

PLANNING COMMITTEE

AGENDA



Wednesday 20th October 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 19th October and name and address details will be taken for NHS Test and Trace purposes.

“You should not attend the meeting if you are required to self-isolate or are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the NHS [guidance on testing](#)”

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 22nd September 2021 – to follow
4. **ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Place Management)*
 1. H/2021/0338 - 9 Rowell Street, Hartlepool. (Page 1)
 2. H/2021/0358 - 9 Nightingale Close, Hartlepool. (Page 11)
 3. H/2021/0398 - Cards R Hudsons, 75 The Front, Hartlepool. (Page 21)

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.

- 4.2 Former Garden Centre, Tanfield Road – *Assistant Director (Place Management)* – to follow

5. ITEMS FOR INFORMATION

- 5.1 Appeal at 58 Grange Road, Hartlepool – *Assistant Director (Place Management)*
- 5.2 Update on Current Complaints – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8. ITEMS REQUIRING DECISION

- 8.1 Consideration of Enforcement Action – *Assistant Director (Place Management)* (Para's 5 and 6)

9. ITEMS FOR INFORMATION

No items.

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 17th November 2021



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

22nd September 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, Tim Fleming,
Brenda Harrison, Sue Little and Cameron Stokell

In accordance with Council Procedure Rule 4.2

Councillor Tom Feeney was in attendance as substitute for
Councillor Jennifer Elliott,

Councillor David Nicholson was in attendance as substitute for
Councillor Brenda Loynes

Councillor Brian Cowie was in attendance as substitute for
Councillor Denis Loynes

Also present Councillor Shane Moore

Officers: Kieran Bostock, Assistant Director (Place Management)
Jim Ferguson, Planning and Development Manager
Zoe Craig, Environmental Health Manager (Environmental
Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Stuart Edwards, Flood Risk Officer
Stephanie Bell, Planning Officer
Alex Strickland, Legal Representative
Jo Stubbs, Democratic Services Officer

37. Apologies for Absence

Apologies were submitted by Councillors Jennifer Elliott, Brenda Loynes and Denis Loynes.

38. Declarations of interest by members

Councillor Brenda Harrison declared an interest in planning application H/2021/0226 (Hartlepool Gold Club, Speeding Drive) as it was in her Ward and she had been working with the golf club on another matter

Councillor Cameron Stokell declared an interest in planning application H/2021/0226 (Hartlepool Gold Club, Speeding Drive) as family members lived in Speeding Drive.

Councillor Tim Fleming declared an interest in planning application H/2021/0143 (1 Albion Terrace) as it was in his Ward.

39. Confirmation of the minutes of the meeting held on 25th August 2021

Minutes approved

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

Number: H/2021/0143

Applicant: MR JAMES WILLSON ALBION TERRACE
HARTLEPOOL

Agent: MR JAMES WILLSON 1 ALBION TERRACE
HARTLEPOOL

Date received: 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

Consideration of this item had been previously deferred in July 2021 to allow for a site visit. This had taken place virtually immediately prior to this meeting.

The Coast, Countryside and Heritage Manager confirmed that the windows under consideration were not those that had originally been in place in the property, having previously been replaced. However the homeowner now wished to replace the timber with uPVC which officers considered would result

in a less than substantial harm on the character and appearance of the Listed Building and Headland Conservation Area.

The Applicant urged members to support his application which would enhance, protect and improve his property. The existing windows had been in place when he purchased the property in August 2019 and he had noted that a number of other properties in the nearby conservation area also had uPVC windows. Planning Committee members had consistently approved uPVC windows and doors in listed and article 4 properties, against officer recommendation, therefore he had not anticipated any issues when submitting his application. He asked that members approved his application as it would allow him to make improvements to the property at a reduced cost.

Councillor Shane Moore, as Ward Councillor, spoke in support of the application. He noted that the current windows were not of a traditional design and therefore did not enhance the character or appearance of either the property or the wider conservation area. The proposed windows would be of a traditional design, albeit using uPVC, and would set a high standard for the conservation area. He also felt that should this application be refused it could send a signal to other residents considering similar improvements that planning permission was unlikely to be granted therefore they should do the work without applying for planning permission.

Members were supportive of the applicant's efforts to improve his property and considered that as the windows were not of a traditional design to refuse would be to penalise him for something a previous owner had done. They acknowledged the need to keep the heritage of the Headland intact but felt there needed to be some flexibility. A member therefore moved that the application be approved, against officer recommendation.

Following advice a vote took place in respect to the officer recommendation and members voted against that recommendation.

A motion to approve the application followed. The application was approved by a majority. Members recorded the following reason for departing from the officer recommendation. The proposed windows would not harm the character or appearance of the heritage assets.

Decision: **Listed Building Consent Approved**

CONDITIONS H/2021/0226
DELEGATED AS PER
THE SCHEME OF
DELEGATIONNumber:

Applicant: MR PETER BURNIP SPEEDING DRIVE
HARTLEPOOL

Agent: ALAN CALVERT 22 NEWARK ROAD
HARTLEPOOL

Date received: 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

The applicant advised members that the work had been carried out in the early part of the year under the auspices of ongoing maintenance and they had been unaware that planning permission was needed. When they had become aware of this a retrospective planning application had been submitted within the required time frame. The work undertaken had improved both an existing parking area and the drainage around it and had been done following a number of representations from golf club members. There had been no consultation with residents on the maintenance work as they felt they would not be impacted by it.

Members questioned how the applicant could have been unaware that the work would require planning permission. However they noted the improvements that had resulted and felt that as officers were in support the retrospective nature of the application was immaterial.

The application was approved by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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.

41. Appeal at 28 Chichester Close (*Assistant Director, Place Management*)

Members were advised that an appeal had been submitted against the Council's decision to refuse permission for the erection of a single storey side garage and store extension. Reasons for this refusal were appended to the report.

Decision

That the report be noted

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

Members were given details of 11 complaints currently under investigation and 9 complaint investigations which had been completed.

Decision

That the report be noted

43. 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 44 – (Potential Enforcement) – 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.

44. Potential Enforcement (*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 given information regards non-compliance with a planning condition. Further information is provided in the closed minutes

Decision

Detailed in the closed minutes.

The meeting concluded at 11:05am

CHAIR

No: 1
Number: H/2021/0338
Applicant: MR KAREL SIMPSON ROWELL STREET
HARTLEPOOL TS24 0QE
Agent: MR KAREL SIMPSON 9 ROWELL STREET
HARTLEPOOL TS24 0QE
Date valid: 17/08/2021
Development: Replacement windows to front (resubmitted application)
Location: 9 ROWELL STREET HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following planning application is associated with the site:

H/2021/0118 – Installation of replacement windows to front, the application was refused under officer delegation on 11/05/21. Although an appeal was submitted, the applicant chose to withdraw their appeal prior to its determination and resubmit an application to the Local Planning Authority.

1.3 The current application has been called in to Planning Committee at the request of a local ward councillor.

PROPOSAL

1.4 Permission is sought to replace the existing ground and first floor bay window and a single first floor window to the front of the property. The existing windows are single glazed timber sliding sash windows, the proposals would see all of these windows replaced with double glazed uPVC sliding sash frames. The style of the proposed windows differs slightly from the previously refused proposals, however in essence the proposal remains to replace original timber windows with uPVC alternatives.

SITE CONTEXT

1.5 The application site is a mid-terrace dwelling on the north eastern side of Rowell Street, in a residential area within the Headland Conservation Area.

PUBLICITY

1.6 The application has been advertised by way of neighbour letters (5), site notice and press advert. To date, there have been no comments received from neighbouring occupiers.

1.7 Background papers can be viewed via the 'attachments' link on the following public access page:

[Hartlepool Borough Council | Regeneration and Planning](#)

1.8 The period for publicity has expired.

CONSULTATIONS

1.9 The following consultation replies have been received:

HBC Heritage & Countryside Manager – The application site is located in the Headland Conservation Area and subject to an Article 4 Direction removing permitted development rights. The conservation area is recognised as a heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

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

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 a resubmitted application for the removal of timber sliding sash windows and the insertion of UPVC sliding sashes to the front of the building.

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.

In considering the resubmitted application it is noted that the design and detailing on these is closer to that of a traditional sash than the previously presented windows, however the NPPF notes that in decision making consideration should be given to, 'new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF)' further to this, Policy HE3 of the local plan states that, 'Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation area.'

The issue remains that the works would result in the loss of timber sliding sash windows within the Headland Conservation Area. The conservation area is at risk and the main reason for this is the loss of traditional detailing. The removal of the windows at 9 Rowell Street and their replacement with uPVC would further perpetuate the deterioration of the area. Such a stance is supported by Policy HE7 of the Local Plan which states, 'Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.'

It is considered that the proposal would cause less than substantial harm to the designated heritage asset. This is because UPVC sliding sashes have a different appearance to timber. 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 windows elsewhere in the street have been altered to modern casements, this would not be a justification for the loss of timber windows in this instance as each case is judged on its own merits. As noted above the conservation area is at risk due to the loss of traditional details, particularly in streets such as this. The removal of surviving timber windows, albeit isolated examples compounds this issue.

The information submitted regarding the condition of the windows is noted, however this in itself is not a justification for their replacement in a modern material as a Planning Inspector noted in an appeal decision in Seaton Carew 2018 (APP/H0724/W/19/3238154), stating, 'the first-floor windows were in poor condition, but there is no evidence before me to suggest that they were beyond repair. Even if this had been the case, it would not justify their total replacement with unsympathetic materials in a design that does not reflect the character of the building or the Conservation Area.'

PLANNING POLICY

1.10 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

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

QP4: Layout and Design of Development
HSG11: Extensions and Alterations to Existing Dwellings
HE1: Heritage Assets
HE3: Conservation Areas
HE7: Heritage at Risk

National Planning Policy Framework (NPPF)(2021)

1.12 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 47: Primacy of the Development Plan
 PARA 126: Ensuring good design
 PARA 130: Ensuring good design
 PARA189: Conserving and enhancing the historic environment
 PARA194: Proposals affecting heritage assets
 PARA195: Proposals affecting heritage assets
 PARA 196: Neglect of heritage assets
 PARA 197: Determining applications affecting heritage assets
 PARA 199: Impact on significance
 PARA 202: Less than substantial harm

PLANNING CONSIDERATIONS

1.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the conservation area and any other relevant planning matters as identified below.

IMPACT ON CHARACTER OF THE SURROUNDING AREA

1.14 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). 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).

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

1.16 As identified in the comments received from the Council's Heritage and Countryside Manager above, the Headland Conservation Area derives its significance in part from Victorian domestic architecture with common characteristics, including sliding sash timber windows. The Headland Conservation Area is 'at risk' due to the accumulation of alterations, including the replacement of doors and windows with modern alternatives, which has impacts on the traditional character of the area.

1.17 The NPPF requires works that would result in less than substantial harm be supported by justification in terms of the public benefit that would outweigh that

harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm and that no public benefits have been identified as justification for the harm caused.

1.18 The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in harm to the character of the area and therefore a more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area.

1.19 The NPPF requires Local Planning Authorities to seek positive enhancements that better reveal the significance of an area; while it is noted the uPVC windows now proposed are closer in appearance to the original timber windows than the previously refused development, it is not considered the use of uPVC would achieve the requirement for a positive enhancement and therefore the use of inappropriate materials remains a fundamental issue.

1.20 While the applicant has sought to address the concerns raised as part of the previous application, it is not considered this has been satisfactorily addressed. It is therefore still considered the proposals would cause less than substantial harm to the character and appearance of the Headland Conservation Area and are unacceptable in this respect.

AMENITY & PRIVACY OF NEIGHBOURING LAND USERS

1.21 It is not considered that the works carried out have a negative impact on the amenity and privacy of neighbouring occupiers as the proposals would replace windows in existing openings and would not increase the number of windows or their proximity to neighbouring properties. There are no extensions proposed that would have any impact on light or outlook for neighbouring occupiers. Notwithstanding this, it is considered the proposals would detract from the visual amenities of the area to the detriment of the quality of place in the vicinity.

CONCLUSION

1.22 It is considered that the introduction of windows of non-traditional design and materials would cause less than substantial harm to the significance of the 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 character and appearance of the Headland Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 126, 130, 189, 194, 195, 196, 197, 199 and 202 of the National Planning Policy Framework 2021.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.24 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.

1.25 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows would cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 126, 130, 189, 194, 195, 196, 197, 199 and 202 of the National Planning Policy Framework 2021.

BACKGROUND PAPERS

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

[Hartlepool Borough Council | Regeneration and Planning](#)

1.28 Copies of the applications are available on-line:

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

CONTACT OFFICER

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|---------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN JB | DATE 05.10.2021 |
| | SCALE 1:500 | |
| Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2021/0338 | REV |

No: 2
Number: H/2021/0358
Applicant: MRS ANDREA THUBRON NIGHTINGALE CLOSE
 HARTLEPOOL TS26 0HL
Agent: RUSSELL TAYLOR 7 BARLEY CLOSE HARTLEPOOL
 TS26 0RN
Date valid: 25/08/2021
Development: Erection of a single storey outbuilding/studio , erection of
 a 2000mm high close boarded fence to side boundaries,
 2400mm fence to rear boundary and enclosure of strip of
 land (open space) to rear into residential curtilage
 (retrospective)
Location: 9 NIGHTINGALE CLOSE 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 There are no relevant planning applications associated with the site.

PROPOSAL

2.3 Retrospective planning permission is sought for the erection of a single storey outbuilding with decking area to the rear. The outbuilding measures approximately 6.1m by approximately 5.3m. The decking area the outbuilding is constructed on projects approximately 1.2m from the walls of the outbuilding on its northern and eastern sides.

2.4 The decking area is approximately 0.4m from ground level, the outbuilding has a mono pitched roof which at its lowest point (to the rear) is approximately 2.7m in height, rising to the highest point (to the front) of approximately 3m.

2.5 There are two windows in the northern elevation of the outbuilding and a glazed door in the eastern side elevation.

2.6 Permission is also sought retrospectively to incorporate an area of land to the rear of the site within the curtilage of the property and erect a 2.4m high boundary fence along the rear boundary.

2.7 The application has been referred to Committee due to the number of objections received, in line with the Council's scheme of delegation.

SITE CONTEXT

2.8 The application site is a detached dwelling on the south side of Nightingale Close. The property is within a residential area with other dwellings to the north, east and west, to the south of the site is a substantial, mature tree belt that acts as a buffer between domestic gardens and Hart Lane.

PUBLICITY

2.9 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been 4 objections received, including one that is anonymous.

2.10 The concerns raised are:

- Multiple visitors to the outbuilding,
- Visitors do not park on the applicant's drive,
- Increased numbers and frequency of vehicles parked in the street,
- Parked cars cause visibility issues,
- Visitors at all times of day and in the evening,
- Scale of the outbuilding is larger than permitted,
- Outbuilding can be seen from neighbouring properties,
- Outside lighting further detracts from appearance,
- Commercial enterprise in a residential property,
- Loss of privacy,
- Out of keeping with other outbuildings in the area,
- Excessively high fence,
- Covenant on deeds prohibits business activity,
- Camera flashes are distracting,
- Noise.

2.11 Background papers can be viewed via the 'click to view attachments' link on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](#)

2.12 The period for publicity has expired.

CONSULTATIONS

2.13 The following consultation replies have been received:

HBC Estates – The open space to the rear of the property is owned by the Council. In addition to obtaining planning permission the applicant would need to agree terms for a sale of the land to them.

HBC Arboricultural Officer – No comments received.

HBC Ecology – Due to the small extent of the area of land to be directly affected, any changes to the habitat as a result of incorporation into the residential curtilage are unlikely to result in significant ecological harm. However, the tree belt to the

south is likely to provide an important habitat resource for hedgehog, which is a priority species. As a result there is an opportunity here to ensure that the rear garden is accessible to this species through the inclusion of 13 cm x 13 cm holes at ground level. This is a standard ecological measure where development includes close boarded fencing, which can fragment hedgehog habitats. This measure would constitute an ecological enhancement if existing fencing prevents hedgehog access, or mitigation if existing fencing permits hedgehog access. This measure can be secured by condition.

HBC Traffic & Transport – I can confirm that there are no highway or traffic concerns with this application.

PLANNING POLICY

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

Local Policy

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

QP4: Layout and Design of Development
HSG11: Extensions to Existing Dwellings
RC20: Business Uses in the Home
RC21: Commercial Uses in Residential Areas

National Planning Policy Framework (NPPF)(2021)

2.16 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 47: Primacy of the Development Plan
PARA 124: Ensuring good design

Policy Comments:

2.17 We note that policy RC20 seeks to support residents who wish to run businesses from home providing that:

- The residential appearance of the property is not significantly altered;
- There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties;
- There is no significant detrimental impact upon highway and car parking provision;
- There is no significant detrimental effect on the character of the property or surrounding area.

2.18 We note that due to the nature of the business and the details provided in the supporting information, we accept that there will be minimal usage throughout the day and so we consider it to be acceptable. Please note that businesses will not be permitted to operate between the hours of 6pm and 8am. We do not consider this to be commercial development, just a working from home element, and so there are no concerns with regards to RC21.

2.19 The small piece of open space which is to be incorporated is currently part of a local green corridor under policy NE2(e), we note that the loss of green infrastructure components will generally be restricted unless it can be demonstrated that:

- It is surplus to needs,
- It has no other recreational, nature conservation or amenity function,
- It is in an area where the local need has already been met elsewhere,
- It can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- It is too small or difficult to maintain.

2.20 Although the piece of land they wish to incorporate is part of a larger local green corridor and is a very small piece of land overall, we would ideally like to see it retained as part of the local green corridor. Although the proposal is not fully aligned with the aim of the policy/criteria within the policy, in this instance, given the negligible size of the land to be converted it is considered that the integrity of the green corridor as a whole will not be impacted upon. This is subject to the Council's ecologist confirming this from a nature conservation point of view, however if they are satisfied then we do not have any objections.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the character and appearance of the area, impacts to neighbour amenity, ecology and any other relevant planning matters.

PRINCIPLE OF DEVELOPMENT/ BUSINESS USE AT HOME

2.22 Domestic scale outbuildings used in a manner ancillary to the main use of a residential property and close boarded timber fencing as proposed as part of the application are, in principle, an acceptable feature within a residential area.

2.23 The applicant has indicated they use the outbuilding to work from home as a photographer and this is the subject of a number of the concerns raised by objectors in relation to the proposals. It is important to note, this application does not seek planning permission for the use of the outbuilding as a commercial premises beyond that which would be reasonably associated with the use of a residential property. Following discussions with the applicant officers are satisfied that the intended use would not materially alter the use of the property and does not therefore require planning permission. It is indicated by objectors that the use goes beyond this, however it is necessary to consider the application on the basis on which it has been submitted. Should concerns persist, this would need to be reported and investigated by the Council's Planning Enforcement officer.

2.24 Notwithstanding the points above, policy RC20 of the Local Plan supports residents who wish to run a business from home in principle, providing the residential appearance of the property is not significantly altered, there is no significant detrimental impact on the amenities of neighbouring occupiers, there is no significant detrimental impact on highway safety and no significant detrimental impact on the character of the area.

2.25 It is noted that neighbours have concerns about some of the requirements above, however unless it can be demonstrated that planning permission is in fact required for a change of use, it is not possible as part of this application to limit or refuse something that is not being applied for. It is however recommended that a condition could be included on any permission to ensure it is clear the outbuilding could only be used in a manner that is ancillary to the domestic use. Should it be possible to demonstrate that any disruption is the result of the business being operated from home and that resulted in a material change of use, relevant enforcement procedures would be available to the Council in the future.

2.26 As set out in the above, the proposed use of the outbuilding to work from home is considered to be ancillary to the use of the dwellinghouse and as such, does not in itself require planning permission. This element of the proposal is therefore considered to be acceptable in principle.

2.27 The application also includes the change of use of a small area of land adjacent to the rear boundary following its incorporation into the garden area and the relocation of the boundary fence. The land beyond the original boundary line is owned by the Council, HBC Estates have raised no objections to the proposals though note any sale/transfer of land would be a separate matter to planning. While the loss of green space is generally resisted, it is noted by the Council's Planning Policy team that it is unlikely that such a small area of land would be detrimental to the function of the green space, provided the Council's Ecologist has no objections. Ecology matters are addressed later in this report. Given there are no objections to

the principle of enclosing such a small piece of land within the residential curtilage of the property, the application is considered acceptable in this regard.

CHARACTER & APPEARANCE OF THE AREA

2.28 The proposed outbuilding is of a domestic scale and located to the rear of the property, as such it has no direct impact on the character and appearance of the street scene of Nightingale Close itself and is considered to be in keeping with the scale and character of the applicant property as the garden is of an ample size to accommodate a building of the size proposed. To the south of the site, residential properties in Nightingale Close are screened from view on Hart Lane by a substantial tree belt along the boundary. This screening prevents any views of the outbuilding or fence to the rear of the site from the west. As such, the proposals are considered to be acceptable in relation to the character of the existing property and surrounding area.

NEIGHBOUR AMENITY

2.29 The proposed outbuilding is located adjacent to the shared boundary with number 10 Nightingale Close to the west. The outbuilding is located approximately 17.7m from the neighbouring property at the closest point, which is the neighbouring property's garage and not therefore a habitable room. There is a close boarded timber fence along the boundary of approximately 2m in height. Given this arrangement, particularly the separation, it is not considered there would be an undue impact on the neighbouring occupier in terms of loss of light or overbearing appearance. There are two windows in the northern (front) elevation of the proposed summerhouse and decking, however given the separation, intervening close boarded boundary fence and that the building is single storey, it is not considered this would result in a loss of privacy that would warrant refusal of the application.

2.30 The proposed outbuilding is located approximately 14.8m from the neighbouring property to the east, number 8 Nightingale Close. There is a close boarded timber fence along the boundary of approximately 2m in height. Given this arrangement, particularly the separation, it is not considered there would be an undue impact on the neighbouring occupier in terms of loss of light or overbearing appearance. There is a glazed door in the side elevation of the outbuilding and decking proposed on the elevation facing this neighbour at a direct separation of approximately 8.8m. Given the separation, intervening close boarded boundary fence and that the scale of the building and decking, it is not considered this would result in a loss of privacy that would warrant refusal of the application.

2.31 Neighbouring properties to the north of the site would not be affected in terms of loss of light, overbearing appearance or privacy as a result of the outbuilding or fence proposed due to their location at the rear of the applicant property. It is noted concerns are raised in relation to visitors to the site and parking within the street, however as discussed permission is sought for the building itself not a change of use as part of this application and the use and activity indicated by the applicant is not considered to constitute a change of use.

2.32 There are no neighbour properties to the south (rear) of the site that would be impacted by way of loss of light, overbearing appearance or privacy.

ECOLOGY

2.33 The Council's Ecologist has been consulted and confirmed that a significant impact from the proposed development is not likely. However, the tree belt on the area of land to the south of the site is likely to be a habitat for hedgehogs, which are a priority species. As such, the development provides the opportunity to enhance this habitat by including holes in the fence at ground level to facilitate access for hedgehogs. The Council's Ecologist has recommended a condition be included requiring such features to be incorporated within the fence but has no objections to the application on this basis. Subject to an appropriate condition to secure a scheme for hedgehog access as a means of biodiversity enhancement, the proposal is considered to be acceptable in relation to ecology.

RESIDUAL MATTERS

2.34 One of the objections received notes that there is a covenant within the deeds of the property that prevents business activity being carried out from the site. This is a civil legal matter entirely separate from the planning process and is not therefore a material consideration in determining this application.

2.35 Concerns about noise emanating from use of the outbuilding are noted, however as noted above the level of use of the building indicated by the applicant is considered to be ancillary to the use of the property as a dwelling. Any issues of noise nuisance would be dealt with under separate legislation by the Council's Public Protection team.

CONCLUSION

2.36 The proposed outbuilding and boundary fence to rear are considered to be of a scale and design appropriate to the location and that would not have an adverse impact on the amenity of neighbouring occupiers or a significant impact on the character and appearance of the wider area. The change of use of land to the rear to residential curtilage is not considered to be detrimental to the function of the green space to the rear of the site due to its negligible extent, as such this is considered to be acceptable in this instance. In light of the above assessment, the proposed development is considered to be acceptable and the officer recommendation is to approve subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.38 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.

2.39 There are no Section 17 implications.

REASON FOR DECISION

2.40 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 approved shall be carried out in accordance with the following plans: drawing number 21/NIGHT/002 (Proposed Summerhouse/Studio), received by the Local Planning Authority 02/08/21, drawing number v4d//670242/907944 (Location Plan), and drawing number 21/NIGHT/001A (Existing & Proposed Block Plans), received by the Local Planning Authority 19/08/21.
For the avoidance of doubt.
2. The outbuilding hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and shall not be extended or altered.
In the interests of the amenities of the occupants of neighbouring properties and for the avoidance of doubt.
3. Within three months of the date of this decision a scheme for hedgehog access within the boundary fence to the rear of the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site within three months and retained for the lifetime of the development.
In the interests of biodiversity enhancement.

BACKGROUND PAPERS

2.41 Background papers can be viewed by the 'attachments' on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](http://hartlepool.boroughcouncil.gov.uk/regenerationandplanning)

2.42 Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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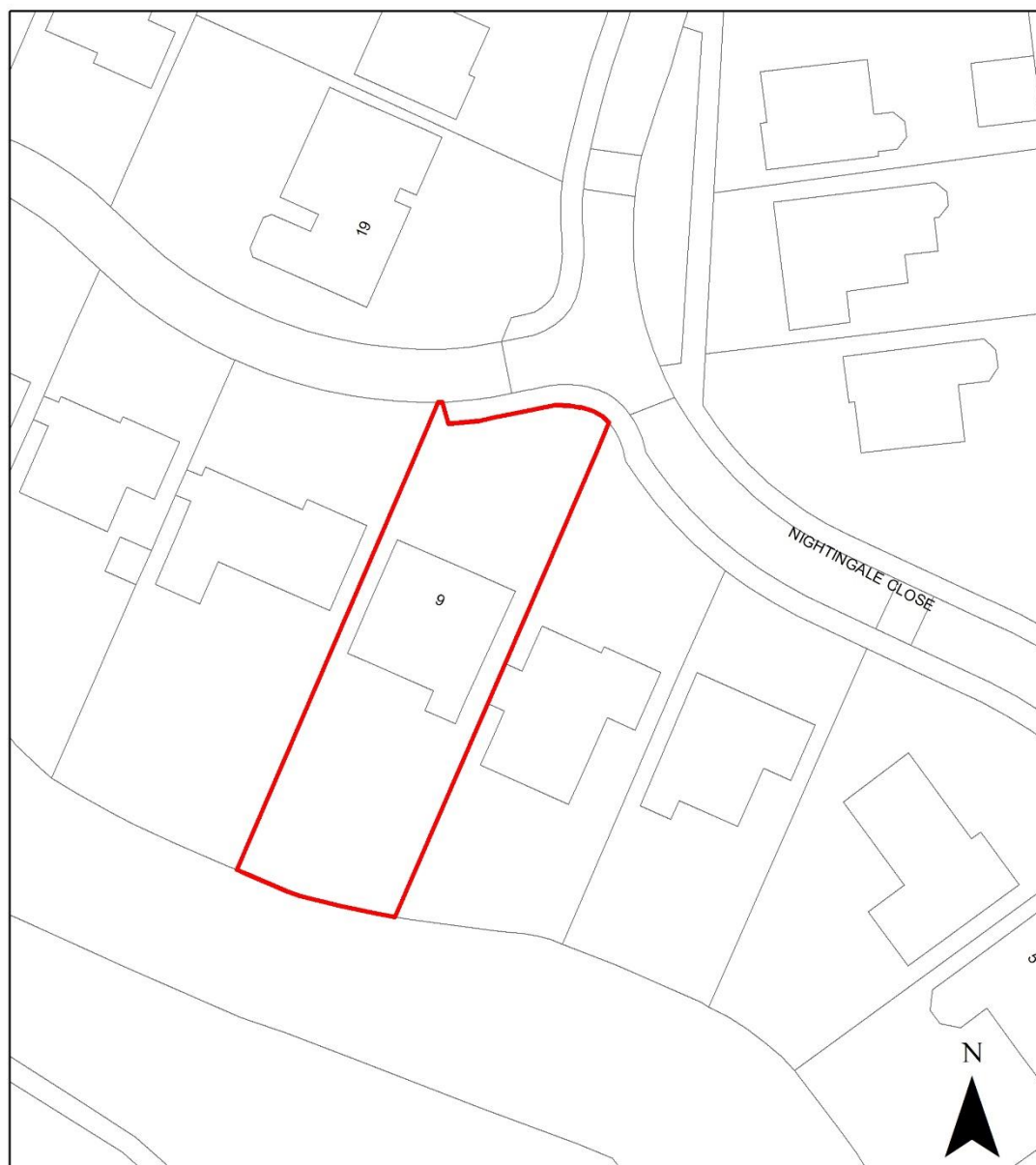
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9 Nightingale Close, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|---------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN JB | DATE 05.10.2021 |
| | SCALE 1:500 | |
| Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2021/0358 | REV |

No: 3
Number: H/2021/0398
Applicant: HUDSON HARTLEPOOL TS25 5DF
Agent: SPACE ID MR PHIL YOUNG JUPITER CENTRE
 WEARFIELD ENTERPRISE PARK EAST SUNDERLAND
 SR5 2TA
Date valid: 03/09/2021
Development: Alterations to first floor to form new yard balcony access
 with new pitched roof and glazed balustrading and screen
Location: 75 CARDS R HUDSONS THE FRONT
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

HO/1980/0946 - Redevelopment of amusement arcade and prize bingo. Approved 17/01/1980.

H/1980/0476 – Internal improvements, rear extension and retail shop. Approved 01/08/1980.

H/1983/0699 – Change of use from retailing with residential accommodation to a snack bar with amusements with residential accommodation on 1st floor. Approved 08/03/1983.

HADV/2204/0254 – Display of illuminated fascia sign. Approved 24/05/2004.

HFUL/2003/0830 – Change of use from residential to retail unit and self-contained flat and alterations to front elevation. Approved 18/02/2004.

H/2011/0543 – Alterations and part change of use to café. Approved 13/01/2012.

H/2021/0122 - Alteration to first floor to form new rear yard balcony access with new flat roof and glazed balustrading. Refused 06/08/2021.

PROPOSAL

3.3 Planning permission is sought for alterations to the rear of the host premises to include the provision of a terrace on the existing flat roof of the host building. This would be facilitated by the erection of a first floor dormer window extension to the rear and the installation of screen and balustrade along the southern and eastern boundaries respectively.

3.4 The first floor dormer window would measure approximately 2.9m in width x approximately 2.75m in maximum projection, with a ridged roof design with a height of approximately 3.3m and an eaves height of approximately 2.5m. The proposed dormer would feature a set of 3 pane bi-fold doors in the rear (east) elevation.

3.5 The proposed flat roof terrace would be facilitated by the erection of a screen to the southern side, which would measure approximately 3.5m in length, to comprise a rendered wall with a height of approximately 1m, topped with an obscurely glazed screen with a height of approximately 1m (total height approximately 2m). An additional screen to comprise a glazed balcony screen measuring approximately 8.1m in length and with a height of approximately 1m would be sited along the rear of the flat roof terrace (east).

3.6 The proposals are understood to serve a showroom/demonstration room to serve the existing business use of the ground floor of the property, whilst the proposed use of the 'terrace' is to allow the applicant to showcase elements of the business (as verbally advised to the case officer by the applicant during the site visit, although it is noted that the submitted plans do not indicate this intended proposed use.)

3.7 The application is a resubmission of a previously refused application (H/2021/0122, decision date 06/08/2021), whereby the previous application was refused as it was considered that the proposed installation of a screen to serve the first floor terrace would result in an adverse impact on the amenity of the adjoining neighbour to the south (No. 76-77 The Front) by way of overshadowing, loss of outlook and overbearing impression. There are no material changes to the proposal from the application previously refused (H/2021/0122).

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

SITE CONTEXT

3.9 The application site relates to a west-facing mid terraced commercial property located on The Front in the Seaton Conservation Area of Hartlepool. The planning history (outlined above) indicates that the first floor of the premises has approved residential use, however the applicant confirmed that the first floor of the host building is occupied by storage rooms to serve the main commercial use of the ground floor of the property (which is a greeting cards shop). To the north the host property adjoins 73-74A The Front (commercial use at ground floor with residential flat above), whilst to the south No. 76-77 The Front (hot food takeaway at ground floor with residential flat above) adjoins. The host property is bounded by a back lane

to the rear, with a public car park beyond. Beyond the main highway to the front (west) lies 29-30 The Front, both commercial properties.

3.10 The property is open to the front, being on the main street of The Front. The boundary treatments to the rear comprise a brick wall with a height of approximately 2m enclosing the rear yard area of the host premises. It was noted by the case officer during the site visit that there are some differences within the ground levels in the rear yard area of the application site.

PUBLICITY

3.11 The application was advertised by way of press advert, site notice, and notification letters to six individual neighbours as well as local ward members. To date, no representations have been received.

3.12 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=148325>

3.13 The period for publicity has expired.

CONSULTATIONS

3.14 The following consultation replies have been received:

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

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

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

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly

residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The proposed works comprise an extension at first floor to form an access to a rear yard balcony with glazed balustrading, and a privacy wall on the boundary with the neighbouring property.

It is acknowledged that there are numerous different extensions to the rear elevation of the terrace. This has resulted in a lack of consistent built form. This proposal was previously submitted for consideration and amendments were made with regards the character of the area in order to minimise the impact on the significance of the conservation area. The design has not subsequently been changed. It is therefore considered that the proposed works will not impact on the significance of the designated heritage asset. No objections.

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

HBC Traffic and Transport: No comments received.

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

HBC Public Protection: No comments received.

HBC Ecology: As with the previous application, I have no objection to the proposals.

HBC Economic Development: We have considered the proposals and support the proposals to create extra floor space for trading that will secure investment and retain jobs to the Seaton Carew area.

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

Cleveland Police: Police have no objections to the alterations but would advise any rear accessible doors or windows deter unauthorised entry doors windows certified to PAS 24 2016 would achieve this.

Cleveland Fire Brigade: If this area of the premises is to be used for any commercial purpose then it is required to comply with the Regulatory Reform (Fire Safety) Order 2005. A suitable and sufficient Fire Risk Assessment will need to be carried out in order to ensure compliance.

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.

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

HBC Public Protection (summarised): I have no objection to this application I would however like to make comment regarding odours from the flue and extract unit that's located on the rear of the commercial premises next door. The approval of this application will only result in the close proximity of the proposed external terrace to the already existing flue.

HBC Estates: No comments received.

Civic Society: No comments received.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings and Structures

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

3.17 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 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 003: Introduction

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 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 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 154: Planning for climate change

PARA 194: Proposals affecting heritage assets

PARA 195: Impacts on identified heritage assets

PARA 197: Assessing proposals in terms of heritage assets

PARA 200: Assessing proposals in terms of heritage assets

PARA 205: Recording assessment of heritage assets

PARA 218: Implementation

HBC Planning Policy comments: With regards to the proposed development, planning policy have no objections. It is noted that the site lies within the Seaton Carew conservation area, and so consideration should be given to policies HE1 and HE3. In this instance, due to the proposal being to the rear of the property and that

there has been various amendments to the design following previous comments from the Heritage and Countryside manager, we are satisfied that the proposal will not cause harm to the character of the conservation area and so is acceptable.

PLANNING CONSIDERATIONS

3.18 The main planning considerations with respect to this planning application are the principle of development, the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area (including the impact on the Seaton Conservation Area, a designated heritage asset), the impact on the amenity and privacy of existing and future occupiers of neighbouring properties, and the impact on highways. These and any other planning matters are considered below.

PRINCIPLE OF DEVELOPMENT

3.19 Policy LS1 of the Hartlepool Local Plan (2018) supports proposals that contribute to the economic growth of existing businesses. Paragraph 80 of the NPPF (2021) sets out that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.20 The Council's Planning Policy and Economic Regeneration sections were consulted in respect of the proposals and have confirmed that they support the proposal (subject to the proposal meeting other requirements as set out in the sections below), as it is considered it would improve the viability of the existing commercial business.

3.21 It is of note that the proposal represents a small scale development situated to the rear of the host building that would serve as ancillary use to the primary use of the building. Due to the small scale of the development, it is considered that the proposal would not create a significant intensification of the use of the site.

3.22 Therefore, in view of the above, the principle of development of the proposed roof terrace and dormer extension to the host building is considered to be acceptable subject to the proposal meeting the main planning considerations of this application, in particular relating to the impacts of the proposal on the visual amenity of the area (including the impact on the Seaton Conservation Area), neighbour amenity, highway safety and other planning matters.

IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING BUILDING AND SURROUNDING AREA (INCLUDING IMPACT ON CONSERVATION AREA)

3.23 When considering any application for planning permission that affects a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 197 and 200 of the NPPF (2021) requires a local planning authority to pay special attention to the desirability of preserving and/or enhancing the character or appearance of the conservation area.

3.24 As the application site is located within the Seaton Conservation Area, the Council's Heritage and Countryside Manager has been consulted on the application. The Council's Heritage and Countryside Manager has advised that the host property and surrounding buildings already feature a number of extensions, and as such, has no objections to the proposals.

3.25 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, 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.

3.26 There are a mix of property styles and ages along this rear elevation of The Front and it is noted that many properties feature two storey off-shoots and extensions and other development including the provision of a first floor balcony to the rear of No. 76-77 (adjoining to the south) and an elongated two storey off-shoot to the rear of No. 74A to the northern side. In addition it is of note that No. 74A (south) features flue and extraction equipment affixed to the rear elevation/side elevation of the off-shoot extension to the rear.

3.27 It is of note that the proposed single dormer extension to the rear (and other external alterations including the provision of screens) would not be readily visible from the main street of The Front, by virtue of the orientation of the host building being a mid-terraced property, although they would be visible from the back lane running adjacent to the rear yard of the host property. However, the proposals would be of a scale and design that generally respect the proportions of the host building and the application site as a whole, and would not project any further to the rear than the existing footprint of the flat roof extension serving the host building (which features a considerable set back from the rear back lane by approximately 6.4m).

3.28 Furthermore, whilst the proposed dormer extension and first floor terrace would be visible from the car park to the rear (east) of the host building, it is considered that this element of the proposal would be read in the context of the other buildings along this section of The Front (many of which feature first floor balconies and terraces), and would therefore not appear overly intrusive. Notwithstanding this, and whilst it is acknowledged that the proposed extension would incorporate materials including brickwork and fenestration to match those of the host building, final details of the materials of the proposed could have been secured by planning condition, which would be considered necessary had the application been considered acceptable overall.

3.29 Overall and subject to the necessary planning conditions, it is considered that the proposal would not result in a significant adverse impact on the character and appearance of the existing building and surrounding area (including the Seaton Conservation Area). Therefore it is considered the proposal is in accordance with Policies HE1, HE3 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 200 and 202 of the NPPF (2019), had it been considered acceptable in all respects.

IMPACT ON AMENITY AND PRIVACY ON NEIGHBOURING PROPERTIES

3.30 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.

Impact on 76-77 The Front (south)

3.31 The proposed dormer extension and screen to the rear would be sited along the adjoining southern boundary with No. 76-77 The Front, with the proposed dormer extension (at first floor) adjoining the existing first floor dormer extension serving this neighbour. It was noted by the case officer during the site visit that the first floor of No. 76-77 features a window in the main rear/east elevation of the property at a distance of approximately 55cm from the boundary to the application site (confirmed by the occupant of the neighbouring property during consultation on H/2021/0122 to serve a bathroom) and a two storey off-shoot extension which features a window at first floor level (confirmed by the occupant of the neighbouring property to serve a living room, which is a habitable room in planning terms), at a distance of approximately 2.1m from the proposed screen along the southern side of the boundary. The occupant of this neighbour confirmed (during discussions through previous consultation for determined application H/2021/0122) that the above mentioned living room is not served by any other window, as the rear of the property features a first floor conservatory which is understood to be accessed from the main two storey off-shoot to the rear (east) of this neighbour by virtue of internal doors.

3.32 It is noted that the first floor dormer extension would adjoin the first floor dormer extension along the immediate rear boundary to No. 76-77, and that it would not project any further (east) than this existing extension serving this neighbour. Therefore it is considered that this element of the proposal would not result in any adverse impacts on the amenity of the occupants of this neighbour, in terms of overshadowing, overbearing impression or loss of outlook toward windows identified in the neighbouring property or its private rear yard amenity space. Notwithstanding this, without the provision of the privacy screen, it is considered that unacceptable overlooking toward the above identified living room window in the side elevation (north) of this neighbour as well as its private rear yard amenity space could be achieved from the proposed bi-fold doors in the dormer extension, which would necessitate the requirement for a privacy screen.

3.33 However, given the limited separation distance of 2m from the proposed screen on the flat roof of the host property (to serve the proposed terrace) to the living room window in the side elevation of this neighbour (at first floor level), it is considered that the provision of the proposed 2m high (approximate) screen (comprising a brick wall topped with glazed screen) would have an adverse effect on the outlook of the neighbour, and overshadow this window creating an overbearing impression for the neighbouring occupier. Consideration is given to the height of the window in the two storey off-shoot of this neighbour which is set at a higher level than the existing flat roof of the host property. Furthermore, it is acknowledged that the proposed upper portion of the screen would be obscurely glazed, which would allow a limited amount

of light to pass through. However it is concluded that the proposed erection of a screen along the front of the identified window would result in an adverse loss of outlook and overbearing impression for the occupants of the neighbouring property.

3.34 It is considered that the resultant impact on the amenity of this neighbour would be so significant in this instance as to warrant a reason to refuse the application.

3.35. In terms of privacy, it is noted that proposal includes the erection of a boundary screen along the full boundary between the rear of the host property and the neighbour to the south (No. 76-77). It is considered that the erection of this screen would be necessary to prevent any overlooking to be achievable toward the above mentioned windows in the rear elevation and in the side elevation of the off-shoot to the rear (which faces north, directly onto the proposed 'terrace'). Furthermore, had the proposal been considered acceptable overall, the provision of a 2m high 'return' of approximately 1m along the eastern side (extending from the provision of the 2m screen along the southern section) would have been necessary to further safeguard the privacy of this neighbouring property. Subject to this requirement, it is therefore considered that the proposed first floor dormer extension and the works to facilitate the first floor terrace to the rear would not result in any adverse impact on the privacy of No. 76-77, in terms of overlooking, had the proposal been considered acceptable in all respects.

Impact on 74A The Front (north)

3.36 The proposed terrace would be sited on the flat roof extension serving the host property, and as such would run along the boundary with the adjacent neighbour at 74A The Front to the south. The proposed dormer window would be sited at a distance of approximately 5.35m from the boundary with this neighbour. It was noted by the case officer during the site visit that the rear of this neighbouring property features a two storey off-shoot extension with the blank gable wall adjoining the host property, projecting roughly in line with (to the east) the existing flat roof of the host property. It was further noted by the case officer during the site visit that no windows are present in the main side elevation of the two storey off-shoot to the rear of this neighbour.

3.37 The proposal includes a low level balcony screen to run along the eastern end of the flat roof to form a proposed terrace, which would adjoin the main side elevation of the two storey off-shoot serving this neighbour. Given that the proposed extension would be sited on the southern side of the rear elevation and would not extend beyond the main rear elevation of the existing two storey host property, it is considered that there would not be any adverse impact on the amenity or privacy of this neighbour to the north (No. 74A) in terms of overshadowing, overbearing impression, loss of outlook or overlooking as a result of the proposed dormer window or the provision of low level balcony screens, by virtue of the screening provided by the neighbouring property itself.

3.38 In terms of privacy, taking into account the relationship between the two neighbours and the two storey gable elevation of this neighbour to which the proposal would not project past the rear elevation (east) of this neighbour, it is considered that the proposed dormer extension and provision of a terrace would not

result in any adverse impacts on the privacy of No. 74A in terms of overlooking from the terrace or bi-fold doors in the rear of the dormer extension, toward any of the windows in the front, side or rear, or the private rear garden amenity space of this neighbour.

Impact on properties to the front (west)

3.39 There would be a separation distance remaining of approximately 30m to the front of Nos. 29-31 The Front, to the front/west of the application site, with the main highway and the main host building between. In view of this relationship and satisfactory separation distances, it is considered that the proposal would not result in any adverse impacts to the amenity or privacy of properties to the front in terms of loss of outlook, overbearing, overshadowing or overlooking.

Impact on land users to the rear (east)

3.40 The proposed dormer window would be sited at a distance of approximately 10m from the rear boundary of the host building, whilst the proposed balcony screens to the eastern side of the proposed terrace would be approximately 6.4m from the rear boundary, with a back lane and a public car park beyond. Given the modest scale of the proposed development, it is considered that there would be no adverse impacts on the amenity of neighbouring land users (the back lane and car park) in terms of overshadowing, loss of outlook or overbearing impression that would result from the proposals at the host property.

3.41 In terms of privacy, it is noted that there are no sensitive land users such as residential properties to the rear (east) of the proposals, and therefore it is considered that there would not be any adverse impacts on land users to the rear (primarily a public car park) in terms of overlooking, from the proposed dormer extension and provision of the terrace to the rear of the host building.

3.42 Furthermore, no objections have been received from the Council's Public Protection (save for a concern regarding the proximity of the proposed terrace to a flue at the neighbouring property), and therefore it is considered that the proposal would be acceptable in respect of land users to the rear (including the back lane and public car park), had it been considered acceptable in all other respects.

HIGHWAY SAFETY

3.43 The Council's Traffic and Transport section were consulted in respect of the proposals and have not offered any objections or comments to the proposals. The Council's Countryside Access Officer has confirmed that the proposals would not impact upon any public rights of way. The proposal is therefore considered to be acceptable in respect of highway safety and car parking and PRoW, had it been considered acceptable in all other respects.

OTHER PLANNING MATTERS

3.44 The Council's Landscape Architect, Flood Risk Officer and Ecologist have been consulted in respect of the proposal and have confirmed that the proposals would

not impact upon any landscape or visual matters, surface water flooding or contaminated land or ecological matters. The proposal is therefore considered acceptable in these respects, had it been considered acceptable in all other respects.

RESIDUAL MATTERS

3.45 Cleveland Police have been consulted on the application and have confirmed that they have no objections to the proposals, however they have confirmed that any rear accessible doors or windows should deter unauthorised entry and have advised that doors and windows should be certified to PAS 24 2016. This could have been relayed to the applicant via an informative, had the application been considered acceptable in all respects.

3.46 Cleveland Fire Brigade have indicated that should the use of the proposed dormer and terrace be for commercial purposes then a Fire Safety Assessment should be undertaken. In addition, Cleveland Fire Brigade have advised that fire suppression measures should be considered as part of the proposed works. A suitable informative could have been recommended to make the applicant aware of this advice, had the application been considered acceptable in all respects.

CONCLUSION

3.47 Whilst it is acknowledged that the proposal would provide benefits for the occupants of the commercial business, it considered that the proposed development would result in an adverse impact on the amenity of the occupants of the neighbouring property adjoining to the south, in that the siting, appearance and scale, of the proposal would result in an overbearing impression, overshadowing and loss of outlook for the habitable room window in the side elevation of the off-shoot to the rear. The proposal is therefore considered to be contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 11, 126 and 129 of the NPPF (2021). The siting and appearance of the proposed development is therefore considered to be unacceptable. It is therefore recommended that the application be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE, for the reason(s) below:

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its siting and scale, would result in an unacceptable loss of amenity for the adjoining neighbouring property (No. 76-77) in terms of loss of light, outlook and an overbearing impression to the habitable room window in the side elevation of the two storey off-shoot to the rear of the adjoining neighbouring property, contrary to Policy QP4 (2019) and paragraph 129 of the National Planning Policy Framework (2021).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148325>

3.53 Copies of the applications are available on-line:

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

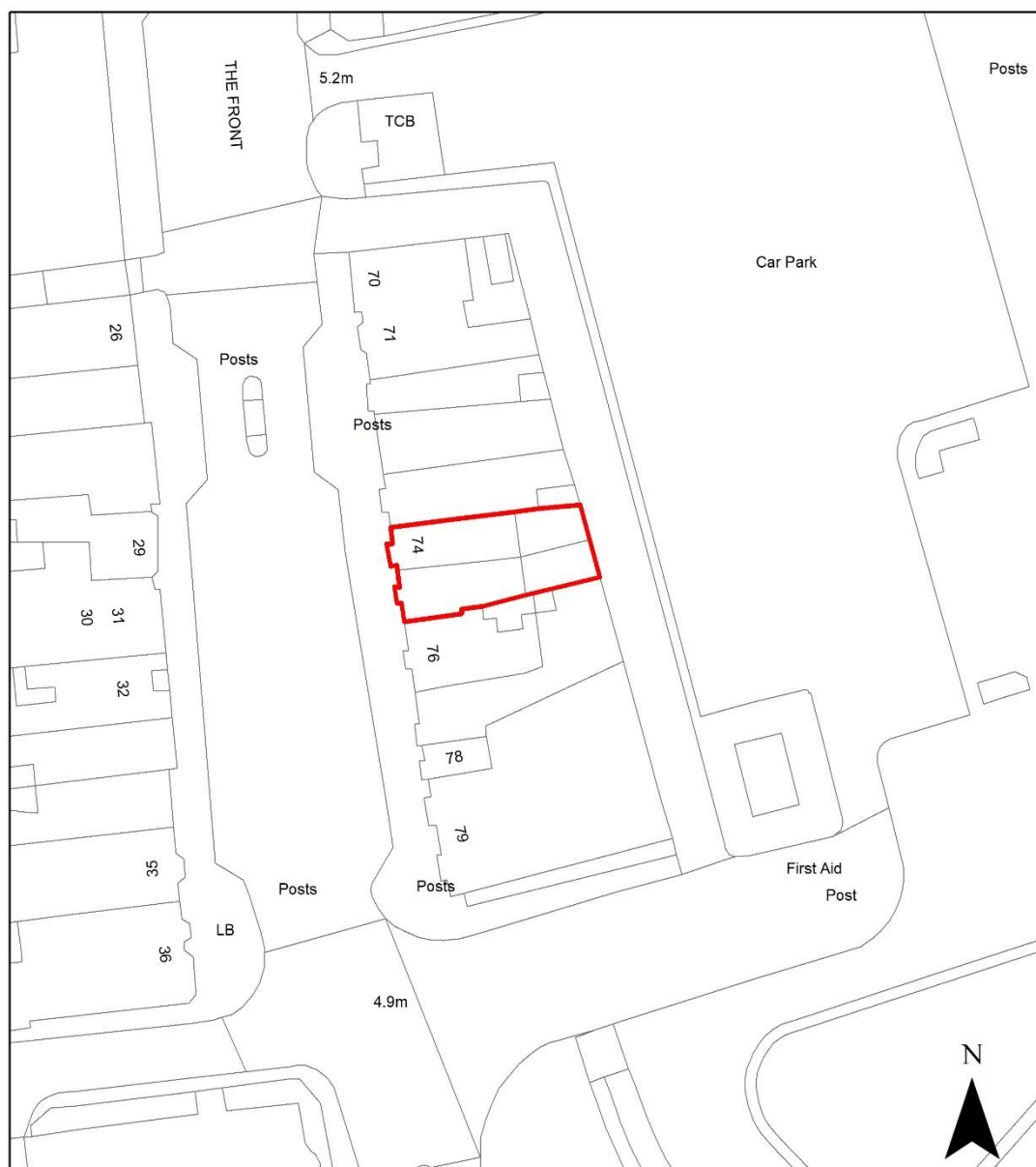
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74-75 The Front, Seaton, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|---------------------------|------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN JB | DATE 05.10.2021 |
| | SCALE 1:500 | |
| Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2021/0398 | 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

20th October 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT 58 GRANGE ROAD, HARTLEPOOL
TS26 8JF

APPEAL REF: APP/H0724/C/21/328453

Part retrospective application for painting of front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and proposed replacement of timber ground floor bay window with uPVC bay window. (H/2020/0379)

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 painting of the front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and proposed replacement of timber ground floor bay window with uPVC bay window. The appeal is against the decision of the Council to refuse the application for the following reasons;

1. In the opinion of the Local Planning Authority, the retrospective painting of the front elevation of the property, replacement/installation of 4no. upper floor windows in the front elevation, and proposed replacement of 1no. ground floor bay window to the front elevation of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs

124, 127, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

2. In the opinion of the Local Planning Authority, the erection of a 'privacy fence to the front of No. 58 Grange Road would cause less than substantial harm to the designated heritage asset of Grange Conservation Area, by virtue of the design, scale and siting. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that the applicant has failed to demonstrate that this harm would be outweighed by any public benefits of the development. It is further considered that the proposed screen fence would result in a potential adverse impact on the amenity of occupants of neighbouring properties at Nos. 56 and 60 Grange Road in terms of overshadowing, overbearing impression and poor outlook. As such it is considered that the development is contrary to policies HE1, HE3, QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127, 130, 185,190, 192, 193, 196 of the NPPF 2019.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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PLANNING COMMITTEE

20 October 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. Running a livery stable, party venue and children's care facility, and the use of a static caravan as self-contained living accommodation at an agricultural property in Greatham.
2. The erection of decking on a flat roof at the rear, and the erection of raised decking and extension to a beer garden at a licensed premises at Hart.
3. Failure to discharge conditions at residential developments at land at Worset Lane.
4. Non-compliance with a condition requiring the installation of obscure glazing at a residential development at land at Worset Lane.
5. The siting of a 'shepherd's hut' on agricultural land off Coal Lane, Elwick.
6. Non-compliance with conditions at a commercial development at land adjacent to Middleton House, Navigation Point.
7. The erection of a structure at a light industrial premises at Mainsforth Terrace.
8. The unauthorised commencement of a development involving the erection of 4 detached holiday cottages at a recreational premises at land off Dalton Piercy Road.
9. The change of use to a hot food takeaway at a commercial premises on Easington Road.
10. Running a business from a workshop at a residential property in Dumfries Road.

11. The erection of an outbuilding in the rear garden of a residential property in Eastland Avenue.

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

1. The obstruction of a footpath by site perimeter fencing at a residential development site at land south of the A179. It was found that the footpath was not obstructed, and that no breach of planning control had occurred.
2. Non-compliance with a condition requiring the provision of on-site parking at a residential development site at land at Station Road, Greatham. It was found that the on-site parking provision was in place, and that the subject of the complaint could not be controlled through planning legislation.
3. The erection of fencing to incorporate an area of public open space into residential garden on Spalding Road. The fence has now been relocated back to the original property boundary.
4. The display of banner advertisements at a public park on Park Avenue. The banner advertisements have since been removed.
5. The extension of a car park and works to a watercourse at a golf course on Speeding Drive. A retrospective planning application seeking to regularise the developments has since been approved.
6. The installation of a flue at the rear of a commercial premises in Owton Manor Lane. A retrospective planning application seeking to regularise the development has since been approved.
7. Running a beauty treatment business at a residential property in Jaywood Close. It was found that the business use did not lead to a material change of use requiring planning permission.
8. The installation of a flue at the rear of a commercial premises at The Front, Seaton Carew. It was found that the flue has been in place for in excess of four years and is therefore exempt from enforcement proceedings under planning legislation.
9. The change of use from a food shop to a barbers at a commercial premises in Oxford Road. Permitted development rights apply in this case.

2. RECOMMENDATION

- 2.1 Members note this report.

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