.44 In view of the above material planning considerations, it is considered, on balance, that the erected outbuilding and amendments to the boundary treatment are acceptable.

1.45 In relation to the proposed balcony element of the application, it is considered that the proposal would have a significant adverse impact on the amenity and privacy of the neighbouring properties. The balcony element of the proposals is considered to be unacceptable and contrary to policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users. Given that the LPA are unable to issue a 'split decision' for such types of application, the application is therefore recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.47 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.

1.48 There are no Section 17 implications.

REASON FOR DECISION

1.49 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;

01. In the opinion of the Local Planning Authority, by virtue of the design, scale and siting of the first floor rear balcony extension, the balcony results in an unsatisfactory form of development that results in a detrimental impact on the privacy of existing and future occupiers of No. 34 Butterstone Avenue (east) and No. 38 Butterstone Avenue (west), through issues of overlooking and a perception of overlooking, contrary to Policies QP4 and HGS11 of the Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019) which states that new developments should create a high standard of amenity for existing and future users.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140820>

1.51 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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36 Butterstone Avenue, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.03.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0376	REV

No: 2.
Number: H/2017/0054
Applicant: Mike Dickinson
Agent: Mr Jon Tweddell
JT Planning
Date valid: 07/02/2017
Development: Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse
Location: SOUTHBROOKE FARM SUMMERHILL LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The application was withdrawn from the agenda of the previous committee meeting of the 14th April 2021 at the request of the 'applicant' for the application. The 'applicant', Mr Mike Dickinson, has since formally confirmed that Mr Jon Tweddle (JT Planning) is now acting as the 'agent' on behalf of Mr Dickinson ('the applicant') and the actual owners of the site.

2.3 The application was previously considered at the planning committee of 06.09.2017 where Members were 'minded to approve' the application subject to the completion of a legal agreement securing contributions (that the application had agreed to pay at that time) towards primary education (£38,445.23), and secondary education (£25,115.66), built sports (£3,250), play facilities (£3,250), green infrastructure (£3,250), playing pitches (£3,032.77) tennis courts (£741.26), bowling greens (64.61) and highway contribution towards Eliwck bypass and grade separated junction (£153,947.43). The development fell below the threshold for affordable housing contributions. A financial contribution in line with the HRA (and as agreed by Natural England) of £2,800 was to be secured.

2.4 In the intervening period following Members decision to be minded to approve the application (subject to the completion of the s106 agreement), the applicant contacted officers and stated that they were unable to pay the required contributions, which were previously agreed following the submission of a viability assessment.

2.5 There have also been a number of events that are relevant to the consideration of this application since the application was first considered by Members in August 2016. These include the revision to the National Planning Policy Framework (NPPF, in February 2019) and associated Planning Practice Guidance; the adoption of the Hartlepool Local Plan (May 2018), a change in approach on ecology matters

(following a decision in European case law) and the extension of the SPA; and the formation of a new planning committee(s), all of which need to be taken into account and therefore this new report is required to bring matters up to date.

2.6 It should also be noted that following a site visit by the case officer, the buildings within the small holding have all been demolished (save for the farm house, which is understood to remain occupied). These works were included within the proposed development and would have been included with the approved development, had planning permission been granted and issued. However, as there has been no decision issued given that the section 106 legal agreement has not been signed, the works are technically unauthorised. To carry out this type of operation without the benefit of planning permission, the applicant should have submitted a prior notification application for demolition works to the LPA which has not been made. This is considered in further detail in the report below.

2.7 It is also of note that the applicant sought to appeal the 'non-determination' of the application to the Secretary of State in early 2021 however the appeal was turned away as the applicant was out of time to submit such an appeal.

PROPOSAL

2.8 The application was submitted in January 2017 for the demolition of existing buildings within the small holding and erection of 14no. detached dwellings and associated works. The proposal is for 3 and 4 bedroom properties and would be a mix of 1.5 and 2 storey detached dwellings. The properties would have off street parking (from Summerhill Lane) within the curtilage of the properties.

SITE CONTEXT

2.9 The application site is a small holding known as Southbrooke Farm on Summerhill Lane. The lane is accessed from Catcote Road. To the west of the site is Summerhill Visitors Centre, with allotments and Catcote School to the south of the site, directly to the north is farmland, which separates the site from the Park Conservation Area and residential properties. There are two telecom masts on the north west rear boundary of the site.

2.10 The smallholding comprises a narrow rectangular shaped parcel of land that extends to approximately 0.7 hectares in area (1.7 acres), running parallel with Summerhill Lane. As detailed above in the background that the ancillary buildings within site have been demolished, however the farm house is still understood to be occupied.

PUBLICITY

2.11 The application was advertised by press notice, site notice and neighbour letters (6). To date, there have been 1 letter of no objection and 3 letters of support, these are summarised below;

- The development will enhance the area

- A great location for schools, shops, bus routes whilst still living in the countryside
- Ideal location for this type of development good access to main road
- Can only be a bonus for Summerhill
- would be very interested in purchasing this kind of property
- Great addition to Hartlepool's stock of affordable executive homes

2.12 The period for publicity has expired. As a result of the application coming back to Members as an update, no further public consultation has taken place.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116637>

CONSULTATIONS

2.14 As a result of the changes discussed in the background section of the report, a number of relevant technical consultees have been contacted with a request for any updates to their original comments and these are set out below their original comments.

HBC Engineering Consultancy: I would request a contaminated land condition and a surface water condition.

UPDATE 17/05/2021

We have no objection to the demolition of buildings in respect of surface water management or contaminated land, previous comments for development proposals still apply.

In respect of demolition of the existing buildings, please note section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate to and in addition to a planning application. We have no record of that permission for demolition having been given should it have been required by section 80 (1) of that act however with reference to section 80 (1) (b) (iii) it may not have been necessary dependent upon the agricultural or otherwise nature of the buildings.

HBC Public Protection: No objection

HBC Traffic and Transport: The drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor.

Dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway.

UPDATE 16.11.2020

I can confirm that Highways would be looking for a full contribution to the Elwick by-pass and grade separated junction.

This development would benefit greatly in highway terms due to the construction of the by-pass and it would be unfair on other developments if they did not contribute fully to this scheme.

HBC Ecology: I have examined the Heart Land Design, Tree Planting Plan, drawing number HLD/KD/PS/001 Rev B dated 28/06/2017 and the All About Trees Arboricultural Method Statement, drawing AMSTPP dated 30/06/2017. It appears from these drawings that the six ash trees and hedges that I referred to in my ecology response dated 27/07/2017 are to be removed in order to facilitate the development. In my response, I supported the Ecologist's (Graeme Smart) recommendation to retain these trees and hedges. However, Graeme Smart went on to say:

"If site design constraints (e.g. sight lines at access road; routing of drainage and services, etc) make it impossible to retain either the hedges or the ash trees then:

Any ash tree removed should be replaced with large, standard trees of similar species (if available from local stock which can be guaranteed free of ash die-back disease) or an alternative species to be agreed with the LPA, either on site or at a nearby alternative site to be agreed with the LPA (e.g. Burn Valley, Summerhill Country Park, etc.) If the hedgerow cannot be retained then either the hedge should be translocated (after coppicing) to the northern boundary of the site; or a new hedgerow of the same species composition should be planted on the northern boundary of the site; or a new hedgerow of the same species composition and equivalent length should be planted at a nearby alternative site to be agreed with the LPA."

Given that there are no bats effected, I am satisfied that this second course of action can be followed without detriment to the overall ecology of the site. I recommend replacement of the trees with an equal, or greater, number of native deciduous species, to be agreed with the HBC Arboricultural Officer and the planting of a new hedge (or landscape belt) along the entire northern and eastern boundaries. I note that this planting is labeled on the Tree Planting Plan as 'Mixed native tree planting belt' and 'Yew tree planting to screen mobile phone masts'.

Biodiversity enhancement in line with NPPF.

I support the enhancement recommendations made to the client by the consultant Ecologist, that the new buildings provide an opportunity to create suitable, long-term bat and bird roosting and nesting opportunities. See Appendix 1 for consultant Ecologist recommendations:

I recommend the following conditions, as suggested to the client by the consultant Ecologist:

A detailed landscaping/ tree planting plan.

Demolition of buildings and site clearance prior to construction of new houses takes place outside of the main bird nesting period (March to August inclusive), or a search for nesting birds is undertaken immediately prior to works, by a professional ecologist and the LPA is informed of the findings.

Garden boundaries are made suitable for hedgehogs to move through the site, either by the use of hedges rather than fences between gardens and on site boundaries, or by ensuring that there are gaps in fences at ground level to allow hedgehogs to move between gardens and in and out of the site.

A permanent bat roost brick is built into each new dwelling.

A permanent swift nesting brick is built into each new dwelling.

Bird nesting opportunities for swallows and house sparrows are built into each new dwelling.

Habitat Regulations Assessment (HRA) (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development 'project' at Southbrooke Farm.

Mitigation is based on the small totals for new residents and new dog-owning families. The provision of Suitable Alternative Natural Green Space (SANGS), particularly for daily walks/ dog exercising, is not justified. A financial contribution to accommodate the additional use of Council run Summerhill Country Park (in place of on-site SANGS) is justified. The developer has agreed to this contribution. This will be included in the 106.

UPDATE 09.03.2021

The only ecological issue addressed through the 106 is the necessary financial contribution identified through the Habitats Regulations Assessment. If this is not signed and there is no mechanism to collect these contributions then an 'adverse effect on the integrity' of the Teesmouth and Cleveland Coast SPA cannot be ruled out, consequently the LPA cannot lawfully approve the application.

UPDATE 27/05/2021

The latest ecological information seems to suggest that bats weren't present in the buildings, but it depends when the demolition took place. It is possible that an offence occurred, but little chance of proving that. Any further demolition should be informed by up-to-date bat surveys – given the exceptional circumstances I would suggest conditioning this if the application is approved. We would need something in there to discharge our duties regarding European protected species (Reg 9 of the Conservation of Habitats and Species Regulations 2017 (as amended)).

In respect of the HRA, my advice is that the LPA cannot legally approve the application unless we can secure payment of the commuted sum specified in the HRA, which is £2,600. Relevant legislation is Reg 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Natural England: Concur with the findings and conclusion of the HRA screening exercise and raise no objection with regard to mitigation measures recommended.

HBC Landscape: Following additional information being provided I have no objection to the proposal but would ask that a full landscaping scheme be provided by condition.

HBC Heritage and Countryside Manager: The application site can be viewed from the Park Conservation Area when standing on the boundary at Briarfields Allotments.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

The adopted Local Plan, policy HE3, is relevant this states, 'The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.'

The proposal is the erection of 14 houses.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's. The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling. The dwellings to the south of the area were orientated with the main frontage to the open countryside to appreciate the views this provided and give the feeling of being located in the countryside. The conservation area is considered to be at risk.

In this instance when standing on the boundary of Briarfields Allotments the site can be clearly viewed. Whilst at the moment the proposed site appears as a collection of agricultural buildings the proposal would change this to a long thin line of properties of the same design. This would bring to the fore this distant site and change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development. It is considered such a proposal would cause less than substantial harm to the character of the conservation area.

In principle there would be no objections to residential development on this site however it is considered that the pattern of development should be reconsidered. A reduced number of properties and the rearrangement of the dwellings around the

existing farm house would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area.

UPDATE 11/03/2021

I do not have anything further to add to this.

Tees Archaeology: Thank you for the consultation on this application. The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. I therefore have no objections to this application.

The Ramblers Association: We note the changes from the outline application - demolition of the farmhouse and 4 more dwellings; will lead to increased demolition/construction traffic on the lane and more vehicular traffic in the future. We ask, should the council be minded to approve the application, that precautions be specified to prevent harm to pedestrians using the footway, along which FP Hartlepool runs, and others using the lane

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

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

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this document it states that foul water will discharge to the agreed manhole 3701 and that the developer should fully investigate SuDS options on site for the disposal of surface water. A reference has been made to a surface water sewer that has been adopted by the Local Authority. The applicant has been advised to contact the lead local flood authority if ground investigations preclude the use SuDs infiltration.

Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:

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

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

Any drainage scheme submitted to the Local Planning Authority should be in line with the attached NWL comments.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

PLANNING POLICY

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:

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

HSG1: New Housing Provision

HSG2: Overall Housing Mix

HE1: Heritage Assets

HE3: Conservation Areas

HE7: Heritage at Risk

INF1: Sustainable Transport Links

INF2: Improving Connectivity in Hartlepool

NE1: Natural Environment

NE2: Green Infrastructure

NE3: Green Wedges

RUR1: Development in the Rural Area

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:

PARA 002: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development (3 overarching objectives – Economic, Social and Environmental)

PARA 009: Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)

PARA 010: Achieving sustainable development (presumption in favour of sustainable development)

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development (presumption does not change statutory status of the development plan as the starting point for decision making)

PARA 034: Developer Contributions

PARA 038: Decision making

PARA 047: Determining applications

PARA 054: Planning conditions and obligations

PARA 055: Planning conditions and obligations

PARA 056: Planning conditions and obligations

PARA 057: Plan led viability – weight given to viability is a matter for the decision maker

PARA 091: Promoting healthy and safe communities

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 190: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 193: Considering potential impacts on heritage assets

PARA 196: Considering potential impacts on heritage assets

PARA 200: Considering potential impacts on heritage assets

PARA 150: Reducing vulnerability to flooding and reducing greenhouse gas emissions

PARA 153: Planning for climate change

PARA 212: NPPF is a material consideration

Adopted Tees Valley Minerals and Waste DPD

2.17 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

The following policies in the TVMW are relevant to this application:

MWP1: Waste Audits

Planning Policy advise that a site waste management plan should be submitted as part of the application.

2.18 Planning Policy comments (summarised) – The site is within the limits to development as during the main modifications stage of the Local Plan process the boundaries were altered to include this site, following the previous decision to grant planning permission. Although the site is technically within the green wedge, the previous approval of this site supports the principle of development in this location. The only main concern we have with this development is the necessity of the planning obligations and the reluctance of the developer to pay these, as we believe they are necessary to support the development and make it sustainable. Typically, we wouldn't support development within the green infrastructure elements in the borough without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was granted prior to the adoption of the Local Plan, which we have accommodated for and accept. The principle of development had been deemed acceptable and agreed upon through the approval of the permission H/2017/0054 subject to the signing of an associated S106 agreement. However, it has been deemed that the required contributions are necessary to ensure the development is sustainable, and planning policy would not support the application without payment of contributions.

PLANNING CONSIDERATIONS

2.19 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

2.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the Borough consists of the policies within the adopted Hartlepool Local Plan (2018), as well as minerals and waste policies where relevant.

2.21 Following the adoption of the Local Plan in May 2018, the application site is located within the development limits as defined by Policy LS1 of the Local Plan. The site is also designated within the Green Wedge, as defined by Policy NE3 of the Local Plan. Development within the green wedge would not typically be supported without robust justification or compensation elsewhere, however this site is the exception considering the previous permission which was minded to approve prior to the adoption of the Local Plan, which was accommodated for and accepted. The National Planning Policy Framework (NPPF) is a material planning consideration in

the determination of planning applications and was updated in February 2019. The policies within the 2018 Local Plan were found to be in accordance with the 2012 NPPF. The Council's Planning Policy section are of the view that the policies within the 2018 Local Plan are significantly aligned with the 2019 NPPF and thus the Local Plan is paramount in determining this application. Notwithstanding the above, the relevant NPPF paragraphs have been applied to assist in determining this application.

2.22 Whilst the principle of development was previously deemed to be acceptable, this was subject to the signing of an associated s106 agreement as set out in the background to this report to ensure a sustainable form of development to offset any identified impacts. This is therefore a significant change to the previous recommendation and is considered in detail below.

Viability Assessment + Planning Obligations

2.23 The applicant submitted a viability assessment for the Council's consideration in 2017, and a further viability assessment was submitted for the Council's consideration in April 2020, seeking to demonstrate that the scheme could not viably pay for all the required contributions that had previously been agreed in 2017. The previous total amount of obligations, totalling £235,749.53 (and as set out at paragraph 2.28, with the exception of a change to the highways contribution) was agreed with the Council, however the applicant has since confirmed they are only willing to pay £60,000 (total) which is a shortfall in contributions being sought by £175,749.53.

2.24 HBC Planning Policy assessed the document and raised concerns to a discrepancy between the 2017 Economic Viability Assessment (EVA) and the EVA submitted in 2020. There appears to be a change in the site area, which has been reduced from 28,000 square feet (sqft) to 24,242.27 sqft; there have been no amended plans to reflect this change. It is noted that this change in site area significantly alters the revenue which is to be expected. Whilst the sales price per sqft that has been proposed within the EVA is expected for such a site on the urban edge, there is a discrepancy between the total revenue figures, which it does not seem to include the total site area unlike the 2017 document.

2.25 Whilst it is acknowledged that there are changes between the EVA submitted in 2017 and the EVA submitted in 2020, HBC Planning Policy consider that both assessments show that the development can pay the relevant financial obligations requested.

2.26 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations), and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions remain a requirement.

2.27 The level of obligations have been considered on the basis that there is a net increase of 13 dwellings (there is currently a residential farm house on site). The proposed development would therefore require financial obligations towards;

- Play provision (£3,250)
- Built sports (£3,250)
- Play pitches (£3,032.77)
- Tennis courts (£741.26)
- Bowling greens (£64.61)
- Green infrastructure (£3,250)
- Ecology mitigation (£2,600)
- Primary school provision (£38,445.23)
- Secondary school provision (£25,115.66)
- Highways (£156,000)*

2.28 It is noted that the only figure that has changed since 2017 in the request for financial obligations is the previously agreed highway contribution, which has increased from £11,842.10 per dwelling to the current figure of £12,000 per dwelling. This has resulted in a total increase on the highway financial obligation of £2,052.57 compared to what was previously assessed by HBC Planning Policy in 2017 (£153,947.30 increased to £156,000).

2.29 As a result of these findings, the HBC Planning Policy team do not agree with the applicant's view that they cannot afford to pay for the required planning obligations, and also consider that due to the location of the development, that the required obligations are necessary to make the development sustainable.

2.30 Policy LS1 (Locational Strategy) of the Council's Local Plan stipulates that where appropriate, development will be required to contribute to the delivery of a sustainable transport network. Table 2 of the Council's Local Infrastructure Plan looks at different sources of funding for the various infrastructure requirements of the Borough and notes that developer contributions will be used to repay the loan for the Elwick bypass works. Policy INF2 (Improving Connectivity in Hartlepool) stipulates that planning conditions or legally binding agreements will be used to secure any improvements necessary to the transport network as a result of a development and that a financial contribution may be required from developers. In respect of the Elwick bypass and A19 grade separate junction, paragraph 10.44 of the Local Plan indicates that; *sites that would benefit from the road improvements will be expected to contribute towards the cost of repaying the LGF funding.*

2.31 Therefore, to assist in ensuring this proposal does all it can to improve the safety and capacity of the surrounding road network, the Council's Planning Policy and Highways, Traffic and Transport sections have confirmed that the development is expected to contribute to the financial cost of building the bypass. The cost per dwelling to be sought is £12,000, in line with other developments, though this is likely to reduce once the full costs are known, as an element of grant funding has been secured towards the implementation of the road improvements.

2.32 Whilst previously the applicant had agreed to all of the obligations, the applicant has subsequently stated that they do not consider that this request for the highway contribution is necessary and proportionate to the application.

2.33 It is considered that the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network and is therefore considered contrary to policies LS1, INF2, QP1 of the Local Plan, and the Council's Planning Obligations SPD.

Principle of Development Conclusion

2.34 In conclusion, the principle of development in this instance is considered to be unacceptable for the reasons set out in detail above and the proposals are therefore considered to be contrary to policies LS1, INF2, QP1, and RUR1 of the Hartlepool Local Plan (2018), the Planning Obligations SPD (2015) and paragraphs 56 and 57 of the NPPF (2019).

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA (INCLUDING THE CONSERVATION AREA)

2.35 Policy QP4 (Layout and Design of Development) of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. Development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, and respects the surrounding buildings, structures and environment.

2.36 Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced. Policy NE3 (Green Wedges) of the Local Plan requires mitigation measures to be provided and enhancement of the green infrastructure network.

2.37 NPPF paragraph 127 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

2.38 It is acknowledged that the site is within a designated Green Wedge, however the site is within the limits to development, which was revised as one of the main modification on the Local Plan, which reflects the previous decision that was minded to approve planning permission.

2.39 The area is characterised as a rural setting, with allotments opposite the site, and Catcote School and English Martyrs beyond. A road leading up passed the site to Summerhill Country Park. Whilst there will be a loss of trees and hedges, this can be replaced and controlled by appropriate planning conditions.

2.40 Notwithstanding the aforementioned concerns with respect to the principle of the development, it is considered that the proposal, which would be of a linear layout and appearance, would not have a significant detrimental impact on the rural character and appearance of the Green Wedge and the immediate area

(notwithstanding the identified harm to the setting of the wider conservation area as considered below). It is further considered that the proposal would not result in an over development of the site (again, notwithstanding the concerns detailed below).

2.41 The application site can be viewed from the Park Conservation Area, a designated heritage asset when standing on the boundary at Briarfields Allotments (some 400m away). The application site is separated from the boundary of the Conservation Area by open fields.

2.42 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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paragraphs 185 & 192, NPPF).

2.43 The relevant Local Plan Policies are set in detail within the Council's Heritage and Countryside Manager's comments above.

2.44 In considering the effect of the proposal on the significance of the area, the development is considered by HBC Heritage and Countryside Manager to impact an area of the Park Conservation Area when viewed from the boundary of Briarfields Allotments. Currently the site when viewing from this position has a collection of agricultural buildings; the proposal will change this view to a long thin line of properties of the same design. It is considered that this would change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development.

2.45 The Council's Heritage and Countryside Manager considers that this proposal and scale of development, will cause 'less than substantial harm' to the significance of the Park Conservation Area.

2.46 Notwithstanding the above, the Council's Heritage and Countryside Manager considered that residential development could be accommodated within this site if the scale and setting of proposed dwellings were amended. If the existing farm house were to be retained and number of properties reduced and repositioned this would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area. The agent has indicated that they wish the scheme to be considered as submitted.

2.47 It is acknowledged that the proposal would result in less than substantial harm to the designated heritage asset of the Park Conservation Area. In accordance with the provisions of the NPPF (para. 196), it was previously considered by officers that the degree of harm would be off-set by the public benefits that were to be derived from the scheme, which included a financial contribution towards a key element of strategic infrastructure proposed by way of a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool.

2.48 However, due to the applicant not willing to pay this financial contribution, there are no longer identified and clear public benefits to the development that would outweigh the identified harm and it is therefore considered the proposal will cause less than substantial harm to the conservation area and would warrant a refusal of the application.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

2.49 The Council's Traffic and Transport section have been consulted and raise no objection to the proposal in terms of its design, access and layout. Drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor. In order to gain pedestrian access dropped kerbs and hard standing should be provided on the verge opposite to enable pedestrian access to the footway. This could be controlled by condition had the application been considered acceptable in all respects.

2.50 However the development would be required to pay a pro-rata contribution to the proposed Elwick bypass and grade separated junction onto the A19, as the development will benefit from these works, in line with the comments of the Council's Planning Policy section and as supported by HBC Traffic and Transport, as set out above. As above (within the principle of development section), the applicant is not willing to pay the requested financial contribution towards the Elwick bypass and grade separated junction.

2.51 In view of the above, it is considered that the failure of the scheme to provide the requisite contribution towards highway infrastructure improvements would have a detrimental cumulative impact on the local and strategic road network, contrary to policies LS1, INF2, QP1 of the Local Plan and the Council's Planning Obligations SPD and cannot not be supported.

LANDSCAPING

2.52 Whilst there were initial concerns with regard to the removal of trees and hedgerow to accommodate the development, there are drains along the existing tree line which will create problems and would therefore need to be removed. The Council's Arboricultural Officer raised no objection to the removal of the trees and hedgerow providing a substantial landscaping scheme be provided and tree protection measures be given to the retained trees/hedgerows. These could have been controlled by condition had the application been considered acceptable in all respects.

ECOLOGY AND NATURE CONSERVATION

2.53 The application has been considered by the Council's Ecologist. The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

2.54 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must

consider any potential impacts that a proposal may have and has therefore undertaken a stage 1 Screening Assessment (Habitat Regulations Assessment).

2.55 The stage 2 Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of a financial contribution to be used to fully, or partly, finance measures to protect the interest features of the Teesmouth and Cleveland Coast SPA/ Ramsar.

2.56 These measures would need to be secured by a planning obligation within a section 106 legal agreement. However, given that the applicant is not willing to pay financial obligations as identified through the Habitats Regulations assessment, it is considered that there is no mechanism to collect the contribution and without this, it is considered that the development would result in an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA, and therefore the local planning authority are unable to approve the application. This would therefore warrant a further reason for the refusal of the application.

2.57 Notwithstanding the aforementioned concerns with respect to the principle of the development and consideration of the unauthorised demolition (considered further below), with regard to any impact on protected species, a Bat Survey Report was submitted with the application; based on this, the Council's Ecologist was satisfied that there would be no impact upon protected species. However the proposed development would have been required to provide an opportunity to create suitable, long term bat and bird roosting and nesting opportunities such as providing permanent bat/bird roost brick within each of the new dwellings. As detailed below (paragraphs 2.72 + 2.73) with respect to the unauthorised demolition of buildings on the site and potential effect on protected species, there would be a requirement for a further bat survey to be undertaken prior to any further demolition (in this case, the farm house). These matters could have been secured by appropriate planning conditions had the application been considered acceptable in all respects.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.58 There are no immediate neighbours to the application site. The nearest property is the caretaker's property within the grounds of Catcote School which is some 80m away. There are other residential properties at the rear of the site, but again these are some distance from the site to have any significant impact.

2.59 The properties are set in a linear setting with the main frontage of the properties facing onto the Summerhill Lane. They are set back from the highway with off street parking being provided within the curtilage of each plot, each property will have a rear garden space which looks out onto open fields. The properties are to be separated approximately 3m between side gables. There are no main windows in

the gables which will create any significant overlooking issues for each of the dwellings within the plots. There is adequate spacing provided for future occupiers of the proposed dwellings. Therefore it is considered that an acceptable level of privacy, amenity and amenity space will be provided for the dwellings within the development.

2.60 It is not considered that the additional disturbance arising from existing traffic or that associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries could have been secured accordingly had the application been considered acceptable in all respects.

2.61 Notwithstanding the aforementioned concerns with respect to the principle of the development in view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

FLOODING AND DRAINAGE

2.62 The Council's Principal Engineer raised concerns with the details provided relating to the drainage, following discussion with the agent further information was provided. Following discussions relating to the surface water and discharge rates it is concluded that detailed designs will be required to fully satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

2.63 Northumbrian Water had also request that details of both surface water and foul sewerage be secured by appropriate planning conditions which could have been secured by planning conditions, had the application been considered acceptable in all respects.

2.64 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is, in principle, satisfactory in terms of flooding and drainage related matters.

ARCHAEOLOGY

2.65 The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. Therefore there are no archaeological concerns.

OTHER PLANNING MATTERS

Renewable energy and energy efficiency

2.66 In accordance with paragraph 96 of the NPPF, Local Plan Policies CC1 and QP7, the application should also make provision for i) energy efficiency ii) renewable energy provisions and iii) electric charging points. These matters would have been secured by separate planning conditions had the application been deemed acceptable in all respects.

Waste

2.67 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition would have been necessary to ensure that a site specific waste audit is provided to 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.

Agricultural land

2.68 Notwithstanding the aforementioned concerns with respect to the principle of the development, the NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's 'Agricultural Land Classification' map, the application site is rated as 'good to moderate'. Whilst the proposed development would result in a loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

Contaminated land

2.69 The Council's Flood Risk Officer (Engineering Consultancy) has requested that further site investigation works into contaminated land be secured by an appropriate planning condition, had the application been considered acceptable in all respects.

Public Right of way

2.70 There is a public footpath that runs the length of Summerhill Lane. As detailed above a planning obligation was considered necessary to secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development.

2.71 Notwithstanding the aforementioned concerns with respect to the principle of the development, HBC Traffic and Transport have requested that dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway, which would have been necessary to be secured by condition had the application been considered acceptable in all respects. It is considered that the scheme is acceptable in this respect.

Unauthorised Demolition Works

2.72 As detailed above, a number of agricultural buildings have been demolished on site.

2.73 The Council's Ecologist has advised that the latest ecological information appears to suggest that bats were not present in the demolished buildings however this would have depended on when the demolition took place (it is therefore possible that an offence occurred, but the Ecologist has advised that there would be little chance of proving it). Notwithstanding this, the Council's Ecologist has advised that any further demolition (i.e. of the farmhouse building as is proposed) should be informed by up-to-date bat surveys; given the exceptional circumstances of the current situation at the site, the Council's Ecologist has recommended that a planning condition be applied to require such surveys before any further demolition with respect to the Council discharging its duties regarding European protected species (Reg 9 of the Conservation of Habitats and Species Regulations 2017 (as amended)). This could have been secured by a planning condition, had the application been considered acceptable in all respects.

2.74 The Council's Engineering Consultancy have been consulted and have confirmed that such demolition usually requires the submission of a Section 80 notice of The Building Act 1984 which requires the applicant to give notice to and receive permission from the council. This requirement is separate to and in addition to a planning application. There are no records of that permission for demolition having been given should it have been required (it may not have been necessary dependent upon the agricultural or otherwise nature of the buildings).

CONCLUSION

2.75 In conclusion, it is considered that the principle of the development in this instance is unacceptable as the development would represent an unsustainable form of development without securing the requisite planning obligations, the proposals would have a detrimental impact on the character and appearance of the conservation area, ecology and nature conservation, and the local and strategic road network, contrary to policies LS1, INF2, QP1, QP4, RUR1, NE1 and NE2 of the Hartlepool Local Plan (2018), and paragraphs 195 and 196 of the NPPF (2019)

EQUALITY AND DIVERSITY CONSIDERATIONS

2.76 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.77 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.

2.78 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to secure the appropriate ecological mitigation measures, that the development would have an adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area, contrary to Policy NE1 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to provide the requisite pro-rata financial contribution towards highway infrastructure improvements (Elwick bypass and grade separated junction) would, when considered cumulatively, result in a detrimental impact on the local and strategic road network, contrary to policies LS1, INF2 and QP1 of the Hartlepool Local Plan (2018).
3. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of Park Conservation Area, by virtue of the design, scale and siting of the proposed development that would detract from the character and appearance of the identified heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 190, 192, 193, 196, and 200 of the National Planning Policy Framework 2019.
4. In the opinion of the Local Planning Authority, it is considered that the failure of the applicant to secure the requisite financial contributions towards play equipment, built sports, green infrastructure and education, would result in an unsustainable form of development, contrary to Policies INF4 and QP1 of the Hartlepool Local Plan (2018) and the Council's adopted Planning Obligations SPD.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=116637>

2.81 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

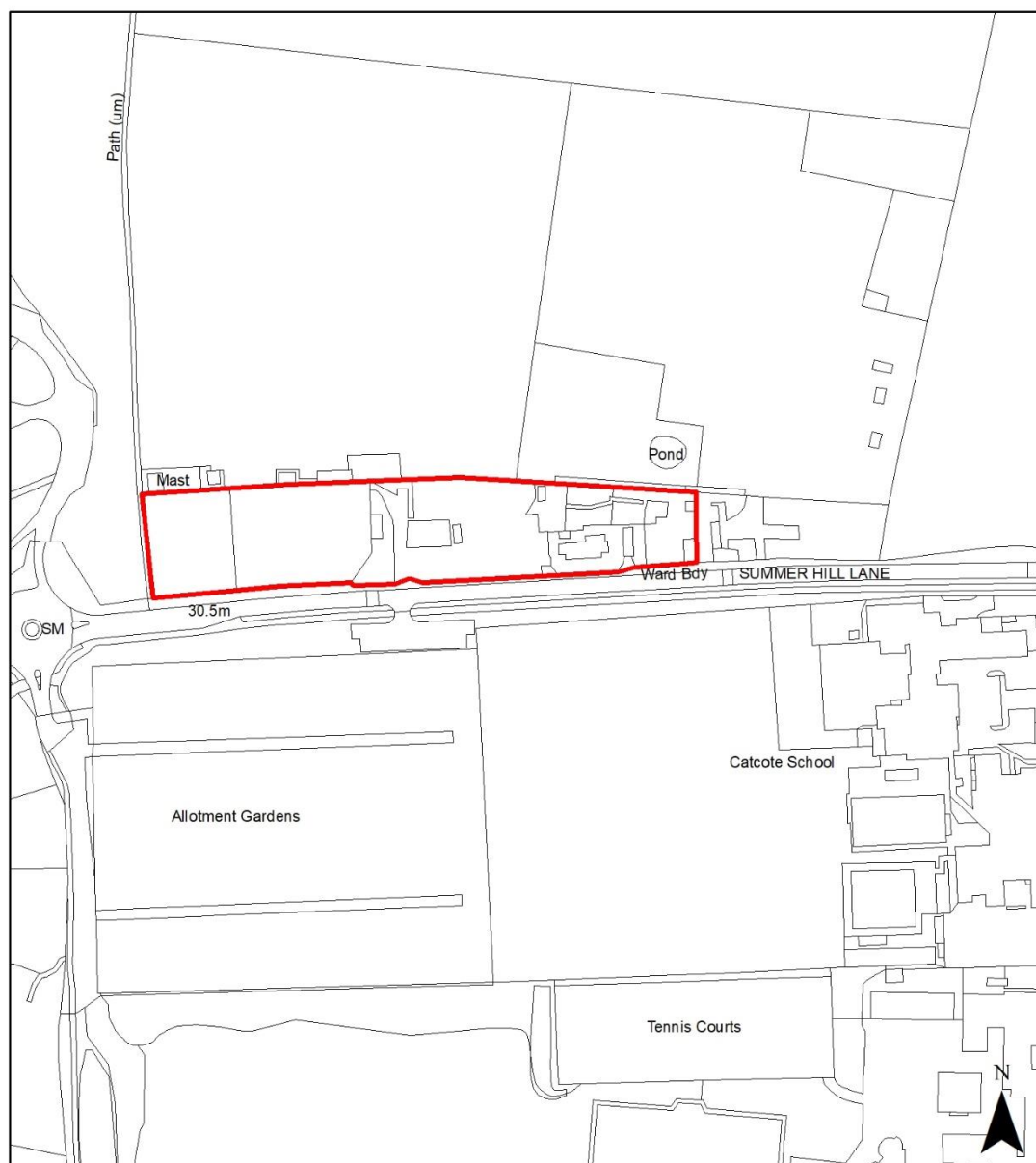
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 30.03.2021
	SCALE 1:2,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0054	REV

No: 3.
Number: H/2020/0384
Applicant: MR AND MRS JENKINS FRONT STREET HART
 HARTLEPOOL
Agent: HEDLEY PLANNING SERVICES STEPHEN
 LITHERLAND 3B EVOLUTION WYNYARD BUSINESS
 PARK WYNYARD TS22 5TB
Date valid: 04/03/2021
Development: Erection of a dormer bungalow, garage and associated
 external works, including removal of existing stable block.
Location: KIRKEFIELDS STABLE SITE, LAND ADJACENT TO
 MILBANK CLOSE MILBANK CLOSE HART
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following applications are considered to be relevant to the current application site;

H/2007/0046 – Erection of 2 stables and storage room – Approved 23 March 2007.

H/2016/0140 – Outline application with some matters reserved for the erection of two dormer bungalows - Application Withdrawn.

H/2017/0174 - Outline application with some matters reserved for the erection of one dormer bungalow, approved 7th September 2017.

+

H/2021/0200 – Reserved matters application relating to appearance, landscaping, layout and scale pursuant to outline planning permission H/2017/0174 (for the erection of a dormer bungalow) – Pending consideration.

3.3 There following applications, which are close to the application site, are considered to be relevant to the current application;

H/2015/0209 – Outline application for 15 dwellings on land at The Fens – Approved 30 March 2017.

+

H/2019/0047 - 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 – Approved 13 November 2019.

H/2020/0033 - erection of a detached dwelling, landscaping and boundary treatment on land 'at The Fens' (the parcel of land immediately adjacent to/adjoining the east of the current application site). Application withdrawn, 22.03.2021.

PROPOSAL

3.4 The application seeks full planning permission for the erection of a detached dormer bungalow (1.5 storeys) with detached garage and associated external works. An existing stable block would be demolished as part of the proposals. The proposed dormer bungalow would be set on a west, front facing axis towards the western part of the site. The proposal would measure approximately 15.3m in width x 13.3m in length/depth (at the widest point/along the southern section) x 7.64m in height (to the ridge line) and 2.95m to the eaves height. The proposal would include a projecting porch at ground floor with 3no. dormer windows in the upper floor front elevation (west). 2 x projecting 1.5 storey gable elements and 1no. dormer window would be present to the rear (east) elevation along with bi-fold doors and other fenestration. The proposal would feature a blank gable side elevation (north) whilst the southern elevation would feature an access door and windows at ground floor level with an upper floor porthole window. The dwelling would provide living room, an open plan kitchen and family room and utility/boot room/wc on the ground floor on the upper floor there are 4 bedrooms, 2 with an en suite and a family bathroom.

3.5 The proposed dormer bungalow would be served by a detached garage set to the front/side (south west) of the dwelling which would measure 8.3m x 6.3m x 6m in height (to the ridge line) and 2.95m to the eaves height. The garage would incorporate a storage area at first floor, facilitated by 2no. dormer windows in the north/front elevation and a porthole window in the side/south elevation.

3.6 The submitted details indicate that the proposed buildings would be finished in traditional materials including a light coloured render, slate roofing and traditional stone detailing.

3.7 The proposal scheme includes soft and hard landscaping to the site including a large rear garden (east of the main dwelling). The application is accompanied by a tree constraints plan/Arboricultural Impact Assessment. The proposed plans detail of soft and hard landscaping consisting primarily of grassed areas to the rear (with a wildflower area), a gravel driveway to the front and natural stone and a rockery area/steps to the rear. The scheme for the proposed boundary treatments consists of the retention and repair to existing walls and fencing with existing hedging retained (gapped up where necessary with native hedging). A 1.8m high acoustic fence is to be erected along part of the southern boundary. The proposal would be served by an existing access towards the north west corner of the site, connecting up to the adopted highway (a grass verge) that wraps around the perimeter of the application site.

3.8 The application has been referred to Planning Committee at the request of a ward councillor and in agreement with the Chair of Planning Committee.

SITE CONTEXT

3.9 The application site (approximately 0.3 hectares) relates to land and a stable block (Kirkefields) adjacent to/south of Milbank Close, Hart Village and to the north of the A179. The site currently comprises of an open grass paddock with a stable block and small area of hard standing. On the northern boundary is a stone wall. The site is enclosed with a mix of mature trees and hedging. The trees on the southern boundary comprise mainly Sycamore, Ash and Hawthorn with the majority of the trees within the adopted highway.

3.10 The site sits close to the entrance to the village of Hart with residential properties to the north west at Milbank Close and to the north/north east are properties currently under construction (for up to 15) as part of approvals H/2015/0209 and H/2019/0047. To the south west there is a relatively new development which comprises of 23 dwellings to the rear of the Raby Arms. To the east of the site is an area of paddock which is overgrown (and was subject to recently withdrawn application H/2020/0033) and beyond that the Fens Road gives access to The Fens a small residential hamlet some 190m distance to the east of the village.

PUBLICITY

3.11 The application has been advertised by way of press notice, site notice and neighbour letters (22). To date, there have been no representations received. (2 x updated plans (proposed floor plans and elevations) were requested and received (07/06/2021) from the applicant's agent to address a technical issue in respect to the way the original plans were originally received/saved (the print size/paper size did not correlate with the saved size of document). Save for this technicality, the re-submitted plans are the exact same plans as those originally submitted, consulted upon and considered, and therefore no further consultation was considered necessary. The 'received date' of these plans are referenced as such in condition 2 of the recommendation.

3.12 The period for publicity has expired.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140998>

CONSULTATIONS

3.14 The following consultation replies have been received:

HBC Building Control – I can confirm that a building Regulation application is required.

HBC Landscape Architect - An Arboricultural Impact Assessment and Tree protection plan have been provided that are acceptable. Details and hard materials and enclosure have been provided and are acceptable.

HBC Arborist - I have previously met the applicant on site and looked at depth at the tree element on this application. The main tree issues are mainly alongside the boundary to the site which have grown in a natural manner contributing to overcrowding and lack of management where the hedge is concerned. This is covered in the application by the applicants own tree constraints plan and an arboricultural impact assessment. Also within the Planning Statement under Sections 5.8 and 5.9 there will be minimal tree removal and some additional planting to reinforce the hedge. There are no TPO or Conservation Area constraints on this site. As the application has minimal effect on tree cover I have no objections to this application.

HBC Heritage and Countryside Manager - The application site is not in a conservation area, now will it impact on any listed or locally listed buildings, no objections.

HBC Public Protection – No objection.

HBC Engineering Consultancy - In response to your consultation on the above application, we have no objection in respect of contaminated land and ask that you include our unexpected contamination condition on any permission issued for proposals. We have no objection in principle in respect of surface water management and ask that you include our basic surface water condition on any permission issued for proposals. I note that the application form states that surface water will be disposed of to a main sewer but both the Design and Access Statement and Indicative Drainage Strategy drawing submitted with the application show that surface water and treated foul water will be disposed of by means of soakaway. The soakaway testing report submitted with the application shows that soakaway will not work on site. As such the development will need to be drained to watercourse or sewer which will likely involve significant additional cost. It is not permitted to drain surface water from the development to Highway Authority drainage assets.

In respect of demolition of any existing buildings, the applicant's attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate to and in addition to any planning application.

UPDATE 03/06/2021

In drainage terms the proposals are satisfactory in principle (surface water discharge to watercourse), however I recommend that you include our basic surface water condition on any permission issued for proposals as it must be demonstrated that proposals will function.

Furthermore the drawing shows a surface water pipe running in the highway, the nature and ownership of this asset must be established prior to development. The Highway Authority will have an interest; if it is Northumbrian Water sewer this is probably satisfactory, if it is a new private drain to be installed in the highway there will be issues, if it is a highway drain the applicant cannot utilise it however this is a matter for the applicant to sort and can be controlled by the recommended condition.

The drawing shows a 5l/s flow restriction at the end of the pipe that suggests it is a proposed new private asset in the highway, the highway authority will have comment if this is the case.

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

Northumbrian Water - In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Waters network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

HBC Ecologist - My comments are made in the knowledge that an outline permission for a similar scheme exists for the site (H/2017/0174), and that ecology issues have been addressed as part of that permission. As this is a separate full application I would suggest that conditions 5 and 10 from the decision notice for H/2017/0174 are copied over to this application. In addition, I suggest a condition to secure implementation of the submitted landscape proposals including the installation of sparrow terrace nest box.

Assuming the above advice is followed the proposals will avoid significant ecological harm and will provide an ecological enhancement proportional to the scale of the proposals. On that basis I have no objection.

Tees Archaeology - We would like the same condition as on H/2017/0174 that is requiring archaeological monitoring

Hartlepool Rural Working Group – The Group object to this application as it is outside development limits and within the green gaps identified by the ~Rural Neighbourhood Plan and the strategic gap identified by the Local Plan.

POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan. Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

This application is outside the development limits and within the green gap identified by Hartlepool Rural Neighbourhood Plan. There are no exceptional circumstances which would justify departure from planning policy. The application site is also located in the strategic gap identified by Local Plan Policy LS1 to maintain the separate character of Hart village from Hartlepool.

POLICY H4 HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or
2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or
3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or
4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting is sensitive to the landscape character and heritage assets of the area.

The property proposed in this application is outside the village envelope. The proposal does not meet the exceptional circumstances that might permit an outcome other than to object.

Hart Parish Council – no comments received.

PLANNING POLICY

3.15 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

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

CC1: Minimising and adapting to climate change
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR2: New Dwellings Outside of Development Limits
 SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

3.17 The proposal is within the Hartlepool Rural Neighbourhood Plan (2018) area and the following policies apply to this proposal:

GEN1: Development Limits
 GEN2: Design Principles
 H4: Housing in the Countryside

National Policy

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

out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would be 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 212: Implementation

3.19 HBC Planning Policy comments (updated) - With regards to the proposed development, we are satisfied (following the legal advice) that due to the extant permission that the principle of development still applies and therefore have no concerns with regards to that. In this instance, it is recognised that the dwelling is located within fairly close proximity to the village envelope of Hart and due to it being screened slightly from the A179 we have no concerns that there will be any significant detrimental impact on the surrounding area or the landscape as a result of the dwelling. The site to the north of where this dwelling is to be located will have large detached dwellings on it, and we believe that the design of this individual dwelling is of a calibre which reflects similar architectural styles that are to be present at that housing site and is considered to be appropriate for a rural dwelling. The applicant has noted and taken consideration of particular design elements which are present in Hart village and have incorporated them into the design of this dwelling, which helps to ensure consistency and a style which is acceptable given the wider context of this site.

3.20 With regards to the proposal's compliance with the Rural Neighbourhood Plan, the main policies to note are GEN1 and GEN2. In particular, GEN2 requires development to be well designed and reflect the built character of the local area. As

detailed above, we believe that in this instance, the design of the dwelling reinforces the character of the rural area by respecting the local vernacular building character. As the principle of development has already been established, the development is compliant with GEN1.

3.21 QP7 requires all development in the borough to be energy efficient, and we are satisfied to see that in the design and access statement there is information to detail that the building fabric will be 10% more energy efficient than the current building regulations standard. This will help to compensate for the dwelling being in a rural location and the increased reliance on private transport resulting from this.

PLANNING CONSIDERATIONS

3.22 The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety, drainage, ecology and archaeology. These and any other planning matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

3.23 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's villages. The current application site sits just outside the development limits of Hart village as defined by Local Plan Policy LS1 (development limits). The application site is designated within the Hartlepool Local Plan Policy Map as a 'strategic gap' (Policy LS1) and is also located within the allocated 'Green Gaps' shown on the Hartlepool Rural Neighbourhood Plan Proposals Map (as designated by Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan).

3.24 Furthermore, the proposals constitute a new dwelling outside of development limits, in which case policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) of the Hartlepool Local Plan, the Council's adopted New Dwellings Outside of Development Limits SPD (2015), Policy H4 (Housing in the Countryside) of the Rural Neighbourhood Plan, and paragraph 79 of the NPPF, are relevant.

3.25 An objection has been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the proposed dwelling being located beyond the development limits of both the Hartlepool Local Plan (in the Strategic Gap) and that of the Hartlepool Rural Neighbourhood Plan (in the Green Gaps) and the Group consider that there are no exceptional circumstances to justify the dwelling.

3.26 The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting development that is to serve the rural area (i.e. by providing for agriculture and rural tourism) through the above identified policies of the Local Plan (and referenced SPD) and those of the Neighbourhood Rural Plan.

3.27 Whilst it is acknowledged that the site lies outside the defined limits for development (and within the identified strategic gap/green gaps) and does not meet the identified exceptions tests of the policies of the relevant Hartlepool Local Plan and Rural Neighbourhood Plan policies, of important consideration in this instance is the extant planning permission on the site for a single dwelling which was approved by the Planning Committee (contrary to officer recommendation) in outline on the 7th September 2017 (H/2017/0174). The associated reserved matters application (valid the 29th April 2021) has been received (H/2021/0200) and is currently pending consideration for the appearance, landscaping, layout and scale.

3.28 This extant outline permission is therefore a material planning consideration and is considered to hold considerable weight in the consideration of the current application, a view supported by the Council's Principal Property Planning and Commercial Solicitor. Given that there is therefore a strong 'fall-back' position of the extant planning permission for a single dwelling on the site (and a realistic proposition that this would be implemented, subject to the consideration and determination of pending application H/2021/0200, and compliance with any relevant planning conditions), it is considered that the principle of residential development on this site (for 1no. dwelling) is therefore accepted in this instance.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

3.29 The site currently has a stable block which is set back from the road and is partially screened by existing trees and hedges (the trees along the southern boundary are within highway land). The proposed site differs in character from the adjoining fields and open countryside, being that it is a relatively small contained parcel of land which does not possess the same open characteristics as the immediate adjoining countryside. It is considered that the site acts as a 'green buffer' at the entrance to the village and features a modest stable block that is not uncommon in such a rural location.

3.30 Supporting documents state that the dwelling has been designed to reflect many features of the properties within the village of Hart, and would be in keeping with the immediate surrounding area. The siting of the dwelling has changed since the outline dwelling was approved (the application was accompanied by an indicative design). The property has been rotated 180 degrees, which allows for the side elevation aspect of the property to be along the site from east to west creating a buffer to the A179, which in turn gives greater separation from the dwellings on the adjacent development site. This change in position creates a form of courtyard area, which echoes the feel of a traditional farmstead, which is consistent with a rural property. It is considered on that the proposal would not be out of character with the immediate area of Hart Village.

3.31 In this instance, it is recognised that the dwelling is located within fairly close proximity to the village envelope of Hart and due to it being partially screened from the A179, it is considered that the proposal would not result in a significant detrimental impact on the surrounding area or the landscape to warrant a refusal of the application. As detailed above, the site benefits from an extant planning permission for a single storey bungalow (to which the proposal would be sited on a similar footprint to the extant outline permission, albeit the proposed dwelling is sited

on a west-east facing axis as opposed to a south-north facing axis) and this therefore represents a ‘fall back’ position of the similar resultant visual impacts from siting a dwelling in this location.

3.32 The site is partially screened by existing hedging and trees that will require some enhancement, which has been indicated within the supporting statements and the final scheme can be secured by an appropriate planning condition. Appropriate planning conditions can be secured to ensure the implementation of the hard and soft landscaping, external finishing materials and means of enclosure. Whilst the site is accompanied by a proposed site sections drawing, details of the existing and proposed site levels will need to be secured by a further planning condition.

3.33 The Council’s Planning Policy section has commented that they consider the proposed dwelling to be of a design that is in accordance with both the Rural Neighbourhood Plan policies GEN1 and GEN2, and Policy RUR1 of the Hartlepool Local Plan. As detailed above it is considered that the design of the dwelling reinforces the character of the rural area including the intended external finishing materials.

3.34 In view of the above including the aforementioned ‘fall back’ position, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area (the designated ‘Strategic Gap’ and the Green Gaps’ of the Local Plan and Rural Neighbourhood Plan respectively), subject to the abovementioned condition(s), and would be in general accordance with the relevant identified policies of the development plan, Rural Neighbourhood Plan and the relevant paragraphs of the NPPF.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

3.35 Paragraph 127 of the NPPF requires that planning decision should ensure that developments create places with a high standard of amenity for existing and future users.

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

3.37 As above, Policy QP4 also stipulates that, to ensure the privacy of residents and visitors is not significantly negatively impacted in new housing development, the Borough Council seeks to ensure adequate space is provided between houses. The above requirements are reiterated in the Council’s adopted Residential Design SPD (2019).

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

Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.

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

3.39 The proposed dwelling sits within the site, with a blank gable facing onto the northern boundary, beyond which is the new development site which is currently under construction (land to the rear of Millbank Close). There are three properties within this development that would primarily look onto the application site. At the time of writing, it is understood that two of the dwellings are complete (with one occupied, one vacant) and the third plot is undeveloped. There is a separation distance of approximately 20m from the blank gable elevation (north) of the proposed dwelling to the front/ principal elevations of these properties opposite with no direct views/oblique separation distances from the windows in the front (west) and rear (east) elevations of the proposal towards windows in the principal elevations of the dwellings to the north. It is noted that the site is also separated by adopted highway and the site will be partially screened by trees/bushes along this boundary.

3.40 The proposed separation distances as set out above are therefore considered to be acceptable and in accordance with the minimum separation distance requirements as set out in Policy QP4 of the Local Plan and the Residential Design SPD. In view of the satisfactory separation distances and existing and proposed boundary screening, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the north-east/east in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

3.41 The properties to the northwest within Milbank Close are set in excess of approximately 35m away and at an oblique relationship, with no direct views from the proposal towards these properties. It is therefore considered that the proposal would not have a significant detrimental impact on the privacy or amenity of these neighbouring properties on Milbank Close in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

3.42 It is acknowledged that the proposal is likely to result in an intensification and increase in activity at the existing (and proposed) site entrance, however given the scale of the development and remaining separation distances, it is not considered that the proposals would result in an adverse loss of amenity in terms of noise disturbance for surrounding properties. Furthermore, no objections or requirements have been received by HBC Public Protection.

3.43 There are no residential properties or sensitive land users to the rear/east of the site or to the south with a satisfactory separation distance in excess of 85m (approximately) to the nearest properties to the west of the site (on the land to the rear of the Raby Arms).

3.44 It is noted that the proposal includes a detached garage with storage above and it would be prudent to remove permitted development rights for any future extensions, alterations or for any other purposes.

3.45 The proposed dwelling would be served by a generous amount of amenity space with the proposal including the provision of an acoustic fence along part of the southern boundary. In view of the above considerations, it is considered that the proposal would achieve a satisfactory level of amenity and privacy for future occupiers of the dwelling and for surrounding properties.

HIGHWAY AND PEDESTRIAN SAFETY

3.46 The Council's Traffic and Transport section have confirmed that they have no objection to the proposal and are satisfied with the proposed layout and parking arrangements. As such, the application is considered to be acceptable in this respect.

FLOOD RISK AND DRAINAGE

3.47 The application site is located within Flood Zone 1 (low probability of flooding), with respect to rivers and the sea, and is at very low risk of surface water flooding, as shown on the Government's flood maps.

3.48 The Council's Flood Risk Officer has been consulted and has advised that he has no objection to the proposals in respect of surface water management however has requested that the final surface water drainage proposals are secured by virtue of a planning condition, and this is recommended accordingly.

3.49 It is also expected that permeable surfacing will be employed for hardstanding areas where possible, which can provide additional attenuation storage. Final details of hard surfaces can be secured by virtue of a further planning condition, with the submitted details to be agreed in consultation with the Council's Flood Risk Officer.

3.50 The Council's Flood Risk Officer has also provided advice in respect to the applicant's preliminary drainage connections (that would run under the adjacent highway). This advice has been relayed to the applicant and can be secured by an informative (it would need to be addressed through separate legislation to planning).

3.51 Further to the original submitted details, the applicant has since confirmed that foul drainage would be connected to Northumbrian Water's infrastructure. In response, Northumbrian water has also been consulted and has advised that they have no comments to make (the matter would need to be agreed through Building Regulations).

3.52 Subject to the above identified planning condition(s), the proposal is considered to be acceptable in this respect of drainage matters.

OTHER PLANNING MATTERS

Energy Efficiency

3.53 Policy QP7 of the Hartlepool Local Plan requires all development in the borough to be energy efficient. Supporting documentation indicates that the building has been designed to be energy efficient to achieve 10% above what is required by

Building Control. Notwithstanding this, a planning condition is recommended to secure details and implementation of this requirement in the interests of sustainable development.

Heritage and Archaeology

3.54 The Council's Heritage and Countryside Manager has raised no objections to the proposal, confirming that the proposal will not result in an adverse impact on designated heritage assets.

3.55 The site is identified as having archaeology interest. Whilst there are no objections from Tees Archaeology, they have requested an archaeological watching brief condition (as per a condition of the extant outline planning permission on the site). This can be secured accordingly. The proposal is considered to be acceptable in this regard.

Ecology, Landscaping and Nature Conservation

3.56 The Council's Arboricultural Officer has visited the site and confirmed that there are no Tree Preservation Orders or Conservation Area constraints to the trees on the site. An Arboricultural Impact Assessment (AIA) including a tree survey to support the application has been submitted, which highlights that the site boundary is overgrown in a natural manner, contributing to overcrowding. The AIA confirms that there will be minimal tree removal from the site (albeit works are required to a number of trees), with a scheme for the protection of identified existing trees during construction. The requirement for tree protection during construction (as per the agreed, submitted details) and the scheme for the hedge gapping up can be secured by appropriate planning conditions. The proposal is considered to be acceptable in this regard, a view supported by both the Council's Arboricultural Officer, and Ecologist.

3.57 In line with the NPPF and identified Local Plan Policies, the applicant has provided detailed information within the Planning Statement with regard to ecology and biodiversity enhancement. The scheme includes the provision of biodiversity enhancement in the form of a sparrow terrace next box (which the Council's Ecologist has confirmed as being required). The Council's Ecologist has also requested that 2 of the planning conditions (no's 5 and 10) of the extant outline permission be applied to this application; these relate to tree protection and a restriction on site clearance to a specific timescale (outside the bird breeding season) and these are secured accordingly. Subject to this, the Council's Ecologist has confirmed that the proposals will avoid significant ecological harm and will provide an ecological enhancement proportional to the scale of the proposals and therefore raises no objections.

3.58 In view of the above and subject to the identified conditions, the application is considered to be acceptable with respect to the impact on ecology, landscaping and nature conservation, and in accordance with the relevant policies of the Local Plan and the relevant paragraphs of the NPPF.

Land Contamination

3.59 The Council's Flood Risk Officer has been consulted and has not raised any concerns with respect to land contamination subject to an unexpected contaminated land condition and this is recommended accordingly.

Demolition

3.60 The Council's Flood Risk Officer has provided advice regarding the potential requirement for a Section 80 Notice which can be secured by an informative (should the planning application be approved, the demolition would benefit from the same permission in planning terms).

EQUALITY AND DIVERSITY CONSIDERATIONS

3.61 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.62 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.

3.63 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
TCP_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS_AIA Kirkefield Stables V1), received by the Local Planning Authority on the 26th October 2020; and
RES781-BHA-XX-ZZ-DR-A-0501 Rev PO3 (Location Plan),
RES781-BHA-XX-ZZ-DR-A-1205 Rev PO4 (Proposed Site Plan),
RES781-BHA-XX-ZZ-DR-A-1410 Rev PO1 (Proposed Site Boundary Treatments); and
RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021; and
RES781-BHA-XX-ZZ-DR-A-1501 Rev P10 (Proposed Building Plans),

RES781-BHA-XX-ZZ-DR-A-1601 Rev PO8 (Proposed Building Elevations), received by the Local Planning Authority on the 7th June 2021.

For the avoidance of doubt.

3. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and the visual amenity of the surrounding area, in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information, development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development 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 surface water flooding from any sources in accordance with the NPPF.
5. No 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.
6. 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. 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.
7. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting TCP_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree

Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS_AIA Kirkefield Stables V1), both date received by the Local Planning Authority on the 26th October 2020, unless a variation to the scheme is agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any 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 trees, hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

8. 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.
9. Notwithstanding the submitted details, and prior to commencement of works above ground level on site, a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be in accordance with the following plans and details; TCP_TPP01 (Tree Constraints & Tree Protection Plan by 'We Care Tree Care') and Tree Survey and Arboricultural Impact Assessment 'Kirkefield Stables, Hart, Hartlepool' (TS_AIA Kirkefield Stables V1), received by the Local Planning Authority on the 26th October 2020 and RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021 including full details of the hedge gapping up (as detailed in paragraphs 5.9 and 5.10 of the submitted Planning Statement, date received by the Local Planning Authority 26th October 2020) unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning

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

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 170 of the NPPF.

10. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours and finishes. The scheme shall be in general conformity with plan RES781-BHA-XX-ZZ-DR-A-1401 Rev PO4 (Proposed Landscape/External Materials Plan), received by the Local Planning Authority on the 17th February 2021. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. The agreed scheme shall be implemented prior to occupation of the dwelling.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

11. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. The scheme shall be in general conformity with plan RES781-BHA-XX-ZZ-DR-A-1410 Rev PO1 (Proposed Site Boundary Treatments), received by the Local Planning Authority on the 17th February 2021, including the provision of a 1.8m high acoustic fence along the southern boundary. Thereafter the development shall be carried out in accordance with the approved details and prior to the occupation of the dwellings.

In the interests of visual amenity.

12. Prior to above ground construction of the development hereby approved, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

13. Notwithstanding the submitted information and prior to the commencement of works above ground level on site, full details of a minimum of 1no. Sparrow Terrace Nesting box to be installed on the dwelling hereby approved, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bird features have been installed. The

Sparrow Terrace Nesting box shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.

14. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
15. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed.
In the interests of highway safety and to ensure a satisfactory form of development.
16. 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 and detached garage hereby approved shall not be converted or extended, in any way, and no garage (other than hereby approved) 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 visual amenity.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (other than those agreed by condition 11), shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of future occupiers and to safeguard the visual amenity of the development, the character of the surrounding area and the setting of the adjacent conservation area.
18. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
To control the development.
19. No construction works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
20. The 1no. dwelling hereby approved shall be used as a C3 dwellinghouse and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140998>

3.66 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

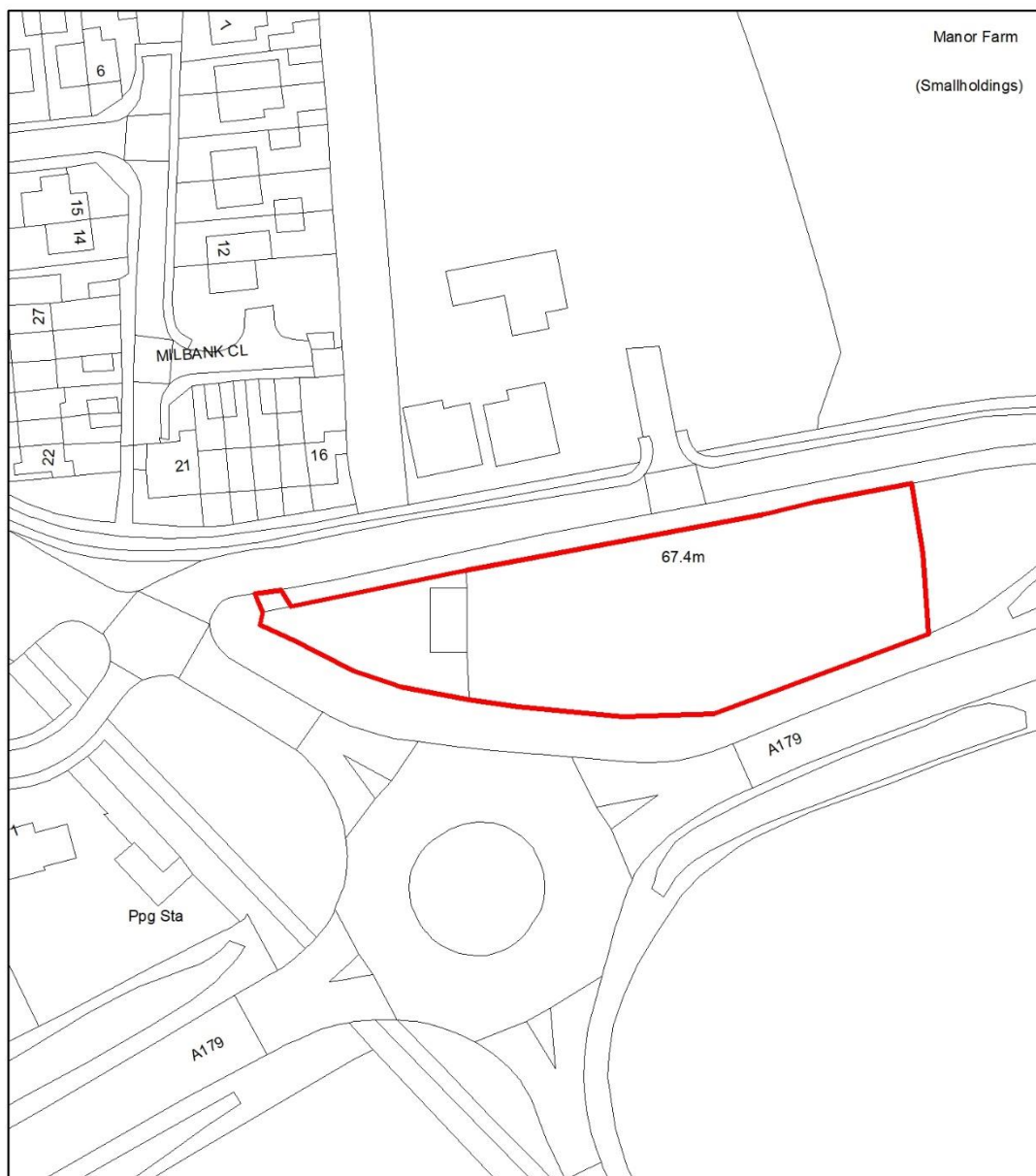
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Kirkefields Stables, land adjacent to Millbank Close, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 08.06.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0384	REV

No: 4.
Number: H/2020/0379
Applicant: MR TARIQ ZIA GRANGE ROAD HARTLEPOOL TS26 8JF
Agent: MR TARIQ ZIA 58 GRANGE ROAD HARTLEPOOL TS26 8JF
Date valid: 22/03/2021
Development: Part retrospective application for painting of front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and proposed replacement of timber ground floor bay window with uPVC bay window.
Location: 58 GRANGE ROAD HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The current application is before Members following an investigation into a complaint received in July 2020 regarding the unauthorised painting of the external fascia of the property (58 Grange Road). Following a request for the requisite planning application, the owner/occupier finally submitted the current application (valid on 22/03/2021) to include the retrospective painting of the front of the property, the retrospective installation of 3no. uPVC windows at first floor and 1no. uPVC window at second floor of the front elevation, together with other proposed elements as detailed below, including the proposed replacement of the timber bay window in the ground floor of the front elevation, and the proposed erection of a privacy screen and proposed installation of a security camera on the front elevation of the host property.

4.3 It should be noted that when the application was first submitted, a limited amount of detail was provided in respect of the proposed 'privacy screens' (the actual positioning of them, despite the application form indicating that they will be positioned to the front and rear) and proposed installation of CCTV (again, the actual siting), the application was accepted as being valid in order to expedite consideration of the retrospective elements (namely the painting of the front elevation and the

replacement of windows) and in order to address the breach of planning control resulting from these elements. Further plans were received by the Local Planning Authority on 08/06/2021 to detail the specific siting of these elements, and a re-consultation has been undertaken, to which Members will be verbally updated on the day should there be any additional representations received in respect of these additional plans.

4.4 There are no relevant planning applications.

PROPOSAL

4.5 Planning permission is sought through this application for the retrospective painting of the front elevation, the retrospective replacement of 3no. windows at first floor level and 1no. window at second floor level of the front elevation with uPVC windows. The application also seeks permission for the proposed replacement of 1no. timber bay window at ground floor level in the front elevation with a uPVC bay window.

4.6 The retrospective element of the painting of the front of the building includes the application of a 'dark grey' paint finish to the original brickwork on the front elevation, with the decorative corbels, headers and cills, barge boards and door arch painted white. The retrospective installation of 3no. uPVC windows at first floor level and 1no. uPVC window at second floor level in the front elevation of the host property consist of the replacement of the previous windows and are understood to be of the same scale and opening mechanism. Although the supporting Heritage Statement indicates that the 4no. upper floor windows were formerly sliding sash windows (and this is understood to have been the case at the time of the designation of the Conservation Area in September 2004), it is understood from Google street view images that white uPVC bottom hung windows have been in situ at the host property since July 2009 (the oldest Google street view image available) and that the recent works appear to have replaced these on a like for like basis. In terms of the replacement of the original timber sliding sash windows, there is no known planning permission for such works, which would have been unauthorised.

4.7 The proposed replacement bay window at ground floor of the front elevation of the host property would replace an existing traditional timber bay window with uPVC windows to comprise the replacement of the fixed central pane and the replacement of the slide top hung windows at each side in windows in a uPVC material.

4.8 The application also seeks permission for the proposed erection of a privacy fence (comprising of a close boarded timber fencing) to the front and rear, and the proposed installation of a security camera to the front and rear. The amended block plan/details and supporting document received 08/06/2021 indicates that the proposed fence (with a height of approximately 1.6m) would be sited along the side/front boundaries between the host property and No. 56 to the east, and to No. 60 to the west with the low front boundary wall with hedge planting above retained as existing to the south (adjacent to the footpath). A 'backyard panel' (with a height of approximately 2.2m) would be sited along the rear boundary of the property (enclosing the rear yard) and it is understood that it would replace an existing

fence/boundary treatment of the same height. The application proposes the fencing be finished in a 'natural' colour.

4.9 With respect to the proposed installation of the security camera/CCTV, the submitted details consist of a technical specification for a dome camera which is predominantly white (with a black inner lens) and would measure approximately 10cm in diameter, and project from the front elevation of the host property by approximately 10cm. Following a request by the case officer to confirm the siting, the applicant's agent has submitted an updated front elevation drawing to indicate that the proposed CCTV camera (to the front) would be positioned approximately 3.4m above the ground level, adjacent to the top of the ground floor bay window serving the host property. The submitted details indicate that the proposed CCTV to the rear would be positioned adjacent to the first floor window (although no scale drawings have been provided). It is of note that permitted development rights (Minor Operations) permit for the provision of CCTV, subject to certain criteria being met (including a minimum height of 2.5m above the ground level). It is of note that the Article 4 direction pertaining to the Grange Conservation Area does not remove permitted development rights under Schedule 2, Part 2, Class F (Minor Operations) and therefore it is considered that this element of the installation of a CCTV camera to the front and rear is likely to benefit from permitted development rights and not require planning permission.

4.10 The application has been referred to Planning Committee due to the retrospective nature of the development and officer recommendation, in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.11 The application site relates to 58 Grange Road, which is a traditional mid-terrace two storey property (with living accommodation in the loft space) constructed from stone coloured 'Pease' brick, located on the northern side of Grange Road. The site is within the Grange Conservation Area and covered by an Article 4 Direction, which removes permitted development rights to alter or extend properties. The property is adjoined by No. 56 Grange Road to the east and No. 60 Grange Road to the west with Nos. 51 and 53 Grange Road beyond the highway to the front (south) and Nos. 119 and 121 Milton Road (beyond an alleyway) to the rear (north).

PUBLICITY

4.12 The application has been advertised by way of neighbour letters (6), press notice and site advert. To date, there has been one objection received from the occupant of a neighbouring property.

4.13 The concerns raised can be summarised as follows:

- Painted front elevation looks out of place in street scene
- uPVC material not acceptable

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140860>

4.15 As detailed above, consultation of the amended plans and additional information (received 08/06/21) has been issued (allowing a further 10 days) and therefore the period for publicity has not expired at the time of writing. Following the expiry of this publicity, Members will be verbally updated in respect of any further representations at the committee meeting.

CONSULTATIONS

4.16 The following consultation replies have been received:

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

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

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

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

The proposal is for the retrospective painting of front facade, erection of boundary treatment and installation of security lighting and cameras, replacement of timber windows in the front elevation with uPVC windows, and proposed replacement of timber ground floor bay window with uPVC bay window.

Taking each element in turn, with regard to the painting of the front elevation. The Grange Conservation Area Appraisal notes that, “Most buildings have a similar presence on the street, creating a discreet, respectful, suburban balance, right from

the earliest nineteenth century development up to the late twentieth century.” It goes on to note that, “broad uniformity is a big part of the area’s significance.” Houses on Grange Road reflect these characteristics in that a shared pallet of materials is used, in this particular case Pease brick, slate roofs, and timber windows and doors. Painting the front elevation of the property removes one of the main common elements linking these dwellings. The choice of colours is particularly jarring sandwiched between the pale coloured bricks, distinctive in this part of the conservation area.

Timber windows contribute the character of the conservation area. In particular the Grange Conservation Area Character Appraisal states; “windows are key features in the architecture of the area used to enliven elevations.” It goes on to note that, “Bay windows are a prominent feature within the area, enlivening elevations and highlighting windows as features.” Further to this it states, “Traditional Victorian, windows are double-hung vertical sliding timber sashes, and this type of window dominates the area. Glazing bar subdivisions are not common...Indeed, the high number of ground floor bay windows that have fixed central windows comprising one large pane of glass may stem from developers wishing to impress potential buyers with the latest fashion.”

In relation to replacement windows it states that, “Many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area’s detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area.

UPVC windows have been installed to the upper floors of the property and the proposal is to replace the timber windows to the ground floor with windows of a similar design. Photographic evidence suggests that when the conservation area was designated the house had timber sash windows to the upper floors and at some point these have been altered without the benefit of consent.

The windows which are proposed do not reflect the characteristics of a timber sliding sash window. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

The width, bulk of the framing and opening mechanisms of the windows are unacceptable. The appearance of the windows that have been installed is vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than project as with the existing windows.

Finally a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike

the putty beads and tenoned corner joints of a timber 3 window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

Whilst information is provided on the proposed CCTV and timber privacy panel it is not clear where these will be located on the house. It is considered that the works that are completed and proposed, namely the replacement windows and painting of the front elevation cause less than significant harm to the conservation area. No information has been provided to demonstrate that the harm would be outweighed by the public benefits of the proposal.

HBC Building Control – No comments received.

HBC Landscape Architect – No comments received.

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

Civic Society – No comments received.

PLANNING POLICY

4.17 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

4.18 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

SUS1: The Presumption in Favour of Sustainable Development

HSG11: Extensions and alterations to Existing Dwellings

National Planning Policy Framework (NPPF) 2019

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

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 124: Achieving well-designed places

PARA 127: Achieving well-designed places

PARA 185: Conserving and enhancing the historic environment

PARA 189: Proposals affecting heritage assets

PARA 192: Proposals affecting heritage assets

PARA 196: Considering potential impacts

PARA 202: Considering potential impacts

4.20 HBC Planning Policy comments - Planning policy have concerns with regards to the development which has taken place at 58 Grange Road. The site is located within the Grange conservation area, which is therefore a designated heritage asset, and policy HE3 must be complied with. This policy seeks to ensure that all development within conservation areas should give regard to:

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

4.21 There are concerns which have been raised by the Council's Heritage and Countryside manager regarding the appropriateness of specific materials and elements of the work which has already been completed, namely the painting of the front elevation and the replacement windows. The introduction of non-traditional design elements into this area has resulted in a dwelling which has lost its significant architectural interest and the materials, design etc. that have been used do not match with surrounding properties. As a result of this, it is considered that the impact of these works have resulted in less than significant harm towards the conservation area, and thus the works are not compliant with policy HE3 nor national guidance, which seeks to avoid less than significant harm to the conservation area unless there are significant public benefits to the works which outweigh the harm. The applicant has not put forward any robust justification for the benefits of the works and thus the proposal is not considered acceptable.

PLANNING CONSIDERATIONS

4.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2019) including the impact on the character and appearance of the existing building and surrounding area (including the conservation

area) and the impact on the amenity and privacy of neighbouring properties. These and any other matters are detailed below.

VISUAL AMENITY AND CHARACTER OF SURROUNDING CONSERVATION AREA

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

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

4.25 The National Planning Policy Framework (NPPF) (2019) 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).

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

4.27 In terms of the application of a ‘dark grey’ painted finish to the front elevation of the host property and the detailing painted white, it is of note that the majority of properties along this immediate section of Grange Road, including those at either side of the host property (Nos. 56 and 60 respectively) are finished in the original Pease brick material, which is considered to be distinctive within the conservation area and to contribute to the uniform and cohesive character of the street scene. It is therefore considered that the application of the ‘dark grey’ paint colour to the front of the host property, sandwiched between the pale coloured bricks, results in an incongruous appearance on the host property and within the street scene and ultimately to the detriment of the character and appearance of the conservation area. The Council’s Heritage and Countryside Manager considers that such works would harm the significance of the conservation area, by virtue of introducing a material which is alien to the area altering the appearance of the host property and that there are no clear and identified public benefits that would outweigh this harm.

4.28 The Hartlepool Local Plan (2018) policy HE3, criterion 3 encourages the retention of the historic fabric and the original features of special architectural interest in conservation areas. uPVC is therefore considered to be an alien material to historic properties and areas, that cannot match timber in terms of detailing and authenticity.

4.29 In terms of the proposed replacement of the bay window at ground floor level of the front elevation with uPVC windows and the retrospective upper floor windows in uPVC, the Council's Heritage and Countryside Manager has confirmed that the Grange Conservation Area Character Appraisal notes that historic timber windows are vital to the area's detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area.

4.30 Furthermore, details are rarely produced to the same fine dimensions and finish as could be achieved with timber; and the glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows. For example, the shiny uPVC material often looks incongruous within historic elevations, compared to the natural beauty and historic accuracy of timber. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

4.31 Further to this, uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. It is these small but significant details that contribute to the special character of a timber sash window insert and thus to the appearance of a conservation area.

4.32 The Council's Heritage and Countryside Manager has commented that photographic evidence suggests that when the conservation area was designated (in 2004) the house had timber sash windows to the upper floors and at some point the first and second floor windows have been altered with uPVC windows and without the benefit of planning permission (and therefore was unauthorised).

4.33 In view of the above, the Council's Heritage and Countryside Manager considers that the retrospective installation of the uPVC windows at first and second floor level, and the proposed replacement of the timber bay window with uPVC material results in a less than substantial harm to the significance of the Grange Conservation Area. Furthermore, insufficient justification to demonstrate the public benefits of the proposal that would outweigh the identified harm have been received.

4.34 In terms of the proposed erection of 'privacy screens' to the front of the host property (running along both boundaries with adjoining neighbours at Nos. 56 and 60), it is noted that this section of Grange Road features properties that primarily comprise low level brick walls, some topped with landscaping. It is therefore considered that the erection of boundary fences with a height of approximately 1.6m would result in a prominent and incongruous feature to the detriment of the character and appearance of the conservation area and visual amenity of the area.

4.35 With respect to the siting of the fencing to the rear, it is of note that the rear of the host property is served by a single storey off-shoot extension on the eastern side, with a back yard to the western side. The boundary treatment between the back yard and rear lane serving Grange Road and Milton Road is currently understood to comprise a fence with a height of approximately 2.2m. It is considered that the erection of a replacement boundary fencing (with an indicated height to match the existing fence) at the boundary of the rear yard area of the host property would be unlikely to worsen the visual amenity of the surrounding area, however final details could have been secured by a planning condition, had the application been considered acceptable in all respects.

4.36 In terms of the proposed installation of a security camera, as noted above, the applicant has submitted an amended plan to indicate where on the front elevation of the host building this would be situated, and the camera to the rear would be positioned adjacent to the first floor level. Notwithstanding this, taking into account the likely 'fall-back position' of permitted development, it is considered that this element of the application is unlikely to result in a significant adverse impact on the character and appearance of the host property or street scene (including the significance of the designated heritage asset) as to warrant a further reason to refuse the application in this instance. The final details could have been secured by a planning condition, had the application been considered acceptable in all respects.

4.37 In the case where harm is identified on a designated heritage asset, public benefits must demonstrably outweigh the harm. As part of the justification submitted for the current application, the applicant has submitted a Heritage Statement with supplementary justification for the use of finishing materials for the front elevation of the property. In this document, the applicant has commented that the former façade to the host property was in a state of disrepair, which left it vulnerable to inclement weather conditions and this was therefore on advice from a builder that the applicant painted the elevation.

4.38 It must be stressed that the benchmark for public benefits to outweigh an identified harm to a heritage asset is considered to be a high one. In this instance, the Council's Heritage and Countryside Manager has concluded that the identified harm to the designated heritage asset is not outweighed by any identified public benefits.

4.39 In light of the above, it is considered the development is contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the NPPF (2019). As such, this would warrant a refusal of the application.

AMENITY OF NEIGHBOURING LAND USERS

4.40 It is not considered that the retrospective painting of the front elevation, the retrospective and proposed replacement of timber windows with uPVC windows, or the installation of a security camera would result in any detrimental impact on the amenity or privacy of any neighbouring property, given that these elements of the proposal do not intend to introduce any additional window openings or extend the

footprint of the property or reduce the existing separation distances and relationships between the application property windows/doors and distances/relationships to neighbouring properties.

4.41 In terms of the proposed erection of a 'privacy screen' boundary fence, the erection of fencing to the front of the host property that would run along the boundaries with both adjoining neighbours at Nos. 56 and 60 Grange Road, would be at a distance of approximately 1m from the ground floor bay window in No. 56 and approximately 70cm from the ground floor bay window in No. 60. A separation distance of approximately 15m would remain to the front elevations of neighbours to the front (south, beyond the main highway of Grange Road), at 53-57 (odds). It is noted that the applicant, in the supporting information, indicates that the boundary treatment, particularly along the boundary between the host property and No. 56, includes landscaping with a height of approximately 1.7m. However, it is considered that a boundary fence with a height of approximately 1.6m would result in a degree of overshadowing, overbearing impression and poor outlook for the bay windows identified in the ground floor of Nos. 56 and 60, and that resulting impact on the amenity of these neighbours would be so significant as to warrant a refusal of the application. In terms of the proposed CCTV, given the modest scale of these elements and the aforementioned 'fall back' position that such works are likely to constitute permitted development, it is unlikely that they would result in an adverse loss of amenity for neighbouring land users. In terms of privacy, the installation, operation, and management of a CCTV system falls outside of planning legislation and to which the applicant would need comply with relevant safeguarding and data protection procedures.

OTHER PLANNING MATTERS

4.42 The Council's Traffic and Transport section have been consulted in respect of the application and have confirmed there are no objections in respect of the application.

CONCLUSION

4.43 On balance, it is considered that the painting of the front of the property in a 'dark grey' finish, as well as the retrospective and proposed replacement of 4no. windows and 1no. bay window to the front elevation would result in less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design (in terms of the windows) and use of materials (painting and uPVC windows) which is incongruous on the property and conservation area. 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 Grange Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

4.44 In terms of the proposed erection of a 'privacy screen' boundary fence to the front, it is considered that the proposed scale and siting of the element of the proposal to the front of the host property would result in an incongruous element on

the host property and conservation area, and a potential adverse impact on the amenity of adjoining properties at No. 56 and 60. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development is contrary to policies HE1, HE3, HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 124 and 127, 182, 194 and 200 of the NPPF (2019).

EQUALITY AND DIVERSITY CONSIDERATIONS

4.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, the retrospective painting of the front elevation of the building, replacement/installation of 4no. upper floor uPVC windows in the front elevation, and proposed replacement of 1no. ground floor timber bay window with uPVC material to the front elevation of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.
2. In the opinion of the Local Planning Authority, the erection of the fencing/privacy screens to the front of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design, scale and siting of the fencing. It is considered that the works would detract from the character and appearance of the designated heritage asset and the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is further considered that the proposed fencing would result in a potential adverse impact on the amenity of occupants of neighbouring properties at

Nos. 56 and 60 Grange Road in terms of overshadowing, overbearing impression and poor outlook. As such it is considered that the development is contrary to policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185, 190, 192, 193, 196 of the NPPF 2019.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140860>

4.50 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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58 Grange Road, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 08.06.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0379	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018

MINERALS & WASTE DPD 2011

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

23rd June 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT HARTLEPOOL COLLEGE OF FURTHER EDUCATION, STOCKTON STREET, HARTLEPOOL, TS24 7NT
APPEAL REF: APP/H0724/Z/21/3270282
The erection and display of a single, freestanding 48-sheet digital LED advertising unit (H/2020/0317)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the refusal of planning permission by Hartlepool Borough Council in respect of the above referenced advertisement display (Hartlepool College of Further Education) at Stockton Street, Hartlepool.
- 1.2 The appeal was dismissed on 4th June 2021. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

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4. AUTHOR

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The Planning Inspectorate

Appeal Decision

Site visit made on 17 May 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2021

Appeal Ref: APP/H0724/Z/21/3270282

Land at Stockton Street facing Andrew Street, Hartlepool TS24 7NT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Hartlepool College of Further Education against the decision of Hartlepool Borough Council.
- The application Ref H/2020/0317, dated 27 August 2020, was refused by notice dated 29 January 2021.
- The advertisement proposed is the erection and display of a single, freestanding 48-sheet digital LED advertising unit.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Background and Main Issue

3. The Council raise no objection to the proposal from a public safety point of view. Subject to the imposition of planning conditions, I have no reason to disagree with this view. Therefore, the main issue is the effect of the proposal on the amenity of the area.

Reasons

4. It is proposed to erect a free-standing digital advertising unit which would sit on a singular steel support around 2.5 metres in height above ground level. The advertisement itself would be about 3 metres high by 6 metres wide, would include LED illumination and would be positioned against a relatively sparse backdrop of trees between on the corner of a large carpark and facing toward the A689 (Stockton Road), a busy thoroughfare through the town centre.
5. The proposal would be highly visible from Stockton Road. Owing to its substantial scale, position, overall height and use of illuminated colours, the advertisement would have a dominating and intrusive impact when viewed from Stockton Road. I acknowledge the appellant's submissions that there are examples of similar advertisements around the North East, particularly in urban locations such as this appeal site. Nonetheless, I noted during my site visit that

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

Appeal Decision APP/H0724/Z/21/3270282

the area surrounding the appeal site has a distinct lack of large scale prominent advertisements. The advertisements that are visible are predominantly focal/gateway features or totem advertisements for local businesses which appear relatively discreet. In contrast, I consider that due to its scale and illumination, the proposed advertisement would be seen in stark contrast to the backdrop of the trees and the open carpark beyond and it would dominate this part of the street scene.

6. Consequently, I conclude that the proposed advertisement would cause significant harm to the amenity of the area. Therefore, it would not accord with Policies QP4 and QP8 of the Hartlepool Local Plan Document 2018 and chapter 12 of the National Planning Policy Framework 2019 which collectively seek to achieve high quality places.

Conclusion

7. For the reasons outlined above and taking into account all other matters raised I conclude the appeal should be dismissed.

J Hunter

INSPECTOR

PLANNING COMMITTEE

23rd June 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT LAND ADJACENT TO LYNN STREET,
HARTLEPOOL, TS24 7BY
APPEAL REF: APP/H0724/W/21/3273284
Prior notification for proposed telecommunication
installation of 20m phase 8 monopole C/W
wraparound cabinet at base and associated ancillary
works (H/2021/0079)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application to determine whether the prior approval of the local planning authority would be required as to the siting and appearance of a telecommunication installation of 20m high phase 8 monopole with wraparound cabinet at base and associated ancillary works at land adj. Lynn Street, Hartlepool.
- 1.2 It was determined that the prior approval of the local planning authority was required in this instance, however that prior approval was refused by Officers under delegated powers as, in the opinion of the local planning authority, due to its siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered to be unacceptable (Report Attached – **APPENDIX 1**).
- 1.3 The appeal is against the decision of the Council to refuse the application.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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Appendix 1

DELEGATED REPORT

Application No	H/2021/0079
Proposal	Prior notification for proposed telecommunication installation of 20m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
Location	TRAINING AND ENTERPRISE CENTRE LYNN STREET HARTLEPOOL

PS Code: 27

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	23/03/2021 09/04/2021 N/A 29/03/2021 11/04/2021 N/A
1) Publicity Expiry		
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by way of neighbour letters (7) and a site notice. To date, no representations have been received.</p>		
CONSULTATIONS		
<p>The following consultation responses were received;</p>		
<p>HBC Engineering – In response to your consultation on the above application, we have no objection to proposals in respect of surface water management or contaminated land.</p>		
<p>Cleveland Police – Police have no objections.</p>		
<p>HBC Regeneration – Objections. Would it be possible to site this down on Mainsforth Terrace rather than at the main entrance of the new and prestigious film studios? Better to get it right from the start.</p>		
<p>HBC Traffic & Transport – There are no highway or traffic concerns.</p>		
<p>HBC Property Services – No representation received.</p>		
<p>HBC Public Protection – Do not object</p>		
<p>HBC Landscape Architect – No representation received.</p>		

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

HBC Heritage and Countryside Manager – The proposal is not in close proximity to any heritage assets although it is noted that Church Street Conservation Area is approximately 100m away and the Market Hotel (Grade II Listed) is estimated to be 75m away. Whilst the Act requires regard to be had for the setting of such heritage assets the mast in this location would have very limited views from Church Street Conservation Area, similarly given the distance it isn't considered it would impact on the setting of the Market Hotel.

The Conservation Area is the subject of an investment project supported by the National Lottery Heritage Fund, this is part of a wider regeneration project within this part of the town known as the Innovation and Skills Quarter. Over the past few years Church Street has seen investment within the street itself and it is hoped that this will spread more widely within the vicinity of the area, a good example of this is the project supported by the Northern School of Art to convert the former bus sheds into film studios. It is considered that the location of such apparatus on this site would compromise the entrance to this prestigious development in having a negative impact on the street scene.

HBC Ecology – No representation received.

HBC Economic Development – No representation received.

3) Neighbour letters needed	N
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4) Parish letter needed	N
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5) Policy

National Planning Policy Framework (NPPF)(2019)

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

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

PARA 002: Permission determined in accordance with development plan
 PARA 007 : Achieving sustainable development
 PARA 008 :Achieving sustainable development
 PARA 009 :Achieving sustainable development
 PARA 010 : Achieving sustainable development
 PARA 011 :The presumption in favour of sustainable development
 PARA 012 ::The presumption in favour of sustainable development
 PARA038:Decision-Making
 PARA047: Determining Applications
 PARA 112 : Supporting high quality communications
 PARA113:Supporting high quality communications
 PARA115: Supporting high quality communications
 PARA124: Achieving well-designed places
 PARA127: Achieving well-designed places
 PARA 130 :Achieving well-designed places
 PARA 150 : Planning for Climate Change
 PARA212: Implementation

Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

INF5: Telecommunications

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

HBC Planning Policy comments - Planning policy have some concerns regarding the appearance and the positioning of the proposed mast. As the proposed location is predominantly commercial/industrial and there are not much in terms of residential development nearby, these concerns are lessened in regards to impact on neighbouring uses however it is considered that the proposed mast may impact upon the visual amenity of the area and the street scape.

Policy INF5 relates to telecommunications development and there are several points that must be met prior to the development being deemed acceptable:

1. Evidence that there will be no adverse impacts on air traffic operations, radio and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,

4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
5. The potential impact of new buildings or other structures interfering with telecommunications services,
6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Planning policy seek to focus on criteria 4 and 8, as it is deemed that the others will be covered in supporting documentation/the comments of other consultees. There are concerns that there haven't been any attempts made to minimise the impact of the equipment on the surrounding area, and there is no screening or landscaping proposed to assist in this. The relationship of the equipment to the existing street scene is not positive and does not enhance the setting in its current form as the proposed mast is significantly higher than nearby buildings and will stand out. There are other street furniture such as traffic lights etc. however these are not considered to have anywhere near the impact on visual amenity as a telecommunications pole would.

This is reinforced by policy QP4 which seeks to ensure all developments enhance their location and setting, through being of an appropriate layout, scale and form that positively contributes to the local area, and respects surrounding buildings, structures and the environment. It is not considered that the proposal does so and therefore is not compliant with INF5 nor QP4. Although the need for such development is noted, and the perceived benefits are acknowledged, planning policy suggest the applicant consider an alternative location which will have less impact upon the street scene. We would like reassurance from the Council's Landscape Architect regarding the impact of the proposal on the nearby area, and would support any concerns they raise.

6) Planning Consideration

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with this site, however the following planning permission are relevant to the adjoining site;

H/2018/0506 – Planning permission was granted on 8th March 2019 for change of use of former bus depot into film studio, workshops, storage space and cafe including internal and external improvement works, at Former Bus Depot, Lynn Street, Hartlepool.

H/2018/0507 – Planning permission was granted on 8th March 2019 for change of use of former commercial workshop to create teaching space facilities and

associated workshop area, including internal and external improvement works, at Former Edgar Phillips Building, Lynn Street, Hartlepool.

SITE AND SURROUNDINGS

The application site is a small rectangular parcel of land, currently part of the existing adopted footpath on Lynn Street, and measuring approximately 1.5m x 6.5m in area. The site is located immediately west of a large former bus depot building, which benefits from an extant planning permission (ref H/2018/0506) for change of use to a film studio and associated facilities, as set out above. To the west of the site is the adopted highway on Lynn Street, with two office buildings at Training and Enterprise House and Northgate House and their associated car parking areas beyond. The site sits within a widened section of footpath adjacent to the vehicular entrance to the adjacent depot site, and the site is bounded to the immediate south and east by an existing large brick wall measuring approximately 3 metres in height.

PROPOSAL

This prior notification submission seeks confirmation as to whether the prior approval of the authority will be required as to the siting and appearance of a telecommunication installation of 20m high phase 8 monopole with wraparound cabinet at base and associated ancillary works.

The submitted plans also show 3no. standalone cabinets to the north-west of the monopole, however the applicants supporting information indicates that they consider the cabinets to be permitted development without the need for Prior Approval. This has not been confirmed by the LPA (it would need to be done by a Lawful Development Certificate) and does not form part of the consideration of this application.

MATERIAL PLANNING CONSIDERATIONS

Schedule 2 Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits development by or on behalf of an electronic communications code operator for the purposes of the operator's electronic communications network in, on over or under land controlled by that operator or in accordance with the electronic communications code, including the installation, alteration or replacement of any electronic communications apparatus.

Development is not permitted if it would consist of the installation of electronic communications apparatus which, in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of 25 metres above ground level on unprotected land, or 20 metres above ground level on article 2(3) land or land which is on a highway.

In this instance, the proposed mast is located on a part of footpath within the adopted highway, however the height of the mast does not exceed 20 metres, and

therefore the mast is permitted development under Schedule 2 Part 16 Class A of the above legislation, subject to conditions.

The conditions to which the permitted development is subject, include a requirement under A.2(3)(c)(i) of the legislation that, on unprotected land where the development consists of the installation of a mast, this is subject to the conditions set out in paragraph A.3 (prior approval) of the legislation.

Paragraph A.3 of the legislation sets out a prior approval procedure, in which the applicant is required to satisfy a number of procedural matters, including; before beginning the development, applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

In accordance with paragraph 114 of the NPPF (2019), there are no spatial policies within the adopted Hartlepool Local Plan (2018) that would direct or restrict the provision of telecommunications in any areas of the Borough. However, policy INF5 (Telecommunications) of the Local Plan is relevant. Policy INF5 stipulates that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported, subject to the proposal addressing a number of criteria, including;

1. Evidence that there will be no adverse impacts on air traffic operations, radio and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,
4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
5. The potential impact of new buildings or other structures interfering with telecommunications services,
6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

It is considered that the supporting information provided with the application generally addresses criteria 1, 2, 5, and 7.

In respect of criterion 3 and 6, the LPA consider that the applicant has not fully engaged with the Council with respect to discussing possible, alternative sites, through pre-application discussions which have not taken place; a pre-application letter was submitted to the LPA on 11.02.2021 and within 2 working days was

followed by the submission of the current application (date received 15.02.2021) which clearly does not allow for proper or meaningful engagement.

Furthermore and in respect of criterion 3, the submitted information indicates that *“the height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage”*. Following concerns raised by the case officer to the current submission, the agent indicated that the mast/pole could be reduced by 5m to 15m, which would appear to strongly contradict the submitted statement about the ‘minimum capable’ choice of siting and appearance.

In view of the above, the main issues for consideration when assessing this application are the siting and appearance of the proposed development including; the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area (incl. conservation area), the amenity of neighbouring land users, and highway and pedestrian safety.

VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCL. CONSERVATION AREA)

As above, policy INF5 of the Local Plan requires that proposals have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment, as well as the relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Policy QP4 (Layout and Design of Development) of the Local Plan also stipulates that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, respects the surrounding buildings, structures and environment, and sustain and/or enhance the historic environment and heritage assets, amongst other provisions.

Paragraph 113 of the NPPF indicates that the use of existing masts, buildings and other structures for new electronic communications capabilities should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designs and camouflaged where appropriate. Paragraph 124 of the NPPF emphasises the importance of good design, whilst paragraph 127 indicates decisions should ensure development adds to the overall quality of the area, is visually attractive and is sympathetic to local character and history, including the surrounding built environment.

Notwithstanding this, whilst it is noted the site sits within a slightly wider section of footpath and is enclosed on 2 sides by a high brick wall, the proposal is still located in a prominent site within the adopted highway on Lynn Street, with no soft landscaping and limited screening given its size. Due to its significant height in comparison to surrounding buildings and structures, it is considered the mast will feature prominently in views along Lynn Street and from surrounding areas.

A number of concerns have been raised by consultees with respect to the visual impacts of the proposed development. The Council’s Planning Policy section has highlighted that there does not appear to have been any attempts made to minimise

the impact of the equipment on the surrounding area, and there is no screening or landscaping proposed to assist in this. It is therefore considered that the relationship of the equipment to the existing street scene is not positive and does not enhance the setting in its current form as the proposed mast is significantly higher than nearby buildings and will stand out. Whilst it is acknowledged there is other street furniture in the vicinity such as street lighting columns, traffic lights etc. these are not considered to be comparable in scale or visual impact to the proposed apparatus.

In addition, it is noted that the proposed mast is located within the Council's designated Innovation and Skills Quarter (Policy RC3 of the Local Plan), in which the Council seeks to support appropriate improvements to the public realm and an enhanced physical environment. Furthermore, the proposed mast is located immediately in front of, and adjacent to the entrance to, the site of a recently approved film studio (see above). Concerns with respect to the location of the mast in this location have been raised by the Council's Regeneration team who have objected and suggested further alternative locations should be considered. Similarly, the Council's Heritage and Countryside Manager has commented that, whilst the proposals are not considered to have a direct impact on the setting of adjacent heritage assets, the adjacent Church Street Conservation Area is the subject of an investment project supported by the National Lottery Heritage Fund, and this is part of a wider regeneration project within this part of the town known as the Innovation and Skills Quarter. Over the past few years Church Street has seen investment within the street itself and it is hoped that this will spread more widely within the vicinity of the area, a good example of this being the project supported by the Northern School of Art to convert the adjacent former bus sheds into film studios. It is considered that the location of such apparatus on this site would compromise the entrance to this prestigious development, having a negative impact on the street scene.

In view of the above concerns, whilst the need for such development is noted, and the perceived benefits are acknowledged, it is considered that the siting and appearance of the proposal in its current form would have an unacceptable impact on the character and appearance of surrounding area due to its siting and appearance, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered unacceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

The proposal is located immediately adjacent to the town centre at significant distance from the closest residential dwellings (in excess of 80 metres away), with the immediate area comprising predominantly commercial premises. It is therefore considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users through overshadowing, any overbearing effect, poor outlook or undue noise and disturbance.

The Council's Public Protection section has confirmed they have no objections to the proposal. The siting of the proposed development is therefore considered acceptable in this respect.

HIGHWAY AND PEDESTRIAN SAFETY

The application site is located within the adopted highway on Lynn Street. The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns. The siting of the proposed development is therefore considered acceptable in this respect.

OTHER MATTERS

No concerns or objections have been received from the Council's Engineering section, Property Services section, Ecologist or Countryside Access Officer, or Cleveland Police.

CONCLUSION

In view of the above, it is considered that the siting and appearance of the proposed development is unacceptable with respect to the impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The prior approval of the Local Planning Authority is therefore required and is refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Alternative Options Considered

No

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

N

12) Recommendation

Prior Approval Required and Refused for the following reason(s);

REASONS

1. In the opinion of the Local Planning Authority, due to its siting, appearance and scale, the proposed development would have a detrimental impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 113, 124 and 127 of the NPPF (2019). The siting and appearance of the proposed development is therefore considered to be unacceptable.

INFORMATIVE 01 - STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals,

issues raised, and representations received, acknowledges the need to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However it has not been possible to address the identified constraints and in this instance the applicant/ agent did not take the opportunity to enter into pre-application discussions with the Local Planning Authority.

Author of Report: Ryan Cowley

Signed: R. Cowley

Dated: 09.04.2021

Signed: DJAMES

Dated: 09.04.2021

Planning Team Leader DC

PLANNING COMMITTEE

23 June 2021



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of an outbuilding and fencing to the side, and alterations to the rear of a residential property in Lingdale Drive.
2. Waterlogging of gardens adjacent to a residential development site at land off Coniscliffe Road.
3. The installation of uPVC windows at the front of a residential property at The Cliff, Seaton Carew.
4. The erection of fencing and incorporation of land into residential garden at a residential property in Gatesgarth Close.
5. The extension of a garden into a public footpath at a residential property in Thetford Road.
6. The erection of a high fence at the rear of a residential property at The Spinney.
7. The conversion of a garage and running a furniture paint spraying business at a residential property in Whistlewood Close.
8. The change of use to a restaurant and hot food takeaway at a commercial premises at Church Street, Seaton Carew.
9. The erection of an outbuilding in the front garden of a residential property in Wynyard Road.
10. The erection of fencing at the front of commercial premises at Seaton Reach.

11. The erection of fencing on the side boundary at the front of a residential property in Coltsfoot Close.
12. Non-compliance with a condition requiring the reduction in height of a fence at the front of a residential property on Queensway, Greatham.
13. Commercial car repairs at residential garages on Wentworth Drive.
14. The erection of a high fence at a licensed premises on Front Street, Hart.
15. The painting of a front door at a residential property in Friar Terrace.
16. The erection of an outbuilding at the rear of a residential property in Hazelhen Close.
17. The erection of a high fence at the rear of a residential property in Bartram Court.
18. The erection of a flag pole on a listed residential property at Town Wall.
19. Change of use of residential property to large house in multiple occupation and running a car repair business at a residential property in Brunel Close.
20. The erection of a side extension and installation of roof lights at a residential property in Emerald Close.
21. The paving of a front garden at a residential property in Whistlewood Close.
22. The erection of an outbuilding in the rear garden of a residential property in Stockton Road.
23. The erection of an outbuilding in the rear garden of a residential property in Leven Grove.
24. Car repairs at a residential property in Brunel Close.
25. The installation of an air source heat pump at a residential property in Palace Row.
26. The re-laying of hard surfaces including the relocation of a car parking area and playground at a school on Hart Lane.
27. The erection of high fencing and incorporation of land at the rear of a residential property in Hart Lane.
28. The erection of an outbuilding in the rear garden of a residential property in Shields Terrace.
29. The erection of an outbuilding in the rear garden of a residential property in Oakwood Close.

30. Non-compliance with a condition restricting the use of a residential property in Blakelock Gardens.
31. The siting of a large chalet and two caravans on land at the rear of properties at The Front.
32. Non-compliance with a landscaping condition at a residential development site at land off Old Cemetery Road.
33. The replacement of iron railings with a timber fence at a residential property in Henry Smith Terrace.
34. The change of use to a homeless shelter of a residential property in St Aidans Street.
35. The erection of an extension at the front of a residential property in Mowbray Road.
36. Non-compliance with a condition requiring a scheme of investigation at a residential development site at land off Dalton Heights.

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

1. The installation of air source heat pumps not in accordance with the approved details at residential properties at Oval Grange. It was found that the air source heat pumps accord with the approved details.
2. The erection of site hoardings on land at Navigation Point. The site is subject to an ongoing approved development therefore permitted development rights apply in this case.
3. Alterations to a rear boundary fence to create a gated access at a residential property in Butterstone Avenue. Permitted development rights apply in this case.
4. Alterations to a rear boundary fence and wall to create a gated access at the rear of a residential property in Butterstone Avenue. Permitted development rights apply in this case.
5. The erection of a high fence on the side boundary at the front of a residential property in Wynyard Road. The height of the fence has since been reduced in order to comply with permitted development rights.
6. Non-compliance with a condition relating to the colour of the framework of advertising boards at a sports field on Rossmere Way. The colour of the framework is considered acceptable.
7. The installation of uPVC windows at the front of a residential property at The Front. Permitted development rights apply in this case.

8. The erection of a high fence on the side boundary at a residential property in Argyll Road. The height of the fence has since been reduced in order to comply with permitted development rights.
9. The erection of a high fence on the side boundary at the rear of a residential property in Clavering Road. A retrospective planning application seeking to regularise the development has since been approved.
10. The erection of a high fence at the rear of a residential property in Padstow Close. Permitted development rights apply in this case.
11. The erection of a raised platform at the rear of a residential property in Mountston Close. Permitted development rights apply in this case.
12. The erection of an outbuilding in the rear garden of a residential property in Park Road. It was found that no development had taken place.
13. Non-compliance with a condition relating to working hours at a residential development site on land at Hill View. The site is now operating in accordance with the relevant condition.
14. The erection of a warehouse building at a commercial premises at Oakesway Trading Estate. A retrospective planning application seeking to regularise the development has since been approved.
15. The erection of timber outbuildings within a bin store enclosure at The Maltings. The timber outbuildings have since been removed.
16. The erection of an outbuilding at a college on Stockton Street. A retrospective planning application seeking to regularise the development has since been approved.
17. The erection of a balcony at the rear of a residential property in Coppice Lane. The unauthorised balcony has since been removed.
18. Alterations to ground levels in the rear gardens of a residential property in Rains Avenue. There has been no breach of planning control in this instance as the works are not considered to constitute development.
19. The installation of uPVC windows and the change of use to residential at a former shop in Woodbine Terrace. A lawful development certificate has since been issued in respect of the change of use at the property. As a result of the lawful use of the property, then permitted development rights apply in relation to the installation of uPVC windows.
20. The erection of an extension at the rear of a residential property in Warkworth Drive. A retrospective planning application seeking to regularise the development has since been approved.

21. The untidy condition of a garages block at Haswell Avenue. It is considered that any enforcement action in relation to the appearance of the garages block is not justified in this instance.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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