

PLANNING COMMITTEE

AGENDA



Wednesday 22nd September 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 21st September 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 25th August 2021 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Place Management)*

1. H/2021/0143 1 Albion Terrace (page 1)
2. H2021/0226 Hartlepool Golf Club, Speeding Drive (page 13)

5. ITEMS FOR INFORMATION

5.1 Appeal at 28 Chichester Close – *Assistant Director, Place Management*

5.2 Update on Current Complaints – *Assistant Director, Place Management*

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.

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

No items

9. ITEMS FOR INFORMATION

9.1 Potential Enforcement (paras 5 and 6) – *Assistant Director, Place Management*

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

11. 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 20th October 2021



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th August 2021

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott, Tim Fleming, Brenda Harrison, Sue Little, Brenda Loynes, Dennis Loynes and Cameron Stokell

Also Present Councillors Jonathan Brash, Tom Feeney, Ged Hall and Shane Moore

Officers: Sarah Scarr, Coast Countryside and Heritage Manager
Sylvia Pinkney, Assistant Director (Regulatory Services)
Daniel James, Planning (DC) Team Leader
Peter Frost, Highways, Traffic and Transport Team Leader
Rosemary Banens, Archaeologist (Planning)
Stuart Edwards, Flood Risk Officer
Chris Scaife, Countryside Access Officer
Stephanie Bell, Planning Officer
Rebecca Cockburn, Planning Officer
Patrick Dewhirst, Graduate Planning Assistant
Alex Strickland, Legal Representative
Jo Stubbs, Democratic Services Officer

26. Apologies for Absence

None

27. Declarations of interest by members

Councillor Elliot declared a personal interest in item H/2021/0306 (29 Honiton Way) as being in her Ward.

Councillor Fleming declared a personal interest in item H/2021/0231 (4 Victoria Place) as being in her Ward.

Councillor Young declared an interest in H/2021/0156 (The Alma Hotel) as he had been lobbied on this matter.

28. Confirmation of the minutes of the meeting held on 14th July 2021

Minutes confirmed subject to clarification that Councillor Lindridge had declared an interest in planning application H/2020/0336 (High Tunstall College of Science as Chair of Children’s Services Committee).

29. Confirmation of the minutes of the meeting held on 28th July 2021

Minutes confirmed

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

Number: H/2021/0169

Applicant: MR IAN MCGREGORPATERSON SHINFIELD READING BERKSHIRE

Agent: MR MICHAEL KENT 22 WILTON AVENUE HARTLEPOOL

Date received: 22/04/2021

Development: Conversion of existing 3 storey house to 8no. room HMO (House in Multiple Occupation).

Location: 96 ELWICK ROAD HARTLEPOOL

An objector urged members to reject this application commenting that he would not want to live next door to the proposed development. He queried a number of assertions within the report and questioned why there had been no objections from consultees based on noise and traffic disturbance as this development would cause both. He also noted that there was a restrictive covenant on the property saying that no part of the purchased land could be used for any business which would cause nuisance or annoyance. However the Legal Representative advised that restrictive covenants were not a planning matter.

Councillor Brash, as Ward Councillor, reiterated the concerns around this application. He noted that the developer was not anticipating a large increase in car ownership as a result of this development, questioning how the developer could anticipate this. There were already traffic problems in the area which resulted in cars being displaced onto neighbouring streets and safety concerns around cars reversing onto Elwick Road. The application had also caused enormous fear among residents around the fear of crime and

anti-social behaviour and he urged members to take these concerns on board and back the local community by rejecting this application.

Members acknowledged and accepted the comments of Councillor Brash and the objector regards the lack of parking in an already busy area. While they acknowledged that restrictive covenants were not a planning matter they were an indicator of what was originally intended for the neighbourhood which was a planning matter. They felt that if this application was approved similar applications would come forward. They also noted the area was on a school route and this development could lead to over pollution in terms of adding to the number of vehicles already using it. Councillor Boddy moved that the application be rejected (against officer recommendation). This was seconded by Councillor Cook. The reasons for this being adverse impact on highway pedestrian safety, noise and disturbance, increased vehicle emissions, the setting of a precedent, ecological impact regards the removal of hedgerows and an increase in the fear of crime.

Members voted to refuse this application by a majority.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposal would result in an adverse impact on highway and pedestrian safety as a result of the proposed use, alterations to facilitate a vehicular access onto Elwick Road, and displacement of car parking to other areas, contrary to Policy QP3 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the proposal would result in an adverse impact on the character and amenities of the area including noise and disturbance by virtue of introducing a high density and intensified residential use within this location, contrary to Policy QP4 of the Hartlepool Local Plan 2018 and paragraph 130 of the National Planning Policy Framework (2021).
3. In the opinion of the Local Planning Authority, the proposal would set an undesirable precedent for similar future uses in the area, to the detriment of the amenities of the area, contrary to Policy QP4 of the Hartlepool Local Plan 2018.
4. In the opinion of the Local Planning Authority, as a result of the increase in car parking provision, the proposal would increase emissions to the detriment of public health contrary to Policy CC1 of the Hartlepool Local Plan 2018 and paragraph 105 of the National Planning Policy Framework (2021).
5. In the opinion of the Local Planning Authority, as a result of the loss of the existing hedge to the front boundary, the proposal would result in a detrimental impact on the visual amenity and ecology of the area, contrary to Policies QP4 and NE1 of the Hartlepool Local Plan (2018) and paragraph 174 of the National Planning Policy Framework (2021).

6. In the opinion of the Local Planning Authority, the proposed development would give rise to issues of fear of crime to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area, contrary to Policy QP5 of the Hartlepool Local Plan 2018 and paragraph 130(f) of the National Planning Policy Framework (2021).

The Committee considered representations in relation to this matter.

Number: H/2021/0156

Applicant: MR MALIK GRANGE ROAD HARTLEPOOL

Agent: ASP ASSOCIATES 8 GRANGE ROAD
HARTLEPOOL

Date received: 26/04/2021

Development: Replacement of all property windows from single glazed white timber casement and sliding sash windows to white uPVC double glazed sliding sash to front and white uPVC double glazed casement to rear.

Location: THE ALMA HOTEL 4 8 WHITBY STREET
HARTLEPOOL

The applicant urged members to support his application to replace the windows in the property which was help in reopening the business. So far he had spent large sums of money renovating the property and wood window frames would increase this cost still farther. He acknowledged that the property was in a conservation area but advised that he would be happy to ensure that any uPVC frames would be to the same design as the previous wood frames. He also noted that the premises opposite and adjacent to the Alma both had uPVC windows, one of which had been given Council approval.

Members noted the lack of clarity around the Council policy regards uPVC windows. The Planning (DC) Team Leader confirmed that the policy was being considered by the planning policy team with consultation expected to commence before the end of the year. In terms of the property in question the Coast, Countryside and Heritage Manager confirmed it was not a listed building but had been identified for investment within the conservation area. Officers had discussed the proposed changes with the applicant but they did not feel that his proposals would retain the traditional features and he had provided no evidence that they would. The applicant noted that the windows at the front of the property were not all of the same design in any case. The Planning (DC) Team Leader suggested the applicant contact the appropriate manufacturer of steel windows to look at alternative design options (for the

steel frame windows as well as the other windows within the property). A member asked that consideration of this application be deferred to allow time for the applicant to do this but this was not seconded and therefore rejected.

Councillor Brash, as Ward Councillor, urged members to support this application which would regenerate an iconic building while at the same time restarting a local business and creating jobs.

Councillor Fleming declared an interest in this item due to his membership of the Committee for the Regeneration of Church Street.

A member suggested that a condition be put on any approval that agreement be reached between the applicant and planning officers to ensure any uPVC windows be as similar as possible to the original features. The Planning (DC) Team Leader noted officer concerns that the applicant’s suggested design was too far from that preferred by officers however the Legal Representative felt that enforcement could probably be used in that case.

Members acknowledged the concerns around the retention of the conservation area but at the same time wanted to support local business and did not wish to see the area fall into neglect. This was a mixed use business area and they wanted to bring vibrancy and industry to it. If conditions were added the development could reflect the needs of the conservation area while also sending a message to other business owners that future developments would not be subject to too much detailed requirement. Councillor Boddy moved that the application be approved (against officer recommendation) with the condition that officers be satisfied that any design solution would meet the needs of the conservation area. This was seconded by Councillor Harrison. The reasons were that members felt the character and appearance of the property was acceptable in the conservation area and the changes would reduce the carbon footprint of the property.

Councillor Fleming subsequently moved that the application be approved (against officer recommendation) as put forward by the applicant and with no conditions attached to it. This was seconded by Councillor Little.

Members voted to approve the motion set forward by Councillor Boddy by a majority. Therefore a vote on the motion set forward by Councillor Fleming was not required.

Decision: Planning Permission Approved with conditions delegated to the Planning and Development Manager

The Committee considered representations in relation to this matter.

Councillor Mike Young left the meeting

Councillor Paddy Brown in the Chair

Number:	H/2017/0054
Applicant:	Mr M Dickinson Oswald House Hartlepool
Agent:	JT Planning Mr Jon Tweddell Coble Quay Amble Morpeth Northumberland
Date received:	07/02/2017
Development:	Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse (Amended Plans and Information)
Location:	SOUTHBROOKE FARM SUMMERHILL LANE HARTLEPOOL

A representative of the applicant was present and addressed the committee. He queried a number of assertions made by the planning officers notably their concerns at the impact on the conservation area given this was 400 metres away and the requirement for a payment of £156 thousand toward the development of the Elwick bypass. The developers were willing to pay £60 thousand as part of the 106 agreement to provide positive planning gains to the community but felt that to ask for more was excessive particularly as other developers had been asked to contribute smaller amounts per dwelling. Members queried how the larger amount had been selected. The Planning (DC) Team Leader indicated that in the 2018 local plan details had been given of which future developments would be expected to contribute to the Elwick bypass and this development had been included. He acknowledged the amount was large but future residents would all use the bypass network, a view supported by the Council's Planning Policy team and Council's Traffic and Transport section.

Members referred to the demolition of the stables previously on site. The representative reported that this demolition had taken place previous to his involvement but he understood it to have been a health and safety issue and apologised if proper procedures had not been followed.

Members acknowledged the comments regards the large amount requested for the bypass but noted that the bypass itself would be costly. They voted to refuse the application by a majority.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

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 126, 130, 134, 195, 197, 199, 202, and 206 of the National Planning Policy Framework 2021.
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.
5. In the opinion of the Local Planning authority, it is considered that by virtue of the proposed layout and the siting of 2no. adjacent existing telecommunication monopoles, the development would result in a detrimental impact on the residential amenity of future occupiers of the proposed dwellings in terms of dominance on the outlook and an overbearing effect due to design, scale and siting of the proposed layout (including the staggers between the plots) and the close distance to the telecommunication apparatus, contrary to policy QP4 of the Hartlepool Local Plan and paragraphs 126 and 134 of the NPPF.

The Committee considered representations in relation to this matter.

Councillors Dennis Loynes and Brenda Loynes left the meeting.

Number: H/2020/0175

Applicant: CS UK HOLDINGS III LTD LUMLEY STREET
LONDON

Agent: INTELLIGENT ALTERNATIVES MR JAMES
JAMIESON 100 BRAND STREET GLASGOW

Date received: 10/06/2020

Development: Solar farm and associated development

Location: LAND AT WORSET LANE HARTLEPOOL

Councillor Brown declared an interest in this item as it was located in his ward.

The Planning (DC) Team Leader clarified that the application relates to the installation of a 49.99 mega watts solar farm and associated infrastructure whereas the published report only references 49 mega watts in error and should read 49.99 mega watts. The Planning (DC) Team Leader also clarified an update to condition 7 (ecology) following further discussions between the applicant and the Council's Ecologist. Members queried why an environmental impact assessment had not been carried out. The Planning (DC) Team Leader confirmed that the Secretary of State had not deemed it to be a requirement on a previous and recent request for such development on the site. A member also queried why this development did not have a section 106 agreement attached to it. The Planning (DC) Team Leader advised that as this development would contribute significant benefits in terms of renewable energy a 106 agreement was not needed in terms of offsetting any identified impact. Commercial profitability was not a reason to request 106 monies. A member suggested the Committee investigate this further.

A member asked whether the developer would have the option to use the land for housing at the end of the 41 year permission. The Planning (DC) Team Leader confirmed that condition 13 required to restoration of the land for agricultural use following the decommissioning process. A member queried whether investigations on the safety of the development had been carried out. The Planning (DC) Team Leader confirmed that outside bodies were consulted regards the impact on highway safety including Teesside Airport and Highways England.

The Agent urged members to support the application which would produce power for 14,500 homes and contribute substantially to tackling climate change. While 106 monies were not a requirement the developer would donate £60 thousand to Hart Parish for a specified project. The surrounding land would remain agricultural throughout the 41 year permission and they had no plans to make it industrial at any point. Hedges would be planted and bat boxes installed and the solar panels would be cleaned regularly and preventative maintenance used. There would be no on-site employees.

Members voted to approve the application by a majority.

Decision: Planning Permission Approved subject to an amendment to condition 7.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Site Location Plan at 1:25,000 scale received by the Local Planning Authority 15/05/20, CCTV Pole Details Drawing, Inverter Station Elevations Drawing, Customer Station Elevations Drawing, Meteo Station Details Drawing, Panel Elevations, Spare Parts Building Details Drawing and Battery Storage Elevations Drawing, received by the Local Planning Authority 03/06/20, Road Cross Section Drawing and Fence and Gate details Drawing, received by the Local Planning Authority 10/06/20, General Arrangement Drawing at 1:5000 scale, revision D1, drawing number NT14537/020, revision A, Landscape and Biodiversity Strategy, Switch Room Plan and Elevations and GBR-WOR 33/66kV Substation Compound, received by the Local Planning Authority 25/11/20.
For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping and tree and shrub planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. 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 installation of the solar panels hereby approved. 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 the provisions of the NPPF.
4. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be operational or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- In the interests of protecting archaeological assets.
5. No development shall commence until details of the foundations, to include a detailed design and method statement, are submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of potential and surviving archaeological remains at a known depth of 500mm which are to remain in situ. Thereafter, the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development hereby approved.
In the interests of protecting archaeological assets.
 6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - " Risk assessment of potentially damaging construction activities.
 - " Identification of "biodiversity protection zones".
 - " Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - " The location and timing of sensitive works to avoid harm to biodiversity features.
 - " The times during construction when specialist ecologists need to be present on site to oversee works.
 - " Responsible persons and lines of communication.
 - " The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - " Use of protective fences, exclusion barriers and warning signs.
 The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless any variation is otherwise agreed in writing by the Local Planning Authority.

- In the interests of avoiding or mitigating ecological harm.
7. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The content of the BMP shall include the following:
 - " Description and evaluation of features to be managed, including identification of target ecological condition used to calculate the change in biodiversity value,
 - " Ecological trends and constraints on site that might influence management,
 - " Aims and objectives of management,
 - " Appropriate management options for achieving aims and objectives,
 - " Prescriptions for management actions,
 - " Preparation of work schedule (including annual work plan capable of being rolled forward over the lifetime of the development),
 - " Details of the body or organisation responsible for implementation of the plan,
 - " Ongoing monitoring and remedial measures,
 - " A timetable for implementation.

The BMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, including a minimum biodiversity net gain of 25% habitat biodiversity units and a minimum of 100% hedgerow biodiversity units. Thereafter, the approved BMP shall be implemented in accordance with the approved details and timetable for implementation.

In the interests of ensuring ecological impacts are suitably mitigated/compensated for.
 8. Prior to the commencement of development a low-level lighting scheme to be adopted during and post development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the commencement of development. Such a scheme shall include details of the position, angle and type and height of lighting.

In the interests of protection nocturnal wildlife and in accordance with the submitted Preliminary Ecological Appraisal.
 9. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any

existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. In the interests of the amenities of the area.

10. Final details of the external finishes to the ancillary buildings shall be submitted to and approved in writing by the Local Planning Authority prior to their erection. The approved finishes shall be implemented and retained thereafter.

In the interests of visual amenity.

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

To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Hartlepool Borough Council's standard 'Site Characterisation' condition. Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Hartlepool Borough Council's standard 'Submission of a Remediation Scheme' condition. Following completion of measures identified in the approved remediation scheme, a validation report shall be prepared in accordance with Hartlepool Borough Council's standard 'Implementation of Approved Remediation Scheme' condition, which is subject to the approval in writing of the Local Planning Authority. For details of the aforementioned conditions, please contact the Local Planning Authority. Long Term Monitoring and Maintenance and a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 works, neighbours and other offsite receptors.

13. When the solar farm ceases its operational use, which shall be no later than 41 years from the commencement of development, all solar

panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land. The developer shall notify the Local Planning Authority in writing of their intended commencement date on site no later than 1 week prior to works starting for the purposes of calculating the time limit for this condition.

The application has been assessed in accordance with the details submitted by the applicant and, taking into account the benefits of the production of renewable energy. At the end of the design life of the development the land should be restored in order to protect the visual amenity and character of the surrounding countryside.

The Committee considered representations in relation to this matter.

Number: H/2020/0306

Applicant: MR S PARK DALTON THIRSK

Agent: MR SIMON PARKS FOUNTAIN END DALTON THIRSK

Date received: 01/06/2021

Development: Retrospective application for erection of closed boarded boundary fence to front/side (overall height approximately height 1.8m, including existing boundary wall).

Location: 29 HONITON WAY HARTLEPOOL

A member queried whether this application could be approved with a height reduction. The Planning (DC) Team Leader advised that anything over 1 metre high (the permitted development height) would not be considered acceptable by planning officer in visual amenity terms. The applicant had been made aware of officer concerns and had done nothing furthermore the ‘compound’ nature caused by the fence was completely out of keeping with the general area. A member queried why highways had not objected as they felt the fence would cause an obstruction to drivers. The Highways, Traffic and Transport Team Leader indicated that this was not considered an issue as it was an individual property and other properties nearby were of similar heights.

Members felt the aesthetic of the fence was not good and that it could cause highways issues. They voted to refuse the application by a majority.

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, it is considered that the development, by virtue of the design, detailing and use of materials results in an incongruous feature in the street scene to the detriment of the host dwelling. It is considered that the development detracts from the visual amenity of the application site and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).

Number: H/2021/0210

Applicant: MAURICE WEEGRAM WYNYARD ROAD
HARTLEPOOL

Agent: MAURICE WEEGRAM 213 WYNYARD ROAD
HARTLEPOOL

Date received: 05/05/2021

Development: Erection of outbuilding garden room in front garden and boundary around front and side garden (retrospective)

Location: 213 WYNYARD ROAD HARTLEPOOL

Councillor Boddy declared an interest in this application as it was located in his ward.

Members refused this application by a majority.

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, the erected detached outbuilding in the front garden of the host property and the erected boundary treatment (comprising the brick wall with pillars and fence panels) results in incongruous features, to the detriment of the host dwelling and the wider street scene, by virtue of the design, detailing and use of materials. It is considered that the development detracts from the visual amenity of the application site and surrounding street scene, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).

Councillor Moss Boddy left the meeting

Number: H/2021/0231

Applicant: MR BOBBY SINGH VICTORIA PLACE
HARTLEPOOL

Agent: ASP ASSOCIATES IAN DAVISON 8 GRANGE
ROAD HARTLEPOOL

Date received: 17/05/2021

Development: Erection of a single storey extension to the rear
(with roof light); and replacement of 2no. windows
in rear elevation

Location: 4 VICTORIA PLACE HARTLEPOOL

A member referred to the officer recommendation to refuse as this development would cause ‘less than substantial harm’. The Planning (DC) Team Leader advised that this was government wording taken from the National Planning Policy Framework and meant that applications could only be supported if the identified public benefits of a development outweighed the potential harm caused. In this case any benefits were to the householder and not the public. This extension would contribute to the degrading of the Headland Conservation Area in terms of the urban grain as the extension would take up the full width of the property. However a member commented that this would be at the rear of the property and similar extensions had been constructed on other properties in the area.

The applicant urged members to support the extension which would provide extra space for his family. He confirmed that the garage would remain in situ.

Councillor Shane Moore, as ward councillor, reiterated the applicant’s comments. At least 2 other properties on the street had similar extensions and this one would not be visible from the front of the property.

Members voted to approve the application (against officer recommendation) by a majority. The reason was they felt it would have no adverse impact on the conservation area due to its scale and siting at the rear.

Decision: **Planning Permission Approved with conditions
delegated to the Planning and Development
Manager**

The Committee considered representations in relation to this matter.

31. Appeal at land South of Mountbatten Close, Cleveland Road (*Assistant Director, Place Management*)

Members were advised that a planning appeal had been submitted against the Council’s decision to refuse an application to erect a telecommunication installation.

Decision

That the report be noted

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

Members were given information on 7 complaints currently under investigation and 14 which had been completed

Decision

That the report be noted.

33. 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 34 – (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 35 – (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 36 – (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.

- 34. 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 enforcement action was required. Further information is supplied in the closed minutes.

Decision

Detailed in the closed minutes

- 35. 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 enforcement action was required. Further information is supplied in the closed minutes.

Decision

Detailed in the closed minutes.

- 36. 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 enforcement action was required. Further information is supplied in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 1.00pm.

CHAIR

No: 1.
Number: H/2021/0143
Applicant: MR JAMES WILLSON ALBION TERRACE
HARTLEPOOL TS24 0QL
Agent: MR JAMES WILLSON 1 ALBION TERRACE
HARTLEPOOL TS24 0QL
Date valid: 04/05/2021
Development: Listed Building Consent for the replacement of 6no. single glazed timber windows at the rear and single storey off-shoot extension to the rear with 6no. rising sash UPVC double glazed windows
Location: 1 ALBION TERRACE 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. The application was deferred at the planning committee meeting of 28/07/2021 to allow for a site visit. Members indicated that this was required to consider the impacts of the development, in particular taking into account nearby properties in Albion Terrace. In light of advice from the Health & Safety team and the Covid-19 situation, it is proposed that a remote site visits will take place by digital (virtual) means and this will take place immediately before the meeting

PROPOSAL

1.2 The application seeks listed building consent for the replacement of 5no. single glazed timber casement windows on the main rear elevation of the property with 5no. uPVC sliding sash double glazed windows, and the replacement of 1no. single glazed timber casement window in the western side elevation of the single storey off-shoot extension with a uPVC sliding sash double glazed window, at No 1 Albion Terrace. The replacements would be of the same dimensions as the existing, albeit replacing the existing timber casement style of windows with uPVC sliding sash windows.

1.3 During the course of the consideration of the application, owing to concerns expressed by the Council's Heritage and Countryside Manager that the proposed replacement windows would result in a less than substantial harm on the character and appearance of the Listed Building and Headland Conservation Area (set out in detail below), the case officer sought amendments from the applicant, requesting that the proposed replacement windows comprise timber in material rather than uPVC.

1.4 The applicant has chosen not to amend the application and has decided to continue with the application as submitted in respect of the replacement of timber windows with uPVC mock sliding sash windows.

1.5 The application has been called in to be determined by the Planning Committee by a local ward councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.6 The application site is an end-of terrace three storey dwelling situated on the northern side of Albion Terrace. The host property is a Grade II listed building, situated within the Headland Conservation Area. The host property adjoins No. 2 to the east and to the rear, beyond a back lane, lies No. 25 Marquis Street. Beyond the main highway of Marquis Street to the west lies No. 1 York Place (west) and No. 20 Marquis Street (north-west). To the front of the host property lies the main highway of Albion Terrace, beyond which is the Headland harbour wall. The rear of the host property is served by a brick wall with a height of approximately 2.4m.

PUBLICITY

1.7 The application has been advertised by way of letters to four individual neighbouring properties and to local ward councillors, a site notice and a press notice. To date, one response offering no objections to the proposal has been received from members of the public.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144905>

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

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

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, "great weight" to the asset's conservation (para 193 and 194, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations”.

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 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 Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The conservation area is considered to be ‘At Risk’ due to the accumulation of minor alterations, such as changing windows and doors which has impacted on the character of the area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

Planning Committee agreed Policy Guidelines in relation to replacement windows in 2009. Since that time new policy documents have been introduced including the NPPF, in 2012, which was then subsequently updated, and the Local Plan adopted in 2018. It is therefore considered that this policy carries more weight and is the primary consideration when assessing applications for replacement windows.

The proposal is insertion of UPVC windows to the rear of the main building and a single storey offshoot extension. The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the

Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights. UPVC sliding sashes have a different appearance to timber. The framing is usually slightly thicker and there are minor details which differ. 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. Furthermore the horns on windows are often an addition, rather than an integral part of the frame. 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.

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. In addition as a material it has a smoother more regular surface finish and colour, and the ageing process varies significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time.

Whilst it is noted that the windows have been altered to modern casements it is considered that the replacement windows would cause less than significant harm to the designated heritage asset. This is due to a number of timber windows surviving in this terrace of listed buildings and more widely the conservation area, and therefore contributing to the significance of both of these designated heritage assets. Having regard to para 192 and 200 of the NPPF it is considered that this is an opportunity to restore traditionally detailed windows in an appropriate material to this building.

The replacement windows would cause less than significant harm to the designated heritage assets. Timber windows are an important characteristic of both this terrace of listed buildings and the Headland Conservation Area and therefore contribute to their significance. No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

Update 12/07/2021 in response to additional comments from applicant regarding the public benefits:

With regard to public benefit it should be noted that the Planning Practice Guide states,

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit."

In relation to the benefits cited by the applicant,

There are other alternative ways in which a solution could be achieved in this instance i.e. timber windows could be installed which would not cause harm to the designated heritage assets and would subsequently enhance the significance of them achieving much of the desired effect of the windows that are proposed. Further to this there is no way potential future works could be tied to this application and therefore the benefits must be weighed against the works in the application, not work that may be carried out such as the painting in the future.

HBC Public Protection: I have no objections to this application.

HBC Landscape Architect: No comments received.

Headland Parish Council: No comments received.

Civic Society: No comments received.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed Buildings and Structures
HE7	Heritage at Risk

NPPF (2021)

1.13 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government’s Planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable

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

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
126	Using design guides to create distinctive places
130	Refusal of poor design
131	High standard of design
185	Positive strategy for the historic environment
190	Proposals affecting heritage assets
192	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

1.14 HBC Planning Policy comments: Planning Policy has concerns regarding the installation of UPVC windows as they can dilute the designation of the conservation area, however the view of the Heritage and Countryside will be paramount in the determination of this application.

PLANNING CONSIDERATIONS

1.15 The main material planning considerations when considering this application are the impact on the setting, character and appearance of the listed building. These and any other planning matters are considered in full in the paragraphs below.

IMPACT ON SETTING, CHARACTER AND APPEARANCE OF THE EXISTING LISTED BUILDING (AND CONSERVATION AREA)

1.16 The host property comprises a three storey Grade II listed building located in the Headland Conservation Area, both of which are recognised as designated heritage assets.

1.17 When considering applications for listed buildings, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.18 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give 'great weight' to the asset's conservation (para 193 and 194, NPPF).

1.19 The Council's Local Plan policies HE1, HE3, HE4 and HE7 are relevant in the determination of this application, to ensure that the design of proposals and materials used in developments do not affect the historic significance of listed buildings.

1.20 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst 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. Policy HE4 of the local plan states the Borough Council will seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their reuse and restoration.

1.21 In this context, the Council's Heritage and Countryside Manager considers that the proposed replacement of timber casement windows with uPVC double glazed windows in the rear elevations of the host property would cause less than substantial harm to the significance of the listed building and the Headland Conservation Area.

1.22 As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture. The loss of original timber windows and their replacement with uPVC is an acknowledged threat to the significance of conservation areas. The entry of the Headland Conservation Area on the Heritage at Risk Register 2019 notes that the conservation area is in "very bad condition" and is of "high vulnerability", due to the accumulation of alterations resulting in a loss of traditional details. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as "at risk" is a priority for the Council.

1.23 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 considered to be an alien material to historic properties and areas, that cannot match timber in terms of detailing and authenticity. 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 proportions of timber windows.

1.24 The proposed replacement windows are uPVC sliding sash windows. In the above context, 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.

1.25 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.

1.26 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 listed building and a conservation area.

1.27 The applicant was made aware of the concerns of the Heritage and Countryside Manager as outline above. The case officer sought to work with the applicant and recommended amendments to the application to include materials more in keeping with the conservation area (i.e. the use of timber instead of uPVC) in accordance with policy guidelines. However, the applicant has confirmed their intention to proceed with the original submission and did not wish to amend the application. The applicant has subsequently stated that they believe the public benefits of the proposal include:

- The design is more in keeping with the original windows despite being of a different material;
- The public will benefit from seeing the entire property repaired and decorated;
- The public will benefit from the 4 viewable windows against a background of freshly painted render;
- The public will not have to see boarded up windows;

1.28 Although the applicant has stated that a reason for the proposal is due to the condition of the existing windows, it is considered that whilst this may justify the replacement of the existing windows, it would not justify their replacement material being uPVC rather than timber.

1.29 In view of the above it is considered that insufficient information has been provided to demonstrate that the identified harm to the listed building (and the Headland Conservation Area) would be outweighed by any public benefits of the proposal, a view supported by the Council's Heritage and Countryside Manager.

1.30 It is acknowledged that the street scene of Albion Terrace as well as the surrounding streets within the Headland Conservation Area comprise previous examples of properties which include uPVC windows, with or without having benefited from planning permission. There are several reasons why such alterations may have occurred. Such examples may have been permitted under different national and local policy regimes, before adoption of the Council's previously

published advice note: "Advice on the Repair and Replacement of Windows"(now out of date), or the Character Appraisal for this conservation area, or prior to this conservation area's "at risk" status in 2019; or they may have been installed unlawfully even if this would not make them acceptable. Some will not be listed buildings. The key point is that each case must be judged on its own merits, within its own up to date planning policy and guidance context.

1.31 It is considered that the proliferation of other examples of uPVC windows throughout Albion Terrace and the wider Headland Conservation Area strengthens the importance of preserving heritage assets including the listed buildings and the conservation area, and protecting the vulnerability of the designated heritage asset from the accumulated harm resulting from the loss of traditional details even more significant.

1.32 It is also worth stressing that the current application site is a Grade II Listed Building where legislation, national and local policies seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations as is considered to be proposed through this application.

1.33 Finally, although the applicant appears to suggest that the proposed replacement windows to the rear being uPVC rather than timber would allow for other necessary works (e.g. to the front and side of the corner listed building) to be undertaken to a better standard, it is of consideration that the current application can only consider matters related to the works proposed through the current application itself, and it would not be reasonable or proportionate to apply planning conditions requiring potential works in the future be undertaken, or to consider those hypothetical proposals through this current application (as further permission(s) is likely to be required).

1.34 Accordingly, therefore, the proposal is considered to conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Further conflict arises with Policy HE1 of the Hartlepool Local Plan (LP), insofar as it seeks to preserve, protect and positively enhance all heritage asset, and requires proposals to be of a high quality design which has a positive impact on the heritage asset.

1.35 Although significant, the harm to the heritage assets in this case would be 'less than substantial', within the meaning of the term in paragraph 196 of the NPPF. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. As detailed above, insufficient public benefits have been identified that would justify or outweigh the harm identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that "great weight should be given to the assets' conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance".

1.36 Overall and in conclusion, it is considered that the proposal is not considered to be acceptable and is contrary to Policies HE1, HE3, HE7 and HSG11 of the

Hartlepool Local Plan (2018) and paragraphs 124, 130, 131, 185, 190, 192, 193, 196, 197 and 200 of the NPPF (2019). This would therefore warrant refusal of the application in this instance.

OTHER MATTERS

1.37 The proposal would not alter the footprint of the property or introduce any new window openings than those in the existing front of the host property, and therefore it is considered that replacement of windows in the rear elevation with uPVC windows would not have a significant adverse impact on the amenity or privacy of neighbouring occupiers.

CONCLUSION

1.38 It is considered that the introduction of uPVC windows would cause less than substantial harm to the designated heritage asset of the Grade II listed building (and Headland Conservation Area) by virtue of the design, detailing and use of materials. 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 setting, character and appearance of the Headland Conservation Area, contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

EQUALITY AND DIVERSITY CONSIDERATIONS

1.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.41 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of the Grade II Listed Building (and the Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the setting, character and appearance of the

designated heritage asset(s). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2019).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144905>

1.44 Copies of the applications are available on-line:

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

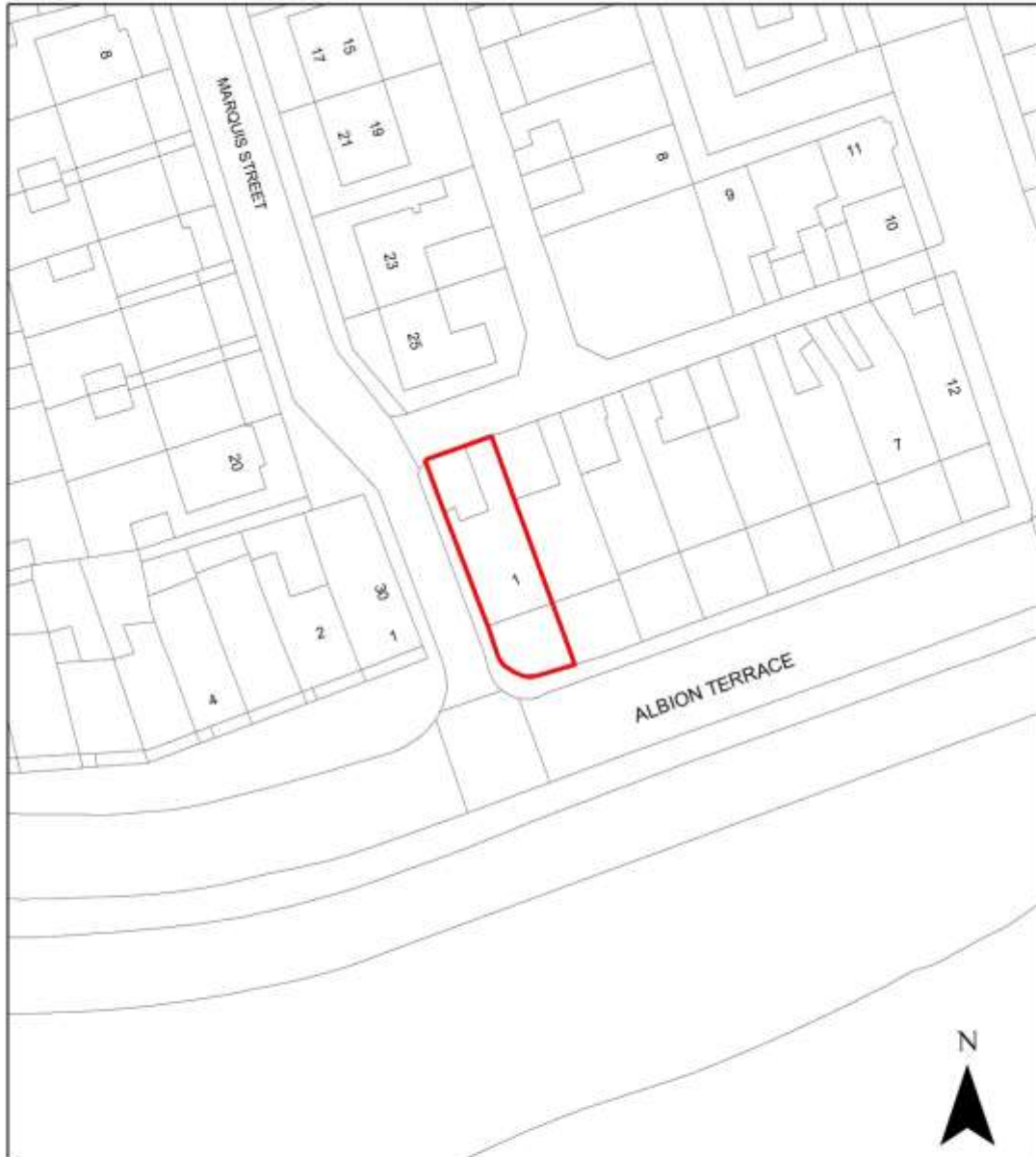
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1 Albion Terrace, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 15.07.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0143	REV

No: 2
Number: H/2021/0226
Applicant: MR PETER BURNIP SPEEDING DRIVE HARTLEPOOL
TS24 9QF
Agent: ALAN CALVERT 22 NEWARK ROAD HARTLEPOOL
TS25 2JX
Date valid: 21/06/2021
Development: Maintenance to overflow car park including replacing
existing grass surface with porous hardstanding,
maintenance to watercourse and drainage including
abandon blocked/collapsed existing culvert, realign and
extend existing ditch and construct new outfall
(retrospective application)
Location: HARTLEPOOL GOLF CLUB SPEEDING DRIVE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/1981/0002 – Erection of a toilet block extension to rear. Approved 25/02/1981.

HFUL/10985/0435 – Single storey extension to entrance hall, 2 balconies, stage, male toilets, bottle store and new board room and patio. Approved 14/11/1985.

HFUL/2001/0634 – Erection of 17m high timber monopole with 3no. antennae and 2no. microwave dishes attached within a fenced compound. Approved 21/02/2002.

H/2007/0807 – Widening of footbridge. Approved 20/12/2007.

H/2012/0119 – Alterations to provide pitched roof and erection of a canopy (part retrospective). Approved 08/05/2012.

H/2013/0007 - Erection of covered driving range including equipment storage, coaching and repair area. Approved 08/03/2003.

H/2019/0100 - Removal of existing 20m pole and the installation of a replacement 25m pole with antenna, dishes and ancillary apparatus, plus cabinets at ground level. Approved 29/04/2019.

PROPOSAL

2.3 Retrospective planning permission is sought for maintenance works to the overflow car park, comprising the replacement of the former grass surface with porous hardstanding; and maintenance to the watercourse and drainage works in relation to the blocked/collapsed existing culvert, realignment and extending of the existing ditch and construction of a new outfall at Hartlepool Golf Course.

2.4 The proposed works to the car park comprise the installation of hardstanding 'surface improvements' on the former 'overflow' car park at the application site. The former car parking comprised a grassed area approximately 60m x 22m in size, providing car parking space for approximately 30-35 vehicles. The proposal includes the excavation of the former grass and soil to a depth of approximately 40cm, with the filling in of approximately 20cm graded hard-core material and approximately 20cm rolled road plantings. The construction has resulted in a porous surface finish, allowing car parking for up to 42 vehicles, marked in individually allocated bays.

2.5 The course drain improvements comprise the blocking up of a drainage ditch and culvert located to the east of the first hole of the golf course, which formerly drained to an unspecified area to the west of Barnard Grove School and Hart Station via a culvert under the railway embankment as well as part of the remaining golf course. The submitted Planning and Sustainability Statement indicates that during adverse weather conditions, the situation was insufficient to cope with increased flow which resulted in flooding to parts of the golf course. The works comprise a new outfall and ditch improvements to include the replacement of approximately 90m of blocked/collapsed culvert with 110m of open ditch. The ditch/culvert measures approximately 1.7m in diameter to the surface, with a depth of approximately 0.5-0.7m. The planting of turf and grass seed has been undertaken to the new drainage ditch.

2.6 The supporting Planning and Sustainability Statement indicates that both aspects of the retrospective works were undertaken between 19th January 2021 and 25th February 2021.

2.7 The application has been referred to the Planning Committee for determination due to the number of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.8 The application site is a golf course and club accessed via an access off Speeding Drive, in the north eastern area of Hartlepool. The existing car park including the retrospective works to the overflow car park are situated to the south east of the main club buildings. The first hole of the golf course (where the works to the blocked culvert have been undertaken) is immediately adjacent to the north of

the club house building. Running along the south (in a north west/south east direction) is the railway line, approximately 240m from the car park serving the golf course. The Public Footpath 31 runs north west/south east to the eastern side of the main club house buildings and car park, with another public footpath running to the north east of the application site.

2.9 The closest neighbouring properties are situated approximately 300m to the south (Speeding Drive). To the south lie allotments (approximately 290m away), whilst to the north and east is the coast (Crimdon Dene Beach). Barnard Grove Primary School is situated approximately 440m to the south west of the car park.

PUBLICITY

2.10 The application has been advertised by site notices. To date, there have been three objections (including more than one from the same individual), two from members of the public and one from a local ward councillor.

2.11 The concerns raised are:

- The retrospective nature of the proposals
- Drainage works could have impacted upon neighbouring land users
- Queries regarding whether the works are necessary due to insufficient justification – e.g. there are enough car parking spaces in the main car park
- Alternative works are required, e.g. securing the existing car park from accidental damage by way of netting
- Condition of the former car park, including surface and size of marked bays
- Cleveland Fire Brigade's response refers to residential properties
- PROW 31 crosses the drainage works on holes 1 and 10, so this is affected by the works
- A Permissive Right of Way runs through the tunnel and down the driveway of the club, to adjoin PROW 31, which is at risk of flooding
- Hartlepool Golf Club is required to obtain consent under the Land Drainage Act 1991 prior to undertaking the works, however due to discussions with the Council's Flood Risk Officer it is accepted that the works result in an improvement in this respect and this element is not objected to
- Hartlepool Golf Club's Members and Shareholders were not consulted by the applicant
- Car parking indication supplied by the applicant is inconsistent and inaccurate
- Lack of disabled car parking spaces
- Poor quality construction of works to overflow car park, 'grasscrete' suggested as an alternative
- Potential environmental contamination including road plannings such as coal tar which contravene ADEPT guidance
- Poor drainage
- Insufficient landscaping at the car park resulting in a detriment to visual amenity
- Lack of sustainable transport options
- Footbridge on 11th hole is not part of the application, however this is unsafe and requires maintenance

- Applicant displayed a site notice advising works, queries whether this would require additional planning permission

2.12 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=146025>

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Countryside Access Officer: From the information provided, Public Footpath No.31, Hartlepool will not be or has not been affected by these drainage works and so no further comments are required from myself.

HBC Flood Risk Officer: In response to your consultation on the above application, we have no objection to proposals in respect of contaminated land or surface water management.

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

Tees Archaeology: Thank you for the consultation on this retrospective application. I have checked the HER, and these works do not have a significant impact on any known heritage assets. We therefore have no objection to the works.

HBC Ecology: The ecological considerations differ between the two separate areas and I have therefore provide comments separately below.

Car Park Improvements

The habitat that has been affected is unlikely to have been ecologically important, given its management and use as overflow car parking. However, this parcel of land is included within a wider area mapped as an amber risk zone for great crested newts (GCN). The GCN risk zone mapping for Northumberland, Durham, Tyne & Wear and Tees Valley is undertaken by Natural England to inform a strategic approach to licencing development works that affect GCN. The amber risk zone identifies areas considered to be contain main population centres, habitats and dispersal routes for GCN.

The habitats affected by the car park improvement works do not include any waterbodies, which may otherwise have provide potential breeding habitat, and were likely to be of limited value as terrestrial foraging habitat only. The habitats affected are not likely to have provided suitable habitat for GCN hibernation. As the works in this area were undertaken in January 2021, at which point GCN were in hibernation, it is unlikely that individual GCN were affected by the works. Due the nature of the habitats affected and the extent of the works, it is not expected that the car park

improvement works have significantly harmed GCN, or other protected or priority species. As such I have no objection to this element of the application.

Drainage Works

Drainage works have affected an area of grassland. This area is also included in the GCN amber risk zone. Similarly to the car park improvements, due to the nature of the habitats affected, it is not expected that the works have resulted in significant ecological harm.

As the works affect a watercourse paragraph 12 of policy NE1 is relevant. This policy encourages development to retain, restore and de-culvert watercourses. As the works have resulted in a net increase in open watercourse, i.e. a watercourse has been de-culverted, this element of the application is in accordance with policy NE1. I therefore have no objection to this element of the application.

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

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

Recommendations

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

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

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

HBC Landscape Architect: No comments received.

Cleveland Police: No comments received.

HBC Estates: No comments received.

Hartlepool Water: No comments received.

HBC Parks and Countryside: No comments received.

HBC Economic Development: No comments received.

Environment Agency: No comments received.

PLANNING POLICY

2.15 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

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

CC1: Minimising and Adapting to Climate Change
LS1: Locational Strategy
NE1: Natural Environment
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

2.17 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Determination of applications 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 092: Promoting healthy and safe communities

PARA 126: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 134: Achieving well-designed places

PARA 154: Meeting the challenge of climate change, flooding and coastal change

PARA 157: Meeting the challenge of climate change, flooding and coastal change

HBC Planning Policy comments: There are no Planning Policy concerns with regards to this application, the inclusion of porous surfacing is supported.

PLANNING CONSIDERATIONS

2.18 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the Hartlepool Local Plan (2018) and the NPPF (2021) including the principle of development, the impact on visual amenity and the character and appearance of the site, impact on the amenity of neighbouring properties, highways matters, the impact on surface water drainage and contamination, and Ecology. These and any other matters are detailed below.

PRINCIPLE OF DEVELOPMENT

2.19 The application site consists of an area adjacent to the main car park on the southern side, formerly occupied by an overflow car park area serving the golf course, which would not change as a result of the proposal. The application site also includes an area of the main golf course whereby a culvert has been blocked, resulting in additional flooding around parts of the golf course. The proposal includes the creation of an alternative ditch/culvert in this area.

2.20 The Council's Local Plan Policies CC1, QP3, QP4 and QP5 are relevant in the determination of this application, to ensure that the design of proposal and materials used in developments do not affect the nature of the existing golf course.

2.21 Given that the installed hardstanding would be for ancillary car parking facilities and the creation of a ditch/culvert supporting the principal use of the golf course and would not affect its main access/egress point or otherwise adversely affect the use or nature of the golf course, it is considered that the principle of development is acceptable in this instance. Furthermore, the Council's Planning Policy section have no objections or concerns in respect of the proposal.

IMPACT ON VISUAL AMENITY AND CHARACTER AND APPEARANCE OF THE SITE

2.22 The application site comprises an existing golf course situated within the north eastern extent of Hartlepool, being accessed via an access road and tunnel under the railway line from Speeding Drive to the south of the site. As such, allotments line the southern edge of the site, beyond the main rail line which runs north west/south east direction. The northern and eastern boundaries comprise the natural coastline (Crimdon Dene Beach), with rural properties to the northern extent.

2.23 It is acknowledged that a number of objections from members of the public have been received in respect to the replacement of grass with hardstanding on the overflow car park raising concerns it is unsightly. Whilst it is acknowledged that the installation of hardstanding to a former grassy area at the application site results in the loss of the grass and landscaping in this area, it is noted that this area formerly comprised an 'overflow' car park to serve the users of the golf course. Given the location of the golf club (including the car park), which is sited between a residential estate approximately 300m to the south and the coastline to the north, it is considered that the application site is not readily visible from surrounding streets, including Speeding Drive to the south, the beach to the north and east, allotments to the south east or rural buildings to the north. In view of this, and given the extent and context of the works it is considered that the alterations to the overflow car park would not be detrimental to the appearance of the golf course itself or the character of the surrounding area.

2.24 With respect to the works to culvert the watercourse to prevent flooding, it is noted that this element of the proposal includes the planting of grass seeds/turf to assist in reducing any adverse impact which would result from the creation of a ditch/culvert. Given the location of the proposed ditch/culvert within the area of the golf course itself, it is considered that this element of the proposal would not be readily visible from surrounding streets, including the access track from Speeding Drive toward the golf course. As such, in this instance, the proposal is not considered to have significant impact on the character of the area, either in isolation or any cumulative impact that would warrant a refusal of the application.

AMENITY OF NEIGHBOURING LAND USERS

2.25 As noted above, the application site is situated approximately 300m from the nearest residential properties to the south (Speeding Drive), whilst Crimdon House Farm is situated approximately 500m to the north west. Given the modest scale and design of the retrospective works to the car park and culverting the watercourse which would remain as per the existing relationship of these elements, it is considered that the proposal (including the installation of hardstanding on the overflow car park and the drainage works) would not result in any significant detrimental impact to the amenity and privacy of neighbouring properties, in terms of overshadowing, loss of outlook, overbearing or overlooking. Therefore, the proposal is acceptable in this regard.

HIGHWAY & PEDESTRIAN SAFETY, CAR PARKING & PUBLIC RIGHTS OF WAY

2.26 It is acknowledged that objections have been received in respect of concerns around an increase in parking and traffic issues, and in respect to public footpaths at the application site.

2.27 The proposed alterations to the car park including the installation of hard standing on the overflow car park include marked bays for parking. The Council's Traffic and Transportation section have been consulted and have confirmed that the proposal would not result in any adverse highway, traffic or parking concerns.

Therefore, the proposal is not considered to result in a significant detrimental impact on parking and highway safety and is therefore deemed acceptable in this regard.

2.28 In respect of Public Rights of Way, the Council's Countryside Access Officer has been consulted in respect of the proposal and has confirmed that the proposal does not affect Public Footpath No.31.

2.29 Network Rail have responded to consultation on the proposals to confirm that there are no objections or observations in respect of the proposal.

2.30 In view of the above, the proposal is considered to be acceptable in respect of highway and pedestrian safety, parking and public rights of way.

DRAINAGE & CONTAMINATED LAND

2.31 It is acknowledged that an objection from a member of the public has been received in respect to drainage at the application site. The Council's Flood Risk Officer has been consulted in respect of the proposal and has confirmed that there are no objections in terms of contaminated land or surface water drainage and therefore the proposal is considered to be acceptable in this respect.

ECOLOGY

2.32 In respect to ecological matters, as the works affect a watercourse criterion 12 of Policy NE1 of the Hartlepool Local Plan (2018) is relevant to the application. This policy encourages development to retain, restore and de-culvert watercourses.

2.33 The Council's Ecologist has been consulted on the proposal and has confirmed that as the works have resulted in a net increase in open watercourse, i.e. a watercourse has been de-culverted, the Council's Ecologist considers that this element of the application is in accordance with Policy NE1 of the Hartlepool Local Plan (2018), and therefore has no objection to this element of the application.

2.34 The Council's Ecologist has confirmed that both the area of the overflow car park and the area of the created ditch/culvert at the application site is in an area mapped as 'amber risk' for great crested newts. However, given the nature and timing of the works and the habitat affected, the Council's Ecologist considers that the works would not have significantly harmed Great Crested Newts, or other protected or priority species and has no objections to this element of the proposals.

2.35 The proposals are therefore considered to be acceptable in respect of ecological matters.

OTHER PLANNING MATTERS

2.36 Tees Archaeology have been consulted in respect of the application and have responded that the works do not have a significant impact on any known heritage assets. The proposal is therefore considered acceptable in this respect.

2.37 Cleveland Police have raised no comments or objections to the application. Therefore, it is considered that the proposal is acceptable in this respect.

RESIDUAL MATTERS

2.38 Cleveland Fire Brigade have responded to consultation on the proposals to confirm that there are no concerns in respect of fire safety.

NON PLANNING MATTERS

2.39 A number of objections have been received highlighting concerns regarding the necessity for the works to have been undertaken, and suggesting alternative improvements that ought to be undertaken at the application site. These are not material planning considerations in the consideration or determination of this application, and as such no weight can be given to the consideration of these matters.

CONCLUSION

2.40 On balance and in light of the considerations detailed above, it is considered that the principle of the retrospective works to the surface of the car park and improvements to the ditch/culvert are acceptable. It is considered that the proposal would not result in adverse impacts upon the visual amenity, neighbour amenity, highway safety (including car parking and public rights of way), surface water drainage, ecology or any other planning matter. It is therefore considered the development accords with the relevant policies of the Hartlepool Local Plan (2018) and paragraphs of the NPPF (2021), and should be conditionally approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.41 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.42 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.

2.43 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details Plan (scale 1:1250) and document 'Car Park and Course Drainage Improvements – Design and Access, Planning and Sustainability Statement' received by the Local Planning Authority on 13th May 2021; Site Location Plan (including proposed works, scale 1:2500) received by the Local Planning Authority on 10th June 2021.
For the avoidance of doubt.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146025>

2.46 Copies of the applications are available on-line:

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

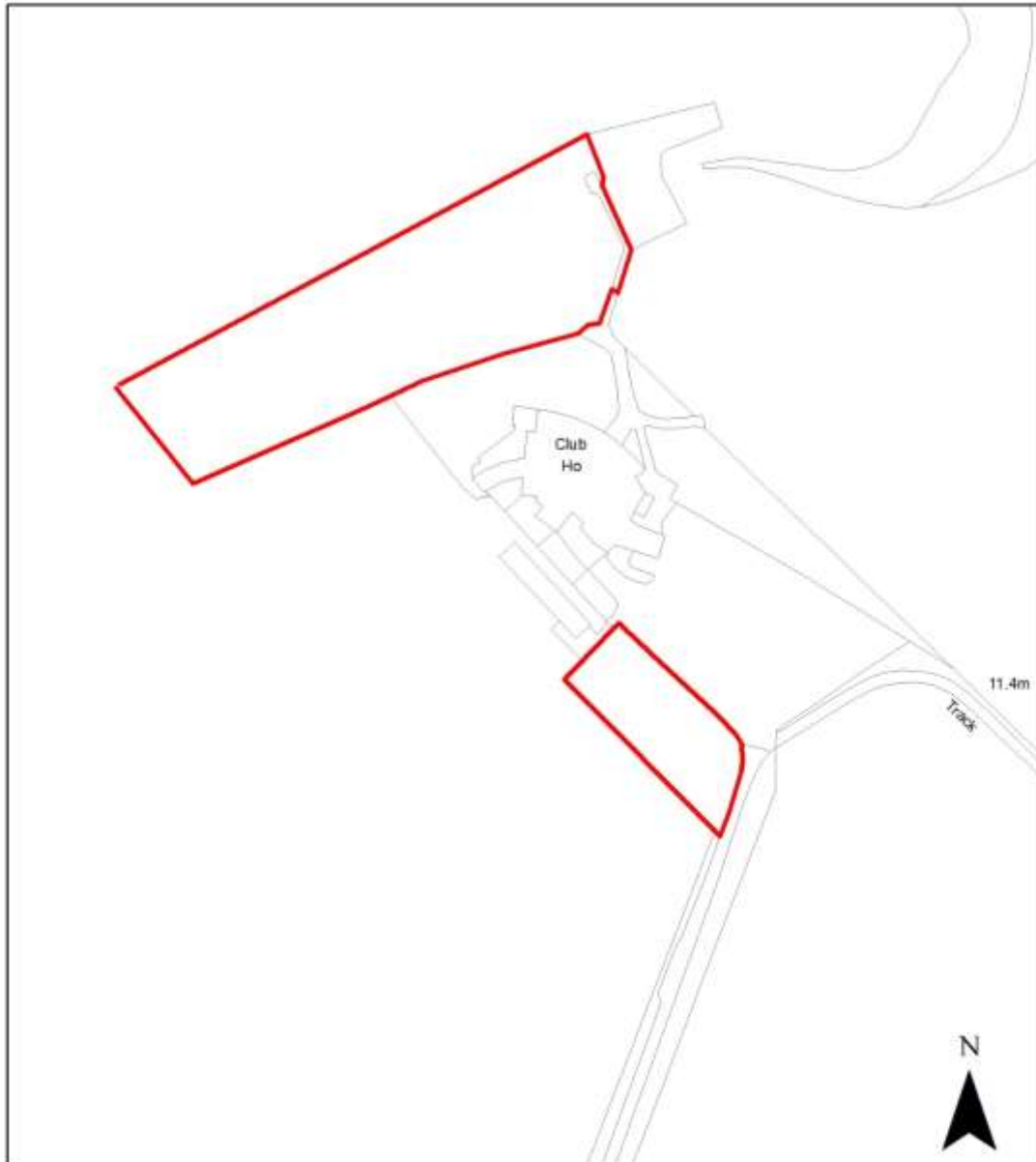
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Hartlepool Golf Club, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 08.09.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0226	REV

POLICY NOTE

The following details a precis of the overarching policy documents 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) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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

22nd September 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT 28 CHICHESTER CLOSE,
HARTLEPOOL TS25 2QT
APPEAL REF: APP/H0724/
Erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden. (H/2021/0247)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application for the erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden. The appeal is against the decision of the Council to refuse the application.
- 1.2 It was considered that scale and massing of the extension and relocation of the boundary fence in order to enclose an area open land into the side/rear garden of the property would have an adverse impact on the visual amenity of the host dwelling and surrounding street scene by virtue of its design, scale and siting, contrary to the requirements of Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and this would warrant a reason to refuse the application in this instance. (Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

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Appendix 1

DELEGATED REPORT

Application No H/2021/0247

Proposal Erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden.

Location 28 CHICHESTER CLOSE HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	06/07/2021
1) Publicity Expiry	Site notice:	N/A
	Advert:	N/A
	Weekly list:	11/07/2021
	Expiry date:	22/07/2021
	Extended date:	29/07/2021
2) Publicity/Consultations		
PUBLICITY		
<p>The application was advertised by neighbour notifications (10). To date 5 letters of no objection have been received.</p>		
CONSULTATIONS		
<p>The following consultation responses were received.</p> <p>HBC Traffic and Transport – there are no highway or traffic concerns.</p> <p>HBC Landscape Architect - Full details of surface materials and enclosure should be provided. This information can be controlled by condition.</p> <p>HBC Arborist - There are no trees of any significance on this property and as the garden is kept to a high standard I do not see the need for any additional landscaping. There is a belt of semi mature trees running to the South of the application site and the original tree planting on the estate around this site also improves the visual amenity here. No objection.</p>		
3) Neighbour letters needed	Y	

4) Parish letter needed

N

5) Policy

National Planning Policy Framework (NPPF)(2021)

In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government’s Planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

- PARA002: Determination of applications in accordance with development plan
- PARA007: Achieving sustainable development
- PARA008: Achieving sustainable development
- PARA009: Achieving sustainable development
- PARA010: Achieving sustainable development
- PARA011: The presumption in favour of sustainable development
- PARA012: The presumption in favour of sustainable development
- PARA038: Decision making
- PARA047: Determining applications
- PARA130: Achieving well-designed places
- PARA134: Achieving well-designed places
- PARA154: Meeting the challenge of climate change, flooding and coastal change
- PARA157: Meeting the challenge of climate change, flooding and coastal change
- PARA212: Implementation

Hartlepool Local Plan 2018

The following local planning policies are considered to be relevant to the application:

- SUS1: The Presumption in Favour of Sustainable Development;
- LS1: Locational Strategy;
- QP4: Layout and Design of Development; and
- HSG 11: Extensions to Existing Dwellings.

6) Planning Consideration

PLANNING HISTORY

None.

SITE AND SURROUNDS

The application site relates to a detached dwellinghouse located on a corner plot within Chichester Close. The area comprises a mix of modern residential properties situated to the south of Truro Drive and west of the A689 dual carriage way. The area is predominately open plan in character with corner plots having open space between the dwelling and public highway.

The existing side boundary treatment comprises a mix of a wall with a section of timber close boarded fence enclosing the side boundary from the rear garden. The side boundary has a deep herbaceous boarder along the length of the boundary treatment, with grassed area between the boarder and the public highway. To the front of the property there is a hardstanding driveway and grass lawn. It is noted that there are no public footpaths in the southern end of Chichester Close.

PROPOSAL

The application seeks planning permission for the erection a single storey side garage and store extension including a new driveway and re-location/replacement boundary fence to enclose the rear/side garden. The proposed garage extension would project approx. 3.5m from the side elevation of the host property, with a depth of approx. 7.9m. The proposal would have a pitched roof design with a height to eaves of approx. 2.4m and approx. 3.4m to its highest point. The proposal is set approx. 40cm from the main front elevation of the dwelling and set from the highway approx. 2.2m increasing to approx. 3m due to the plot shape. It is noted that there is a 1.8m service strip with runs adjacent to the highway.

The existing attached garage on the east side of the property has been converted into living accommodation, and the application seeks to provide a garage and an additional driveway.

The proposal will include the relocation/replacement of a boundary fence to enclose an area of open side garden, with the side elevation of the proposed garage/store extension forming part of the boundary enclosure.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the impact on the amenity and privacy of neighbouring land users, the impact on the character and appearance of the existing dwelling and street scene, highway safety and parking provision. These, and any other matters, are detailed in full below.

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

Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area.

The host property is a detached two storey dwelling sited within a prominent corner location within a residential area. It is considered that the proposed extension and re-location of the side boundary treatment would be readily visible from several vantage points within Chichester Close. The property to the rear (north east) 27 Chichester Close sits perpendicular to the application site and is set back from the public highway and sits in line with the existing side elevation of the application site. It is considered that the scale and design of the garage/store extension would be of a scale and form that would not be sympathetic with the openness of the area and would introduce an incongruous feature into the street scene, disrupting the visual amenity of the area.

In terms of the relocation of the boundary fence in order to enclose a parcel of land directly adjacent to and within the ownership of the host property, it is of consideration that Paragraph 134 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

By virtue of the layout of plots within the estate, the host dwellinghouse is situated on a prominent corner plot at the end of a cul-de-sac and it is considered that the relocated fence, being set out by approximately 3.5m at its widest section would be readily visible within Chichester Close from many vantage points throughout the Close. It is also considered that landscaping and boundary treatments throughout the estate have been intentionally designed to create openness.

It is considered that the proposed relocated fence being sited closer to the main highway would result in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the close. It is further considered that the grassed area to the side (west) of the host property formed a visual continuation of front garden areas, leading to 27 Chichester Close.

The case officer expressed concerns regarding the scale and massing of the extension and the relocation/replacement of the boundary fence in order to enclose an area of open land into the private garden of the host property, as originally proposed, in terms of the potential to result in an adverse impact on the visual amenity of the host dwelling and surrounding street scene. The case officer requested that the scheme was reduced to remove the proposed relocated fence/boundary and substantially reduce the scale of the proposal. In this instance, the applicant was unwilling to amend the design of the proposals.

Owing to the above and in the absence of any amended plans being forthcoming from the applicant, it is considered that the proposals (including the proposed single

storey extension to the side and the proposed relocated boundary treatment) would be a form of development that would not be sympathetic to the existing dwellinghouse by virtue of its design, scale and siting, contrary to the requirements of Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and this would warrant a reason to refuse the application in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

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

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

Impact on 27 Chichester Close (north east)

Single storey garage/store extension

A separation distance of approximately 11m (oblique angle) to the front lounge window will be maintained from the rear of the proposed side extension. There is a boundary wall and fencing approximately 1.8m in height which will screen in part the proposed extension. Owing to this relationship it is not considered that the proposal would result in any adverse impact of the amenity of the occupants of 27 in terms of overshadowing, loss of outlook and overbearing impression.

The proposed extension would feature a single door and window in the rear elevation. It is considered that the boundary treatment which includes close boarded timber fencing and wall with a height of approximately 1.8m as well as the oblique relationship direct views would not be achievable towards this neighbouring property. As such it is considered that the proposal would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

Relocated boundary fence

A separation distance of approximately 90cm from the rear boundary treatment exists between the rear boundary of the application site and the front side wall of 27 Chichester Close, the alteration to the boundary treatment will result in the existing wall being extended approximately 2.2m (obliquely) with close boarded timber fence panels. Owing to the design and scale of the proposed fence and the oblique angle, it is not considered that the proposal would result in any adverse impact on the

amenity or privacy of this neighbour in terms of loss of outlook, overbearing impression, overshadowing or overlooking as to warrant a refusal of the application.

Impact on 34, 35 and 36 Chichester Close (north west)

Single storey garage/store extension

A separation distance of approximately 17m would remain from the side elevation of the proposed garage/store extension to the front of 34 and 35 Chichester, and in excess of 20m from side/rear of 36 Chichester Close. The proposal does not feature any windows in the side elevation, but does include a single door and window in the rear elevation. Owing to these satisfactory separation distances that meet the requirements of policy QP4 of the Hartlepool Local Plan (2018) as well as the Residential Design Guide SPD (2019), as well as the scale and projection of the proposal it is considered that the proposal would not result in any adverse impact on the amenity and privacy of the occupants of Nos. 34, 35 and 36 in terms of overshadowing, loss of outlook, overlooking or overbearing impression.

Relocated boundary fence

Whilst it is acknowledged that the boundary treatment will extend closer to the properties opposite, owing to the design and scale of the propose fence being similar to the existing boundary treatment, with part of the existing boundary wall being replaced with the side elevation of the extension there is a separation of approx. 17m to the front of 34 and 35 and in excess of 20m for 36 Chichester Close it is not considered that the proposal would result in any adverse impact on the amenity or privacy of this neighbour in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

Impact 29 Chichester Close (east)

The proposed works are to the western side of the property and will be primarily screened by the existing dwellinghouse and existing rear garden boundary treatment from this attached neighbour. It is therefore considered that the proposals would not have an appreciable impact on the amenity or privacy of this neighbour in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

Impact on 31 and 32 Chichester Close (south)

Single storey garage/store extension

A separation in excess of 30m would be maintained between the properties opposite (31 and 32) and the proposal. Whilst the proposal will feature a garage door and driveway owing to satisfactory separation distances that meet the requirement of policy QP4 of the Hartlepool Local Plan (2018) as well as the Residential Design Guide SPD (2019), it is not considered that the proposal would have an appreciable impact on the amenity or privacy of this neighbour in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

HIGHWAY SAFETY AND CAR PARKING

The Council’s Traffic and Transport section have been consulted in respect of the proposal and have raised no issues; therefore it is considered that the proposal would not have any adverse highway impacts. The proposal is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

HBC Landscape Architect and HBC Arboricultural Officer have been consulted and realised no concerns or objection. Had the proposal been acceptable a condition requesting full surface details and boundary treatments would have been required.

CONCLUSION

Having regard for the above policies identified within the Hartlepool Local Plan (May 2018) and relevant paragraphs of the NPPF (July 2021), it is considered the proposed development by virtue of its siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the host dwelling and street scene. Therefore the proposal is recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Alternative Options Considered

Yes as per report.

10) Any Declared Register of Interest

No

11) Chair’s Consent Necessary

N

12) Recommendation

REFUSE for the reason below;

REASONS

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF which states that permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions.

INFORMATIVE

1. Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.

Author of Report: Jane Tindall

Signed: JTTindall

Dated:27/07/2021

Signed: DJAMES

Dated:29/07/2021

Planning & Development Manager

PLANNING COMMITTEE

22 September 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. Alterations to windows and the erection of a sign at a commercial premises in Church Street, Seaton Carew.
2. Running a beauty treatment business at a residential property in Jaywood Close.
3. The erection of a high fence at the rear of a residential property in Breward Walk.
4. Non-compliance with a condition requiring the provision of a hedgehog highway at a residential development site on Station Road, Greatham.
5. The installation of a TV aerial at a residential property in Meadowcroft Mews.
6. Non-compliance with a condition relating to on-site parking at a residential development site on Station Road, Greatham.
7. The erection of a high fence at the front of a residential property in Browning Avenue.
8. The erection of a porch at a residential property in Marley Walk.
9. Non-compliance with the approved plans (relates to the location of a side boundary fence) at a residential development site on Station Road, Greatham.
10. The erection of an outbuilding at the front of a residential property at The Green, Elwick.

11. The addition of a 2nd storey to a residential property at Brinkburn Court.

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

1. The erection of an extension at the rear of a residential property in Saddleston Close. A retrospective planning application seeking to regularise the development has since been approved.
2. The erection of a flag pole in the rear garden of a residential property in Fulbeck Close. Planning permission is not required in this case.
3. The use of land at Maritime Avenue for fun fairs and circuses. The use of the land for fun fairs and circuses has currently ceased.
4. Running a cleaning business at a residential property in Hart Pastures. The complainant has since withdrawn the complaint.
5. The use of land as a drive-in cinema at land adjacent to a leisure complex on Tees Road. The use of the land as a drive-in cinema has since ceased.
6. The erection of a high fence on the side boundary at the rear of a residential property in Brierton Lane. It was found that the works were minor and are not considered to meet the definition of development requiring planning permission.
7. The erection of an outbuilding in the rear garden of a residential property in Stockton Road. A retrospective planning application seeking to regularise the development has since been approved.
8. The installation of a bay window in garage at a residential property in Selset Close. In this case no development has taken place.
9. Non-compliance with a working hours condition at a residential development site at land off Elwick Road. The site is now operating in accordance with the working hours condition.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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