

PLANNING COMMITTEE

AGENDA



Wednesday 17th November 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 16th November 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 20th October 2021 (to follow)

4. ITEMS REQUIRING DECISION

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

1. H/2021/0315 Land at Lynn Street, Whitby Street, Surtees Street (page 1)
2. H/2021/0343 Land at Lynn Street, Whitby Street, Surtees Street (page 69)
3. H/2021/0346 The Grove, Dalton Piercy (page 89)
4. H/2021/0281 13 Parklands Way (page 121)
5. H/2020/0233 Martindale Farm, Elwick (page 135)
6. H/2021/0366 26 Kesteven Road (page 147)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

8.1 Enforcement 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

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 15th December 2021



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20th October 2021

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

Present:

Councillor: Mike Young (In the Chair)

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

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

45. Apologies for Absence

Apologies were submitted by Councillor Paddy Brown.

46. Declarations of interest by members

Councillor Sue Little declared a prejudicial interest in planning application H/2021/0398 (Cards R Hudsons) and indicated she would leave the meeting during consideration of this item.

Councillor Tim Fleming declared an interest in planning application H/2021/0338 (9 Rowell Street) as Ward Councillor.

47. Confirmation of the minutes of the meeting held on 22nd September 2021

Minutes approved

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

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

Councillor Shane Moore, speaking as Ward Councillor, urged members to go against the officer recommendation to refuse commenting that the applicant had made every effort to install windows which were of the required style and sympathetic to the conservation area. Only the material he intended to use was against official requirements.

A member noted that only 1 property on Rowell Street currently had the original windows in situ and questioned what officers were trying to preserve in terms of the conservation area. Other members praised the applicant for trying to retain the overall style of the original windows and acknowledged the need to insulate the property effectively.

A vote took place in respect of the officer recommendation which members voted against. The application was subsequently approved by a majority. Members recorded the following reasons for departing from the officer recommendation: that the proposal was acceptable in terms of their impact on the character and appearance of the conservation area and would help to combat climate change.

Decision: **Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair.**

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

The applicant was present. Members approved the application by a majority.

Decision:

Planning Permission Approved

CONDITIONS AND REASONS

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.

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: CARDS R HUDSONS 75 THE FRONT HARTLEPOOL

The applicant was present and addressed the Committee. The proposed alterations would allow the business to expand and develop and help create jobs. Members noted that there had been no objections from the neighbours and were therefore happy to support the proposal.

A vote took place in respect of the officer recommendation which members voted against. The application was subsequently approved by a majority. Members recorded the following reasons for departing from the officer recommendation: that the proposal would help support economic regeneration and would have an acceptable impact on the amenity of neighbours.

Decision: **Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair.**

49. Former Garden Centre – Tanfield Road (*Assistant Director (Place Management)*)

This item was withdrawn from the agenda.

50. Appeal at 58 Grange Road (*Assistant Director (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision to refuse an application relating to 58 Grange Road. Details were provided within the report.

Decision

That the report be noted.

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

Members were informed of 11 complaints currently under investigation and 9 which had recently been completed.

Decision

That the report be noted

52. 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 53 – (Consideration of Enforcement Action) – 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.

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

Members were asked to consider whether enforcement action should be taken. Further details are provided in the closed minutes.

Decision

Detailed within the closed minutes.

The meeting concluded at 10.55am.

CHAIR

No: 1
Number: H/2021/0315
Applicant: AMY WALLER VICTORIA ROAD HARTLEPOOL TS24 8AY
Agent: ID PARTNERSHIP NORTHERN CAROLE INMAN ST JUDE'S BARKER STREET SHIELDFIELD NEWCASTLE UPON TYNE NE2 1AS
Date valid: 09/08/2021
Development: Demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping.
Location: LAND AT LYNN STREET, WHITBY STREET, SURTEES 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 history is relevant to the current planning application;

Former Drug Rehabilitation Centre Site, Corner of Whitby Street and Surtees Street

HHDC/2001/0489 – Planning permission was granted on 28th November 2001 for erection of a building for use by the community drug action team and associated car parking.

HHDC/2004/0859 – Planning permission was granted on 12th January 2005 for office extension to Drug Rehabilitation Unit

Former Market Hotel Site, Lynn Street

HFUL/1989/0490 – Planning permission was granted on 18th October 1989 for change of use from public house with living accommodation to licensed hotel with living accommodation and public function facilities and alterations to elevations

HLBC/1989/0499 – Listed Building Consent was granted on 18th October 1989 for alterations and extension to form Hotel with living accommodation and public function facility

HLBC/1999/0405 – Listed Building Consent was granted on 30th September 1999 for alterations to provide public house, restaurant and living accommodation.

HLBC/2000/0055 – Listed Building Consent was granted on 22nd May 2000 for retention of spotlit fascia sign 10 no spotlights on frontage, 2 no spotlit board signs and 1 no hanging sign

HLBC/2000/0171 – Listed Building Consent was granted on 22nd June 2000 for ground floor internal and external alterations and toilet extension

HFUL/2000/0237 – Planning permission was granted on 18th January 2001 for entrance alterations and toilet extension.

H/2005/5627 – Planning permission was granted on 28th October 2005 for alterations to ground floor and first floor to provide office and 3 self-contained flats

HLBC/2004/0973 – Listed Building Consent was granted on 23rd December 2005 for repainting of building.

H/2009/0615 – A planning application for erection of 17no. 2 and 2.5 storey dwellings and associated infrastructure (works include preparation of site and demolition of former Market Hotel Public House) was withdrawn on 23rd April 2010.

H/2009/0626 – A Listed Building Consent application for demolition of listed building was withdrawn on 23rd April 2010.

H/2013/0151 – Planning permission was granted on 16th May 2013 for change of use to seven residential flats (plus two existing flats)

H/2013/0152 – Listed Building Consent was granted on 16th May 2013 for change of use to seven residential flats (plus two existing flats)

H/2013/0407 – Planning permission was granted on 7th October 2013 for change of use from public house/restaurant into 9 self-contained flats

H/2013/0408 – Listed Building Consent was granted on 7th October 2013 for change of use from public house/restaurant into 9 self-contained flats

Council Depot Site, Lynn Street

HFUL/1985/0077 – Planning permission was granted on 19th February 1985 for rebuilding of trade and retail storage, showroom and sales unit for decorating products and sundries, self-assembly kitchen units and bathroom fittings; parking and servicing

HFUL/1985/0139 – Planning permission was granted on 2nd April 1985 for proposed new access and egress and the change of use of vacant land to form part of service area

HFUL/1985/0263 – Planning permission was granted on 16th July 1985 for erection of greenhouse extension to form garden centre, and erection of boundary fence

HFUL/2004/0597 – Planning permission was granted on 2nd September 2004 for erection of a galvanised palisade fence to form secure compound

H/2007/0413 – Planning permission was granted on 9th August 2007 for change of use from former DIY store (Class A1) to family entertainment centre (Class D2)

H/2012/0056 – Planning permission was granted on 5th March 2012 for change of use to horticultural depot to accommodate the relocation of local authority horticultural depot, internal storage for vehicles, equipment and materials

H/2015/0133 – Planning permission was granted on 28th May 2015 for provision of Sbcas office unit, 2.4m high boundary fence and access gates

Land South of Reed Street / East of Lynn Street

H/2006/0723 – Planning permission was refused on 5th March 2007 for erection of a Supported Living Scheme for adults comprising 10 one bedroom flats, communal living/dining/kitchen/laundry/resource areas, staff overnight stay facility and rest rooms.

H/2021/0127 – Planning permission was granted on 7th June 2021 for remediation of land comprising removal of soil to a depth of 600mm below ground level and replacement with suitable clean sub soil.

Other Relevant Applications

H/2021/0343 - A valid Listed Building Consent application was received on 9th August 2021 for the current proposal, as described in detail below. This application is currently under consideration and also forms part of this committee agenda.

SITE CONTEXT

1.3 The application relates to 3 separate sites located entirely within the ‘Lynn Street Edge of Town Centre’ area, designated by policy RC7 (Edge of Town Centre Areas) of the Hartlepool Local Plan 2018, which is located south of Church Street, east of Stockton Road (A689), and north of Huckelhoven Way, Hartlepool.

1.4 More precisely, whilst separated by existing development and/or adopted highway, the 3 sites are in close proximity to one another, situated along a 200m (approx.) stretch of road, on the south side of Surtees Street, between Whitby Street and George Street. Given the edge of town centre location, the application sites are surrounded by a mix of commercial, industrial and residential uses.

1.5 For the purposes of this report and for consistency with the applicant’s supporting documentation, the 3 sites can be identified individually as follows;

- A. The central (and smallest) site, comprised of the former Market Hotel, a former hotel and public house (most recent use as public house/restaurant), located on the corner of Lynn Street and Surtees Street. The building is grade II listed.

Site A is bounded to the south and west by existing residential dwellings (2 storey), and to the north and east by the adopted highway on Surtees Street and Lynn Street, respectively. Further to the east, on the opposite side of Lynn Street, is Site B (see below). Further to the north, on the opposite side of Surtees Street, is a 3 storey office building ('Northgate House'). To the north east is a site currently being converted to a new film studio.

- B. The easternmost (and largest) site, consisting of the Lynn Street Council Depot site on Lynn Street (south of Surtees St and north of Reed St) and a vacant plot of land to the south of Reed Street (east of Lynn Street).

To the north and west, Site B is bounded by the adopted highway on Surtees Street and Lynn Street respectively. Further north, on the opposite side of Surtees Street, is the site of a new film studio. Further to the west, on the opposite side of Lynn Street, is Site A (see above) and a row of existing terraced dwellings. To the south, Site B is bound by Huckelhoven Way and a small unadopted alley with a number of commercial uses beyond, including a car repair garage, on Lambton Street. To the east, Site B is bound by a number of commercial and industrial uses, including a furniture manufacturing warehouse and associated shop. Reed Street currently intersects Site B on an east-west axis.

- C. The westernmost site is comprised of the former Drug Rehabilitation Centre and associated carpark on the corner of Whitby Street and Surtees Street.

Site C is bound by adopted highway (Charles Street) to the south, with residential dwellings on Empire Square beyond. Similarly, the site is bound immediately to the east by existing dwellings on Empire Square. To the north and west, Site C is bound by the adopted highway on Surtees Street and Whitby Street, respectively. Further to the north, on the opposite side of Surtees Street, is a surface car park and residential accommodation. Further to the west, on the opposite side of Whitby Street, is a vacant public house ('The Vault') and more surface car parking.

PROPOSAL

1.6 Planning permission is sought for the demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and the erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping.

1.7 The proposals comprise demolition of existing buildings across the 3 sites as follows:

- A. Former Market Hotel – Demolition of an existing 3 storey grade II listed former hotel and public house (most recent use as public house/restaurant) on the corner of Lynn Street and Surtees Street.
- B. Lynn Street Council Depot – Demolition of an existing large (approx. 1900m²) warehouse/depot building, smaller associated office unit and ancillary

temporary structures (i.e. 'portakabin's, shipping containers) on Lynn Street (south of Surtees Street and north of Reed Street).

- C. Former Drug Rehabilitation Centre – The demolition of an existing single storey (approx. 500m²) drug rehabilitation centre on the corner of Surtees Street and Whitby Street.

1.8 Following demolition and site clearance, the proposals comprise the erection of 48no. dwellings across the 3 sites as follows;

- A. Erection of 5 terraced three-storey townhouses on the site of the former Market Hotel, fronting onto Lynn Street.
- B. Erection of 34 detached, semi-detached and terraced two-storey dwellings and bungalows on the site of the Lynn Street Council Depot and vacant plot of land to the south of Reed Street.
- C. Erection of 9 detached, semi-detached and terraced two-storey dwellings on the site of the former Drug Rehabilitation Centre, fronting onto Surtees Street, Whitby Street and Charles Street.

1.9 The proposed scheme comprises a mix of 2, 3 and 4 bed house types. The proposed layout of the site is primarily based around the existing street layout in this area, with the exception of the closing of the through-road on Reed Street and associated formation of a new internal cul-de-sac on Site B above, adjacent to the eastern site boundary.

1.10 The proposed dwellings are contemporary in design, featuring large windows with vertical emphasis, a mix of red and buff colour brick to main elevations, decorative brick detailing and grey roof tiles, with the addition of glazed bricks and decorative metal cladding to the proposed townhouses on Site A.

1.11 In terms of hard and soft landscaping, the majority of the proposed dwellings feature 1 or 2 off-street parking spaces (with the proposed bungalows being served by 1no. space each) accessed via the existing road network or new cul-de-sac, with the exception of the proposed 5 townhouses on the former Market Hotel site, which do not benefit from off-street parking. Off-street parking spaces are typically located to the side of dwellings, with the exception of plots 2, 6, 10-13 and 37, where parking is located to the rear (beyond the rear garden), and plots 3-5, 7-9, 17-19 and 29-33, where parking is located to the front of the dwelling. 2no. visitor parking bays are provided within the proposed new cul-de-sac in Site B, adjacent to plot 17 and opposite plot 33.

1.12 Each of the plots benefit from a landscaped private garden to the rear, with new lawn and tree planting in places. Rear gardens are enclosed on all sides by a 1.8 metre high closed boarded timber fence, with the exception of plots 16, 19 and 20, which feature a 2.4 metre high acoustic fence along their eastern boundary (final details to be agreed). This proposed acoustic fence extends down the eastern boundary of Site B from Surtees Street in the north to the rear of plot 16 in the south, intersecting Reed Street, where a new turning head on the east side and new cul-de-sac on the west side (as above) are proposed.

1.13 The majority of plots also benefit from small lawned front garden areas, fronting onto existing streets and enclosed by low railings and hedges, with the exception of plots 4, 5 and 7-9 in Site C which, owing to the siting of parking spaces to the front and semi-detached / terraced layouts, do not benefit from a front garden. Conversely, the proposed bungalows at plots 17-19 and 29-32, which sit within the 'open plan' cul-de-sac in the interior of Site B, benefit from larger and unenclosed lawned front gardens, with private driveways adjacent. Small pockets and strips of incidental open space are also proposed, predominantly around the eastern edge of the site and proposed cul-de-sac in Site B.

1.14 The proposals (as described above) have been amended by the applicant during the course of the application following further discussions with the case officer and the Council's Planning Policy section. The amended plans included alterations to the house type at plot 44 (Lynn St), alterations to layout and house types at plots 01-09 (Surtees St/Whitby St/Charles St), change to dwelling positions at plots 33-36 (Reed St) and associated changes to hard and soft landscaping and boundary enclosures etc., amendments to acoustic fencing height, and additional supporting ecology information. These amendments are discussed in further detail below.

1.15 The application has been referred to the planning committee due to the number of objections received, in line with the Council's scheme of delegation for planning applications.

PUBLICITY

1.16 The application has been advertised by way of neighbour letters (161), site notices (6) and a press notice. To date, there has been 3 objections received across both the planning and listed building consent applications. .

1.17 The concerns raised (summarised) are:

- The closing of the through-road at Reed St will reduce access to existing retail store, making deliveries from articulated vehicles difficult, reducing customer parking, and resulting in a loss of trade.
- The closing of the through-road at Reed St will reduce visibility and accessibility of the existing retail store, resulting in a loss of passing trade.
- The proximity of the adjacent industrial factory unit will have a detrimental impact on the amenity of future occupiers due to noise and poor outlook.
- Proposed development on former Market Hotel site is out of keeping with existing dwellings adjacent in terms of scale and materials.
- Loss of light to habitable rooms and stairwell within neighbouring dwellings
- Overbearing effect on neighbouring dwellings.
- Loss of privacy for neighbouring dwellings from proposed development on former Market Hotel site.
- Provision/retention of alleyway may result in anti-social behaviour.
- Loss of bin storage adjacent to former Market Hotel site.

1.18 Following the submission of amended plans (see above), a targeted re-consultation exercise was carried out in October 2021 consisting of further neighbour

letters (27). At the time of writing this committee report, 1 further objection from an existing objector has been received with the following concerns (summarised);

- Loss of light to habitable rooms and garden within neighbouring dwellings
- Loss of privacy for neighbouring dwellings
- Impact on quality of life

1.19 The re-consultation period is still outstanding at the time of writing this report, and Members will be verbally updated on the day of the planning committee meeting should any further representations be received.

1.20 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=147232>

CONSULTATIONS

1.21 The following consultation replies have been received:

HBC Traffic & Transport – There are no objections in principle to the proposed housing site.

It is not anticipated the number of proposed dwellings will have an adverse impact on the surrounding highway network.

A stopping up order will be required for the section of Reed Street which is being cut off.

All roads and pavings should be constructed in accordance with the HBC Design Guide and specification.

UPDATE 24/09/21: I can confirm that it would be difficult for an articulated vehicle to use the proposed turning head which is intended for more general traffic use. Larger vehicles can turn around by utilising George Street either by driving along its full length or using the mouth of the junction as a turning head, double yellow lines are already present at the George street / Reed Street junction, although they are in a poor state of repair, these can be refreshed regard less of the decision on the housing development. This junction is relatively quiet and I would have no concerns with HGV's making this manoeuvre.

HBC Public Protection – I would have no objections to this application subject to the following conditions;

1. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

2. Effectively control dust emissions from the site remediation and construction works.
3. No open burning at any time

I am also happy with the recommendations laid out in the noise assessment and would have no objection to this application providing those recommendations were met.

HBC Heritage and Countryside Manager – The application site is located around the Lynn Street area and includes the grade II listed Market Hotel 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.

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

Policy HE4 of the local plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

The property has been vacant for some time and meets the Historic England criteria of a building at risk. This is because the building is in a significant state of disrepair and suffers from structural issues. 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 proposal is the demolition of a number of buildings including the Market Hotel and the erection of 48 dwellings, along with associated infrastructure, access and landscaping.

The NPPF para 200 states that, “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” Further to this para 201 sets out a number of criteria which should be met in order to demonstrate that the harm is necessary to achieve “substantial public benefits that outweigh that harm or loss.”

Historic England in their comments provide a detailed consideration of the steps that have been taken in order to find a solution to this site concluding that a robust justification for the demolition of the Market Hotel has been provided. Whilst this is noted they also highlight that, “For the sake of completeness, a brief outline of previous efforts to market the building should be added.”

In order to fully conclude that the terms of the NPPF can be met it is suggested that this should be provided prior to any decision being made in order to demonstrate fully the criteria outlined in para 201.

UPDATE 29/10/21: Further to the information provided highlighting the efforts that have been made to market this property. It is noted that this has been a prolonged process and although offers have been made these have not come to fruition. It would therefore appear from the evidence presented that the requirements of paragraph 201 of the NPPF have been satisfied. I therefore have no further comments to make.

HBC Townscape Heritage – No representations received.

Historic England – Historic England has no objection to this proposal.

The former Market Hotel is a grade II listed Victorian former public house whose main interest lays in the ornately detailed and varied public house frontage. It now in poor repair with major structural problems.

The application proposes to demolish the listed building and replace it with a block of housing, which is part of a wider residential redevelopment of the area. The demolition of a listed building should be an exceptional circumstance requiring a strong justification in line with paragraphs 200 and 201 of the National Planning Policy Framework.

The information provided is detailed and realistic in its assessment of financial viability and condition allowing for a properly informed decision on the building's future to be made. The conclusion that the listed building is unlikely to be redeveloped in the medium due to a large negative market value and lack of interest from charitable organisations is not disputed.

Although we regret that the building has declined to this poor condition, we acknowledge the efforts of the Council in investigating options for retention and providing an evidence-based case to support this application.

Historic England Advice

The former Market Hotel is a grade II listed former public house dating from the mid to late 19th century. Its main interest lays in the ornately detailed and varied public house frontage, which is now in poor repair, over-boarded and over painted.

The Hotel was one of many commercial buildings lining Lynn Street when it was the principal shopping street within West Hartlepool. It is an important reminder of that period along a street that was largely cleared of its Victorian and Edwardian buildings in the 1960's and 1970's. The building's vacant and degraded condition means that it has a negative impact on the street but its potential to enhance the street through restoration remains.

The proposal is to demolish the listed building and redevelop with housing, which is part of a larger regeneration housing project.

The demolition of any listed structure requires a clear and convincing justification. Paragraph 200 of the National Planning Policy Framework asks that the total loss of a grade II listed building should be exceptional. Paragraph 201 sets out how an exceptional justification can be assessed. In summary justification relies on either:

Demolition is necessary to deliver substantial public benefits that over-ride the loss of the listed building and could not be delivered in another way or location.

Demolition offers public benefits to a site where the re-use of the listed building is not practical in the medium term for reasons of condition and viability.

Whilst new housing is of public benefit it could not be demonstrated that this is the only site where the benefit could be delivered and therefore the second route applies, that being a realistic assessment of the building's viability for re-use against the benefits of redevelopment.

Paragraph 201 and paragraph 17 of the Planning Practice guide asks that viability is tested by market testing and exploring the potential for grant aid or charitable ownership to bridge any conservation deficit (where the cost of repair and re-use exceeds the market price of the building on completion of those works). A structural survey is required to underpin this work.

The application provides this information allowing for a judgement to be made in line with paragraph 201. On the details the following comments are made:

The structural report by RNJ Partnership LLP is thorough and knowledgeable of conservation practice. It describes a very dilapidated building with major structural problems that require immediate attention. We consider the report is fair and that its recommendations show that action is required in the short term, and that indefinite mothballing is not an option.

The structural report does not state that the building is beyond repair. This is not unusual as most buildings can be saved where there is enough will and finance to do so. Rather it considers the likelihood of that happening in the medium term that is the chief consideration, as laid out by paragraph 201.

The market testing of the property is ordinarily done through placing the property on the market for sale, in order to test the interest of the private sector. The Market Hotel has been assessed in the past in this way although the application contains little information on the results. Instead, a current market value report has been produced based on the 2013 application for conversion to apartments, either for sale or as part of a council owned rental. It is backed by development appraisals and costs drawn from the structural report. The report is produced by Hartlepool Borough Council and independently verified, as is good practice.

The reports produce conservation deficits of between £750 thousand and £1 million, which are very considerable sums that reflect not only the poor condition of the building but poor market values in this area. For the sake of robustness it would be advisable for the applicant to set out the marketing history of the property within the

application, although the market value report does bring home the financial reality well enough.

Grant funding is explored within the heritage statement and we broadly agree with the view that for a grade II listed building outside a conservation area there are limited avenues to explore. It is theoretically possible that a public use by a charitable foundation could access funds more widely and the heritage statement runs through the likely options and, reasonably, discounts them. Even if such an organisation could be found repair and re-use would likely take years to realise - years that the structural report suggests the building no longer has.

On the public benefits of the replacement housing we defer to yourselves as best placed to consider the need for housing in this location. The design of the replacement is influenced by the Market Hotel and Victorian architecture in its form and touches of detail yet presents a contemporary character. This is a more honest approach to redeveloping the site than trying to recreate the façade of the historic building and we have no objection to the design. Cleaning and incorporating some the faience from the bar frontage into the walls could add yet more interest.

Conclusion

We consider that a robust justification for the demolition of the Market Hotel has been provided.

We acknowledge the efforts that the Council has made in investigating options for retention, and in the provision of information to support the case for the proposed demolition.

The demolition of any listed building should be a last resort and justified in a robust way in line with paragraphs 200 and 201 of the NPPF. The information provided in this application is detailed and systematic in its appraisal of condition and viability. For the sake of completeness, a brief outline of previous efforts to market the building should be added. Subject to this there is sufficient information within the application to determine the application in line with the NPPF.

Determining the application requires a balanced decision between whether the public benefit of retaining the listed building is outweighed by the benefit of redevelopment. Public benefit of heritage in this instance means it's potential benefit arising from repair and re-use. The likelihood of this happening in the medium term seems very doubtful without significant investment at a loss to its end market value. As owners of the listed building Hartlepool Borough Council could consider whether to bridge that gap, but there is no requirement on them to do that.

We therefore advise that you now consider whether the public benefits of redevelopment are strong enough to outweigh that loss and if so, ensure that the site is redeveloped through planning condition or agreement.

Recommendation

Historic England has no objection to the applications on heritage grounds.

Your authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decisions in due course.

UPDATE 22/10/21: Thank you for sending through that resume. I knew there had been efforts in 2010's to market the property but couldn't recall the details. For the sake of transparency where the local authority is the applicant it is good practice to provide such a marketing outline and what is provided is satisfactory. In some circumstances it is prudent to remarket a building nearer to the time of determining an application, but in this instance that would serve little purpose as there has been no uplift in the economic draw of the area whilst the building has deteriorated further.

Consequently, I have no further comments to make on the application.

UPDATE 02/11/21: The request [to ensure that the site is redeveloped through planning condition or agreement] reflects paragraph 204 of the NPPF:

'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'

I couldn't find any guidance on 'reasonable steps' either within the PPG or Historic England guidance unfortunately but in ordinary ownership circumstances a legal agreement would seem to be reasonable. I recall one way of doing this to be tying demolition to after the letting of contracts for the redevelopment work, but can't remember now the proposal.

I hadn't considered the LPA ownership aspect but as you say it precludes legal agreement. The only comparator that came to mind was Durham County Council's application to demolish Easington Colliery Schools this year. They are both owner and planning authority, there is a slight difference in that the redevelopment was a pocket park, something of a meanwhile use.

I attach the decision notice and note that there is no condition referring to ensuring the park is built. I presume confidence that it will be built lies in the fact that not to do so would cause residential blight and this is not an outcome that is acceptable to a LPA. The Market Hotel case presents the same issues and more assurance is provided by the housing scheme.

As for a third party challenges on other similar proposals I don't have an answer beyond the difference between the roles of a private developer and LPA.

In summary, ensuring a site is redeveloped following the loss of a heritage asset is good practice that concerns risk management. With the LPA as developer and the proposal for social housing that risk appears small. Considering that a legal agreement is not technically possible we would have no objection to proceeding without a condition that reflects paragraph 204 in this instance.

Hope that covers this issue but please get in touch if you need clarification.

Victoria Society – No representations received.

Tees Archaeology – Thank you for the consultation on this application. We note the inclusion of a Heritage Statement, which concludes that the Grade II listed Market Hotel is no longer viable, and as such should be demolished. We are disappointed with this conclusion and would be saddened to see the loss of this heritage asset, especially as the building is the sole reminder of Lynn Street's historic past. Should planning permission be granted, we would ask that Level 2 historic building recording be carried out prior to its demolition, in line with NPPF paragraph 205. As a means of making the significance of the heritage asset publically available (NPPF para. 205), it is noted that the developer intends to incorporate features (such as the iron work decorative sign) and architectural references from the Market Hotel into the new buildings, as well as establishing an interpretation panel outlining the 'importance of this entire area as Hartlepool Older Town centre including the former market to the north east of the Market Hotel Site'. The building recording could be secured by a condition upon the development. I set out proposed wording of this condition below:-

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Hartlepool Civic Society – Deeply to be regretted and a terrible indictment, the final nail in the coffin of West's premier shopping street arrives with the demolition of the Market Hotel which once faced the old market hall. Lynn Street is finally cleared! This had been a lively bustling street at the heart of the Victorian boom town, full of character and proudly expressing the pride of West Hartlepool. In the 60s and 70s the wrecking ball reigned, and the centre of town was laid waste – only now are the

empty holes, created decades before, being filled, but are the new buildings going to be a cultural legacy we can proudly pass to future generations with any pride?

The loss of another of the towns listed buildings and character and heritage wasted, may have been more palatable had the new proposal been inspiring. The proposed buildings that are to replace the old hotel itself do show some potential, they celebrate the urban heart of the town in scale and form. Perhaps this accounts for the dominance of the design of this relatively small element in the Design and Access Statements. Why was this scale, proportion and commendable design effort then abandoned for the rest of the scheme? Sadly most of the rest of the development falls far short in its uninspiring plan and suburban form.

The part of the scheme east of Lynn Street is out of proportion with the large and bold Victorian Baltic Building in Surtees Street and the commercial property/warehouses in Reed Street. The conversion of the latter street into two peculiar backwater cul-de-sacs is an awkward attempt to distinguish residential and commercial areas that will do a disservice to both and create truly unfortunate dead ends that invite antisocial activities – better to keep the open flow and visibility of the existing street.

The proposed streetscape is broken and full of gaps especially along Lynn Street, Surtees Street and Whitby Street. To use the vernacular ‘its full of holes’. The earlier development around the Market Hotel is much more successful in this respect as it retains the urban sense of space and place, maintaining the enclosure of the main streets. The back land development location of the bungalows is another awkward prospect which results in the backs of houses exposed to the public street/view and properties facing gable ends. Will the residents one presumes these are intended for relish being hidden away from the life of the rest of the community?

It is extremely regrettable that the consultation and engagement mentioned in the statement of community involvement did not include Hartlepool Civic Society. The NPPF identifies the role of local authorities in encouraging the use of pre-application engagement. Paragraph 40 states that local authorities should “encourage any applicants (in this case the local authority itself) who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications”, where this would be beneficial. Bearing in mind this application included a listed building one would have thought pre-application engagement with a civic society would have been beneficial.

In the past much of Hartlepool was built with an eye on expressing the great pride and confidence in the town by enriching its streets through the architecture, now it is much more a venture in less cost more gain – for built examples compare the Hartlepool Central Co-operative Stores building with its modern counterpart Asda supermarket. If accountants were architects what a rich environment we would all be living in.

On the application in hand, we regret the loss of the Market Hotel all the more because the proposed application which contains its destruction also contains new development that is all too disappointing in its design.

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

HBC Landscape Architect – Detailed landscape proposals have been submitted which are acceptable.

UPDATE 27/10/21: There are no landscape and visual issues with the proposed amendments

HBC Arboricultural Officer – Although there will be a loss of some small trees to accommodate this development this has been compensated for within the accompanying landscape drawings using small growing species like Sorbus aucuparia together with associated shrub planting. No objections

HBC Ecology – This application is supported by a Preliminary Ecological Appraisal and Bat Survey report. This is in line with pre-app advice. However, in line with current HBC policy, as this is an application for major development the proposals will need to demonstrate no net loss in biodiversity value measured using the most up-to-date biodiversity metric. Further details are provided below.

Habitats Regulations Assessment

A separate Habitats Regulations Assessment has been undertaken. The stage 1 assessment has concluded, in agreement with Natural England's advice that the HRA should progress to stage 2. A draft stage 2 assessment has been undertaken (iteration 1), which has concluded no adverse effect on the Teesmouth and Cleveland Coast SPA, or any other Natura 2000 site, subject to a financial contribution to implement mitigation measures. However, it is a statutory requirement for a stage 2 HRA to have regard to the advice of Natural England following consultation. In light of this, before determining the application it will be necessary to re-consult Natural England and update the stage 2 HRA accordingly.

Significant Ecological Harm

Policy NE1 and section 15 of NPPF seek to ensure development does not result in significant ecological harm. Based on the information within the ecological reports and the development plans there is potential for significant ecological harm as a result of the following impacts. This list excludes impacts to statutory designated nature conservation sites, which are addressed above.

- Loss of early mature trees adjacent to Lynn Street Depot.
- Destruction of active bird nests as a result of demolition of Lynn Street Depot.
- Loss of a common pipistrelle bat roost (low conservation status roost type) as a result of demolition of former Market Hotel.

The following mitigation measures are required to prevent significant ecological harm occurring as a result of construction of the proposals.

- Tree planting to compensate for those trees lost to construct the proposals.
- Demolition of Lynn Street Depot outside of the bird breeding season (March to August inclusive), or once an ecologist has confirmed no active nests are present.

- Scheme for the inclusion of bat boxes into some of the new dwellings, sufficient to compensate for loss of low conservation status bat roost.

Detail and implementation of the above measures can be secured through planning conditions.

Biodiversity Net Gain

As major development, the proposals will need to demonstrate no net loss in biodiversity value through use of a biodiversity metric. The baseline habitat data required for the calculation is included in the Preliminary Ecological Appraisal Report. However, further information will be needed in the form of a completed metric calculation tool (Biodiversity Metric 3.0 is the most up-to-date), and accompanying maps of before and after development habitat types that are used in the metric. This information will be needed to determine the application to identify if any offsite compensation measures are required.

Summary

Further information on biodiversity net gain is needed, and Natural England will need to be re-consulted as part of the formal HRA process.

In all other respects, provided appropriate mitigation measures are secured through planning conditions, the proposals are in accordance with biodiversity policies.

UPDATE 30/09/21: Further to Natural England's consultation response below I've updated and attached the Stage 2 HRA to confirm no objection by NE.

UPDATE 25/10/21: [Biodiversity Net Gain report] looks fine to me. I suggest a condition similar to condition 8 on the Hill View decision notice (just need to update the wording from 'biodiversity metric 2.0' to 'biodiversity metric 3.0').

No objection subject to the above condition.

Natural England – Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

INTERNATIONALLY AND NATIONALLY DESIGNATED SITES – NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION

This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

Hartlepool Borough Council has measures in place to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development within this zone.

Subject to appropriate mitigation being secured in line with the details of this service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

UPDATE 30/09/21: Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

HBC Engineering – In response to your consultation on the above application, we have no objection in principle in respect of contaminated land or surface water management. In respect of contaminated land the site investigation report submitted with the application recommends further and intrusive investigation, please can you include our standard residential contaminated land condition on any permission issued for proposals in order to facilitate this. In respect of surface water management please can you include the condition shown below on any permission issued for proposals:

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep where applicable, will be a minimum of 50% less than the demonstrable run-off from the site prior to the proposed development following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

UPDATE 03/11/21: The sequential test does not need to be applied for individual developments on sites which have been allocated in development plans through the Hartlepool Flood Risk Sequential Test, please see the Flood Risk assessment section 3.

Environment Agency – We have NO OBJECTIONS to the proposed development as submitted. However, we have the following comments/advice to offer:

Flood Risk

Whilst the Flood Map for Planning identifies the proposed development site as sitting within Flood Zone 2 & 3, subsequent reporting has been provided to the Environment Agency that indicates that it is now protected to a 1 in 100 year event from the installation of multiple flood defences.

We recommend that the submitted Flood Risk Assessment is conditioned as an approved document within the decision notice of this application.

Sequential Test - Advice to LPA

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Decision notice - Information to the LPA

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above we have the following comments to make:

We note a drainage strategy has been submitted with the application which states that the discharge rates, connection points and detailed drainage strategy will be decided at the detailed design stage. At this stage the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development, we would therefore request the following condition:

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

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

How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

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

For information only

We can inform you that public sewers cross the red line boundaries of the sites and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

Hartlepool Water – No representations received.

HBC Waste Management – No representations received.

HBC Property Services – No representations received.

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

HBC Housing Services – No representations received.

HBC Housing Standards – No representations received.

HBC Economic Development – The Economic Growth Team have reviewed the H/2021/0315 proposal and are in support of the application. This helps bring sites back into use which were previously underutilised and complements the wider ISQ vision from Hartlepool Borough Council. This will hopefully lead to job opportunities for local people too.

HBC Community Safety and Engagement – No representations received.

Cleveland Police – In relation to crime prevention and community I would always advise that regard physical security and layout of a development that the recommendations of Secured by Design are adopted.

With regard layout it would have been preferred to have no rear footpath to properties all rear footpath need to be gated and locked securely with gates fitted close to the footpath entrance the area should be well lit All rear boundaries need to be secure rear garden boundaries to plots 10-16 19,20 need to have boundaries to a min of 1.8m preferably 2m

Street lighting to comply with BS5489 2013 Dusk/dawn lighting fitting to entrance doors

Door and window security should meet requirements of PAS 24 2016

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

However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1.

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

Northern Gas Networks – Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Northern Powergrid – Thank you for your enquiry dated 17/08/2021 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Please note that while all efforts are made to ensure the accuracy of the data, no guarantee can be given. We would refer you to the Health & Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

*Plans must only be used as a guide in the location of underground cables. The use of a suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.

*Cable depths are not generally indicated on our records and can vary considerably even when shown.

*Great caution must be exercised at all times when using mechanical plant. Careful trail digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health & Safety Executive have another publication, GS6 "Avoidance of Danger from Overhead Electric Lines" that you should be aware of if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health & Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information given. Any damage or injury caused will be the responsibility of the organisation concerned who will be charged for any repairs.

Please note ground cover must not be altered either above our cables or below overhead lines, in addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleaves agreement, lease or deed or alternatively protected under the Electricity Act 1989. Should any alteration / diversion of our Company's apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees TS18 3TU. Tel 0800 0113433

All future works that we may have will be included on the quarterly NRSWA coordination return for discussions at the quarterly meeting of authorities / utilities in order to minimise disruption to the public.

RBE. Please note my company has no objections to this application providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

National Grid - No representations received.

PLANNING POLICY

1.22 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

1.23 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
 HSG1: New Housing Provision
 HSG1A: Ensuring a Sufficient Supply of Housing Land
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 NE1: Natural Environment
 NE2: Green Infrastructure
 NE6: Protection of Incidental Open Space
 QP1: Planning Obligations
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC3: Innovation and Skills Quarter
 RC7: Lynn Street Edge of Town Centre Area
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

1.24 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:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA060: Delivering a sufficient supply of homes
 PARA086: Ensuring the vitality of town centres
 PARA092: Promoting healthy and safe communities
 PARA093: Promoting healthy and safe communities
 PARA094: Promoting healthy and safe communities
 PARA098: Open space and recreation
 PARA099: Open space and recreation
 PARA104: Promoting sustainable transport
 PARA105: Promoting sustainable transport
 PARA110: Considering development proposals
 PARA112: Considering development proposals
 PARA119: Making effective use of land
 PARA124: Achieving appropriate densities
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA132: Achieving well-designed places
 PARA152: Meeting the challenge of climate change, flooding and coastal change
 PARA154: Meeting the challenge of climate change, flooding and coastal change
 PARA157: Meeting the challenge of climate change, flooding and coastal change
 PARA167: Planning and flood risk
 PARA169: Planning and flood risk
 PARA174: Conserving and enhancing the natural environment
 PARA183: Habitats and biodiversity
 PARA187: Habitats and biodiversity
 PARA189: Conserving and enhancing the historic environment
 PARA194: Conserving and enhancing the historic environment
 PARA195: Conserving and enhancing the historic environment
 PARA197: Conserving and enhancing the historic environment
 PARA199: Conserving and enhancing the historic environment - Considering potential impacts
 PARA200: Conserving and enhancing the historic environment - Considering potential impacts
 PARA204: Conserving and enhancing the historic environment
 PARA205: Conserving and enhancing the historic environment

1.25 HBC Planning Policy comments - The principle of residential development is acceptable in this location, the land is located in the Lynn Street Edge of Centre area (RC7) within the 2018 Hartlepool Local Plan and the policy sets out that residential uses are permitted within this area.

Demolition of the Market Street Hotel

Planning Policy note that the former Market Street Hotel is a listed building and that it has been vacant for a significant number of years. Attempts to refurbish it and bring it back into use have been unsuccessful and the building is currently supported by scaffolding. Planning Policy supports the demolition of the building and the redevelopment of the land. Planning Policy are of the view that other alternative options have been unsuccessful and demolition is a last resort and realistically the only way to regenerate the area and rid the area of a currently unsightly building.

Demolition of the former drug rehabilitation centre

Planning Policy have no comments to make with regards to the demolition of the former drug rehabilitation centre. It is of no real architectural merit and thus its loss would not be detrimental to the area.

Open space and green infrastructure

There is currently an area of open space on site B parallel to Reed Street. The area of open space was well maintained grass but it has recently been turned over. It is the only area of open space within the vicinity and its loss should be compensated for. Planning Policy note that financially it is not possible to run the scheme without this parcel of land and/or provide this parcel of land elsewhere within the area.

Planning Policy note that green infrastructure has been provided on site via an area of open space to the east of the site and via gardens and shrubs along key streets i.e along Lynne Street. Planning Policy note the regeneration benefits of the scheme as a whole and consider the loss of incidental open space acceptable, in this instance.

Car parking

It is noted that the car parking for plot 33 is located to the east of the dwelling, two bays have been allocated and are within the area of open space. The car parking bays should be clearly labelled or have access barriers to prevent visitors parking there and to ensure that the residents of unit 33 are not required to park on the road and/or path.

It is noted that the units on site A (Former Market Hotel) have no car parking options. It is appreciated that lower car parking standards can be acceptable within areas so close to the town centre and the train station, however in practice, many residing in this location do drive therefore Planning Policy trust that on street parking arrangements are available within this area.

Reed Street access

It is noted that this proposal seeks to prevent access along Reed Street to Lynn Street, Planning Policy are aware that a business operating along Reed Street receives daily deliveries from artic lorries and that the lorries currently use Reed Street to access and egress the business. If the application is approved in its current form then the artic lorries would have to find an alternative route, such route could be

to go along George Street and then onto Surtees Street. Planning Policy would not like to see a business hampered by this development and if it is not possible for lorries to safely deliver to the business on Reed Street then it may be the case that the layout of the scheme should be amended so that Reed Street remains accessible from Lynn Street.

Dwelling designs

The designs shown are acceptable, building lines, mass and heights are respected and positive elements of design within the area are married through onto the proposed dwellings. Planning Policy note that elements i.e the green tiles, of the Former Market Hotel, have been incorporated into the façade of the new dwellings (plot 44- 48), Planning Policy support that elements of Hartlepool's history will be moved forward onto modern buildings.

It is welcomed that the dwelling are in accordance with the nationally described space standards.

Planning obligations

In the interests of providing sustainable development it is necessary for the applicant to improve the surrounding community facilities and infrastructure that residents are likely to use and/or have the option to use. The following obligations should be sought: -

Built sports facilities - A contribution of £250 per dwelling should be sought for built sports facilities and directed towards the new leisure centre proposed on the Marina.

Play facilities - A contribution of £250 per dwelling should be sought and directed towards the nearest play facility on Burbank Street.

Green Infrastructure - A contribution of £250 per dwelling should be sought for green infrastructure and directed towards improving the links from the site to the town centre/The Marina/The coastal path.

Playing pitches - A contribution of £233.29 per dwelling should be sought and directed towards Seaton Park.

Tennis courts - A contribution of £57.02 per dwelling should be sought for tennis courts in Seaton Park.

Bowling greens - A contribution of £4.97 per dwelling should be sought for borough wide bowling provision.

Planning Policy have assessed the financial information submitted and discussed the viability of the scheme at length with the agents, Planning Policy have cross reference figures with other assessments and undertook assessments with regards to anticipated build costs and revenues. It is appreciated that a significant amount of money has to be spent on The Former Market Hotel and it is the other units on the other 2 sites that will help the scheme break even over time.

Planning Policy are of the view that the above mentioned planning obligations cannot be provided and to insist upon them would likely render the scheme unviable.

Planning Policy consider it paramount that this area of the borough is regenerated and much needed affordable homes are provided and thus Planning Policy support the scheme overall, despite the fact that planning obligations cannot be secured.

Energy efficiency and renewable energy and electric vehicle charging points

It is noted that the applicant seeks to incorporate energy efficiency measures and

maximise solar gain through design and construction, this is set out in the Planning Statement.

In accordance with policy CC1 the applicant is required to generate 10% of the anticipated energy from a renewable source. Policy CC1 also seeks major developments to provide opportunities for charging electric and hybrid vehicles. It is noted that the applicant seeks to maximise energy efficiency of the dwellings through a fabric first approach and solar panels, this approach is supported and should be secured. Electric charging points are not proposed, the applicant is investing in energy efficiency and solar panels, Planning Policy are of the view that to invest in electric charging points could render the scheme unviable.

PLANNING CONSIDERATIONS

1.26 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 the development, the impact on heritage assets and archaeology, the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage and contaminated land. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Development Limits and Site Allocations

1.27 The Hartlepool Local Plan (2018) sets development limits for the Borough, beyond which there is a presumption against development. The application sites sit comfortably within the development limits of Hartlepool, adjacent to the town centre, and therefore is considered to be sustainably located and well positioned to benefit from local amenities, services and public transport.

1.28 The application sites are located within an area designated as the 'Lynn Street Edge of Town Centre Area' by virtue of Local Plan policy RC7. Policy RC7 stipulates that the Borough Council will seek to diversify, support and protect the Lynn Street Edge of Town Centre area. After the town centre, the Local Plan allocates this area as the next sequentially preferable location for main town centre uses, with the following uses considered to be appropriate;

- Food and drink (A3)
- Businesses (B1)
- Non-residential institutions (D1)
- Assembly and Leisure (D2)
- Residential (C2 and C3)

The above uses, and other uses, will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the sites and the surrounding area.

1.29 The sites are also located within the Borough's emerging Innovations and Skills Quarter (ISQ), designated by virtue of policy RC3 of the Local Plan. The ISQ is designed to address the key economic and property market challenges that are a barrier to development in the area and seeks to create a focus for new small business development particularly relating to the creative and digital industries sector. Whilst policy RC3 seeks to encourage the provision of small scale start-up units in the area, it does not preclude residential uses within the ISQ, and stipulates that improvements to the public realm will be supported.

1.30 In view of the above, the Council's Planning Policy section has confirmed that the principle of residential development is acceptable in this location, subject to other policy considerations as set out below.

Energy Efficiency and Renewable Energy

1.31 NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

1.32 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In line with this policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods. Where this is not possible, the Borough Council would encourage an attempt to be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations.

1.33 In addition to this, policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.34 The application is supported by an Energy Statement, contained within the submitted Planning Statement, in which the applicant seeks to explain the design approach and energy savings that are proposed to be made. The Council's Planning Policy section has reviewed the submitted information and notes that the applicant seeks to incorporate energy efficiency measures and maximise solar gain through design and construction.

1.35 Furthermore, it is noted that the applicant seeks to maximise energy efficiency of the dwellings through a fabric first approach and solar panels, an approach which is supported by the Council's Planning Policy section, who have requested that this be secured accordingly. Planning conditions are therefore recommended ensure the development accords with the Energy Statement and to secure final details of energy efficiency measures and renewable energy provision.

1.36 Whilst electric vehicle charging points are not proposed in this instance, the Council's Planning Policy section has advised that as the applicant is investing in

energy efficiency and solar panels, and in view of viability constraints, it is considered investing in electric charging points could render the scheme unviable. It is therefore considered that this requirement should be waived in this instance.

1.37 In view of the above it is considered that the proposals are acceptable with respect to these planning policy requirements, subject to the identified planning condition(s).

Housing Mix and Affordable Housing

1.38 Policy HSG2 (Overall Housing Mix) of the Local Plan stipulates that The Borough Council will ensure that all new housing, and/or the redevelopment of existing housing areas, contributes to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future.

1.39 As above, the proposals consist of an array of house types including;

- 2 bedroom semi-detached and terraced bungalows;
- 2, 3 and 4 bedroom two storey detached, semi-detached and terraced dwellings; and
- 3 bedroom three storey terraced dwellings / townhouses

1.40 In terms of affordable housing provision, policy HSG9 (Affordable Housing) of the Local Plan stipulates that The Borough Council will seek to deliver affordable housing in respect of all applications or proposals for C3 residential developments that consist of a gross addition of 15 dwellings or more. An affordable housing target of 18% will be sought on all sites above the 15 dwelling threshold. In this instance, the proposed tenure of the dwellings will consist of 100% affordable rent, with the dwellings owned and managed by Hartlepool Borough Council and let through the Choice Based Lettings System.

1.41 The Council's Planning Policy and Housing sections have not raised any concerns with respect to the proposed housing mix or affordable housing provision, and the proportion of affordable units proposed is far in excess of policy requirements. It is therefore considered that the proposed housing mix and affordable housing provision is acceptable.

Planning Obligations

1.42 In the interests of providing sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 (Planning Obligations) and the adopted Planning Obligations SPD, the Council's Planning Policy section has confirmed that developer contributions would typically be expected based on the current submission, as set out below;

- Built Sports Facilities - A contribution of £250 per dwelling for built sports facilities and directed towards the new leisure centre proposed on the Marina.
- Play Facilities - A contribution of £250 per dwelling to be directed towards the nearest play facility on Burbank Street.

- Green Infrastructure - A contribution of £250 per dwelling for green infrastructure to be directed towards improving the links from the site to the Town Centre/The Marina/The coastal path.
- Playing Pitches - A contribution of £233.29 per dwelling to be directed towards Seaton Park.
- Tennis Courts - A contribution of £57.02 per dwelling for tennis courts in Seaton Park.
- Bowling Greens - A contribution of £4.97 per dwelling for Borough wide bowling provision.

1.43 In this instance, the applicant has submitted supporting financial information setting out the economic viability of the proposed development, and have ultimately concluded that the above developer contributions could render the scheme unviable. The Council's Planning Policy section has assessed the financial information submitted and discussed the viability of the scheme at length with the applicant. The Council's Planning Policy section has also cross referenced figures with other assessments and undertook assessments with regards to anticipated build costs and revenues and acknowledge that a significant amount of money has to be spent on the former Market Hotel site in particular, and it is the other units on the other 2 sites that will help the scheme break even over time.

1.44 In view of this, the Council's Planning Policy section consider that the abovementioned planning obligations cannot be secured in this instance, as to insist upon them would likely render the scheme unviable. The Council's Planning Policy section consider it paramount that this area of the Borough is regenerated and much needed affordable homes are provided and thus ultimately support the scheme overall, despite the fact that planning obligations cannot viably be secured.

Other Principle of Development Considerations

1.45 An objection has been received from a neighbouring business on Reed Street, raising concerns that the closing of the through-road at Reed St will reduce access to this existing retail store and factory unit, making deliveries from articulated vehicles difficult, reducing customer parking, and reducing the visibility and accessibility of the store, ultimately resulting in a loss of trade.

1.46 The Council's Planning Policy section acknowledges the above concerns in their comments and notes that if the application is approved in its current form then articulated delivery vehicles would have to find an alternative route, such as George Street, for access to the business. The Council's Planning Policy section clarifies however that they would not like to see the business hampered by this development, and if access via George Street was not feasible then the loss of access through Reed Street may need to be re-considered.

1.47 The case officer and the Council's Planning Policy section have discussed these concerns with the applicant in detail, however the applicant has clarified that the closure of the through-road at Reed Street is necessary in order to facilitate an acoustic barrier between the proposed development and the adjacent industrial / factory unit to the east. This acoustic barrier has been incorporated into the scheme at the request of the Council's Public Protection team, to mitigate against undue

noise and disturbance for future occupants from the adjacent business. The Council's Public Protection team has confirmed this is critical in order to ensure the impact on the amenity of future occupants is acceptable and has clarified there can be no break in the barrier in this location, without having an unacceptable detrimental impact on the amenity of future occupants. In turn however, it is hoped the acoustic barrier will alleviate pressure on the adjacent business that may otherwise have been caused through noise complaints from future occupants of the proposed development.

1.48 The Council's Highways, Traffic & Transport section have also been consulted on this matter specifically and have advised that, whilst it would be difficult for an articulated vehicle to use the proposed new turning head on Reed Street (which is for more general traffic use), larger vehicles will be able to turn around via George Street, either by driving along its length to access/exit Reed Street or by using the George Street / Reed Street junction as a turning head.

1.49 In a follow-up objection in view of the comments of Council Highways officers, the same objector has reiterated their concerns that the alternative route via George Street is too busy, particularly due to the presence of a taxi rank adjacent, and highlights that customers of their business currently park on-street in the vicinity of the George Street / Reed Street junction, which would make manoeuvring in this area difficult for heavy goods vehicles (HGVs).

1.50 It was noted at the time of the case officer's site visit (approx. midday on a Wednesday) that cars were parked on Reed Street in front of the furniture business, and further north along George Street, however the George Street / Reed Street junction itself did not appear particularly busy, and a portion of the traffic on Reed Street at the time appeared to originate from the Council depot site to the west (which would no longer be operating should planning permission be granted). Furthermore, it was noted there is a small car park (approx. 20 spaces) north of Reed Street which appeared to be owned by this business with signs within the car park indicating this was reserved for customers of the business only, and which had a number of vacant spaces at the time of the site visit.

1.51 The Council's Highways, Traffic & Transport section has clarified that double yellow lines are already present at the George Street / Reed Street junction, to prevent parking, albeit in a poor state of repair, and these can be refreshed irrespective of the outcome of this application. The Highways, Traffic & Transport section also consider the junction to be relatively quiet, and they would therefore have no concerns with a HGV manoeuvring in this area.

1.52 It is also noted that the Council's Economic Growth Team has confirmed they are in support of the application, commenting that the proposals help bring sites back into use which were previously underutilised and will complement the wider ISQ area, hopefully leading to job opportunities for local people. No concerns have been raised by the Council's Economic Growth Team however with respect to the impact on existing businesses.

1.53 In view of the above, whilst the concerns of the adjacent business are noted and it is acknowledged the proposed development will have some degree of impact

on the business's operations, it is considered on balance that this impact would not be so significant as to warrant a reason for refusal of the application.

Principle of Development Conclusion

1.54 In view of the above, the principle of the development is considered to be acceptable, subject to the identified planning condition(s) and the consideration of all other relevant material planning considerations, as set out in further detail below.

HERITAGE ASSETS AND ARCHAEOLOGY

Policy Context and Key Legislation

1.55 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.56 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings and Structures) of the Local Plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.” Policy HE7 (Heritage at Risk) 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.

1.57 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation.

1.58 Paragraph 200 of the NPPF states that, “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”, and that substantial harm to or loss of grade II listed buildings should be exceptional.

1.59 Further to this, paragraph 201 states that proposals resulting in substantial harm or total loss of significance of a heritage asset should be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

1.60 Paragraph 201 of the NPPF and paragraph 17 of the Planning Practice Guidance (PPG) asks that viability is tested by market testing and exploring the potential for grant aid or charitable ownership to bridge any conservation deficit (where the cost of repair and re-use exceeds the market price of the building on completion of those works). A structural survey is required to underpin this work.

Impact on the Listed Building

1.61 The mid-late 19th century grade II listed former Market Hotel is located within site A of the application site(s). The building is recognised as a designated heritage asset, with the main interest lying in the ornately detailed and varied public house frontage, though the building is acknowledged to be in a significant state of disrepair and suffers from structural issues. The building therefore meets the Historic England criteria of a building at risk.

1.62 The hotel was one of many commercial buildings lining Lynn Street when it was the principal shopping street within West Hartlepool. It is an important reminder of that period along a street that was largely cleared of its Victorian and Edwardian buildings in the 1960's and 1970's.

1.63 The proposals include the complete demolition of the former Market Hotel. The application is supported by a Heritage Statement and detailed assessment of the condition of the building and the financial viability and costs associated with its retention.

1.64 Historic England has been consulted and have commented that the required information has been provided, and this information is sufficiently detailed and realistic in its assessment of financial viability and condition, allowing for a properly informed decision on the building's future to be made. The supporting information concludes that the listed building is unlikely to be redeveloped in the medium term due to a large negative market value and lack of interest from charitable organisations, and this is not disputed by Historic England, who recognise the efforts of the applicant in investigating options for retention and providing an evidence-based case to support this application.

1.65 On the design of the replacement dwellings, Historic England has commented that this is influenced by the Market Hotel and Victorian architecture in its form and touches of detail yet presents a contemporary character. This is considered by Historic England to be a more honest approach to redeveloping the site than trying to recreate the façade of the historic building and they therefore have no objection to the proposed design.

1.66 Ultimately, Historic England has concluded that they consider a robust justification for the demolition of the Market Hotel has been provided, and they therefore have no objections to the application on heritage grounds.

1.67 Historic England therefore advise that it is now for the local planning authority to consider whether the public benefits of redevelopment are strong enough to outweigh the loss of the listed building. Historic England also initially advised that the redevelopment of the site should be secured through legal agreement or planning

condition. However, following further discussions with the case officer regarding the appropriateness of a planning condition to require redevelopment, and noting that the Local Authority is the applicant in this instance (and so a legal agreement cannot be entered into) and the proposal is for social housing, Historic England has advised that they consider the risk of the development not coming forward to be small. Historic England has therefore clarified that they have no objection to the application proceeding without a condition that reflects paragraph 204 in this instance.

1.68 The Council's Heritage and Countryside Manager has also been consulted and has not raised any concerns or objections to the proposals. They did however request further clarification on marketing information, in view of Historic England's comments, and this has since been provided by the applicant. It is noted that marketing the site has been a prolonged process and although offers have been made these have not come to fruition. The Council's Heritage and Countryside Manager has concluded from the evidence presented that the requirements of paragraph 201 of the NPPF have been satisfied and they therefore have no further comments to make.

1.69 The Council's Planning Policy section has commented that, in view of the submitted information, they supports the demolition of the building and the redevelopment of the land. The Council's Planning Policy section are of the view that other alternative options have been unsuccessful and demolition is a last resort and realistically the only way to regenerate the area and rid it of a currently unsightly building.

1.70 The comments of Hartlepool Civic Society are set out above. They regret the loss of the listed building and raise concerns with the quality of large parts of the development. No comments or objections have been received from the Victorian Society or the Council's Townscape & Heritage Project Officer.

1.71 It is noted that the site(s) are within 50-150m of the Church Street Conservation Area. No concerns have been raised in respect to the impact on this heritage asset and given the separation and intervening buildings it is considered that the development will not have a significant effect upon it.

Archaeological Matters

1.72 Tees Archaeology has also been consulted and has advised that whilst they are disappointed with the conclusions of the supporting information and would be saddened to see the loss of this heritage asset, should planning permission be granted, Level 2 historic building recording must be carried out prior to its demolition, in line with NPPF paragraph 205. It is advised that this can be secured by virtue of a planning condition, and this is recommended accordingly.

1.73 Furthermore, as a means of making the significance of the heritage asset publically available (NPPF para. 205), it is noted that the developer intends to incorporate features (such as the iron work decorative sign) and architectural references from the Market Hotel into the new buildings, as well as establishing an interpretation panel outlining the 'importance of this entire area as Hartlepool Older Town centre including the former market to the north east of the Market Hotel Site'. A

planning condition(s) is therefore also recommended to secure further details of these measure, where appropriate.

Heritage Assets and Archaeology Conclusion

1.74 The loss of any listed building is regrettable however in light of the above, and subject to the identified planning conditions, it is considered the public benefits of redevelopment (regeneration of the area and the delivery affordable housing) are strong enough to outweigh the loss of the building and that on balance the proposals are acceptable with respect to the impact on heritage assets and archaeology, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

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

1.75 As above, the proposed scheme comprises a mix of 2-bed semi-detached and terraced bungalows; 2, 3 and 4-bed two storey detached, semi-detached and terraced dwellings; and 3-bed three storey terraced dwellings / townhouses. The proposed layout of the site is primarily based around the existing street layout in this area, with the exception of the closing of the through-road on Reed Street and associated formation of a new internal cul-de-sac on Site B, adjacent to the eastern site boundary. The proposed dwellings are contemporary in design, featuring large windows with vertical emphasis, a mix of red and buff colour brick to main elevations, decorative brick detailing and grey roof tiles, with glazed bricks and decorative metal cladding to the proposed townhouses on the former Market Hotel site.

1.76 The applicant's supporting Design and Access Statement notes that consistent use of materials and architectural detailing will be used to link the sites together. The designs, scale and materials of the proposed dwellings draws inspiration from architectural features found in the surrounding area, whilst maintaining a contemporary and distinct appearance.

1.77 An objection has been received from a neighbour raising concerns that the proposals, in particular the proposed townhouses on the former Market Hotel site, are out of keeping with existing dwellings adjacent to it, in terms of scale and materials.

Policy Context

1.78 Policy QP4 of the Local Plan seeks to ensure all developments are designed to a high quality and positively enhance their location and setting. There are a number of ways new development can achieve this, including;

- Be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area,
- Respect the surrounding buildings, structures and environment
- Be aesthetically pleasing, using a variety of design elements relevant to the location and type of development.

1.79 NPPF paragraph 130 stipulates that planning policies and decisions should ensure that developments, amongst other requirements;

- Will function well and add to the overall quality of the area;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Characteristics of the Surrounding Area

1.80 The surrounding area is largely urban in character, given its close proximity to the town centre. The architecture is diverse, with a wide variety of buildings and structures of differing uses, ages, scales and architectural styles.

1.81 In between the sites and to the south of Huckelhoven Way are predominantly two storey residential dwellings, flats and bungalows, typically in suburban layouts, with semi-detached and terraced units arranged around cul-de-sacs with off-street parking or shared parking forecourts and linked by public footpaths and areas of incidental open space. These dwellings are largely traditional in form/appearance and feature a mix of red and buff brick types. The dwellings and flats to the south are typically older (circa 1970s onwards) whilst the dwellings immediately adjacent to the sites (north of Huckelhoven Way) are newer (early 2010s).

1.82 To the east of the sites are a collection of buildings and uses including a contemporary industrial / factory unit, a garage and taxi rank with car park, rows of older terraced properties with commercial uses at ground floor and two large 3 and 4 storey traditional warehouse style buildings (c. late 1800s to early 1900s). Further to the east beyond Mainsforth Terrace is another modern housing development at Sidings Close, consisting of 2 and 2.5 storey semi-detached and terraced dwellings.

1.83 To the north and west of the sites lies Church Street and the town centre, with an even greater array of architectural styles, scales and uses, including a large film studio campus in development, college buildings, 2 and 3 storey office buildings, a collection of vacant, former and operating public houses, the grade II listed former post office on Whitby Street (now 'The BIS') and new 3 storey student accommodation buildings, amongst others. The Church Street area to the north is also a conservation area and contains within it a number of additional listed buildings.

Demolition of Existing Buildings

1.84 With respect to the demolition of existing buildings within the application site(s), the loss of the former Market Hotel building on Site A is considered in detail above, and ultimately considered to be acceptable on balance. In terms of the demolition of the existing buildings on Sites B and C, these are not considered to be of any particular architectural merit, and it is therefore considered that their loss

would not have a detrimental impact on the character of the area. The demolition of existing buildings across the three sites is therefore considered to be acceptable.

Layout and Scale / Massing

1.85 In terms of the layout and scale / massing of the scheme, the majority of the site(s) responds positively to the existing streetscapes and layouts, and much of the development features massing appropriate to its context. Emphasis and due consideration has been given to the design for the proposed townhouses on the former Market Hotel site in the applicant's supporting information. Efforts to ensure a suitable design and scale of development is brought forward on Site A are commendable given the significance of the site, and the approach is ultimately considered successful, with the townhouses of a scale similar to the former Market Hotel (albeit slightly wider and with less depth), and providing an appropriate step up and transition from the two storey dwellings to the south to the larger 3 storey commercial buildings to the north.

1.86 Notwithstanding the above, it is considered that in some parts of the site, namely along the eastern boundary, the scale of the proposed dwellings does not respond quite as well to adjacent buildings and the existing streetscape. In particular, along Reed Street to the east is a row of large (2-3 storey) terraced commercial buildings with a large 3-4 storey traditional warehouse style building at the end. Further north adjacent to the eastern boundary of the site is a large industrial/factory unit and a further large 3-4 storey traditional warehouse style building fronting onto Surtees Street. Historically larger floor-to-ceiling heights further amplifies the scale of adjacent existing buildings to the east. These sizeable buildings are however met by the modest detached and semi-detached two storey dwellings and a short row of bungalows proposed along the eastern boundary of Site B. There is therefore a notable contrast in scale and massing from existing buildings to the east to the proposed new dwellings to the west, and it is considered larger scale housetypes (e.g. townhouses) and/or a denser layout (e.g. apartments or terraces) could have been accommodated in this part of the site, on the edge of the town centre. This issue has also been highlighted by Hartlepool Civic Society, through their representations on the application.

1.87 This contrast is also somewhat emphasised by the closing of Reed St and provision of an acoustic fence along the eastern boundary of Site B, which disrupts the continuation of the existing streetscene, with the approx. 2.4m high acoustic fence forming a visual and physical barrier across existing urban blocks. The layout of the site in this area therefore somewhat limits connectivity and does not address the existing and historic street pattern as successfully as other parts of the site.

1.88 Notwithstanding the above, the challenges and constraints faced when designing a new residential development and urban regeneration scheme adjacent to a mix of existing commercial and industrial uses in an edge of town centre setting is also acknowledged. The above matters were highlighted to the applicant at an early stage, and the applicant has clarified that the closure of the through-road at Reed Street is necessary in order to facilitate an acoustic barrier between the proposed development and the adjacent industrial / factory unit to the east, to protect the amenity of future occupants. It is also noted that the provision of a turning head

on the east side of the acoustic fence and the provision of private driveways to the eastern side of plots 16 and 20 creates space between the existing and proposed buildings in these areas and will help to reduce the visual discrepancy in the scale of the buildings, as demonstrated in the applicant's supporting 'Streetscene Elevations' drawing. Proposed landscaping along the eastern boundary will also serve to soften the impact of the proposed acoustic fence and the transition from the existing to new development. Furthermore, it is also noted that although it is in close proximity to the town centre, the surrounding area does feature a number of cul-de-sacs and more suburban residential layouts, and in this respect the layout of the scheme in this area is in keeping with neighbouring developments.

1.89 In view of the above, and when weighed against the regeneration benefits and overall positive improvements to the visual amenity and character of the area as a result of the wider development, it is ultimately considered on balance that the layout, scale and massing of the development is acceptable.

Dwelling Design and Appearance

1.90 In terms of the design and appearance of the dwellings themselves, it is considered that the proposals constitute good design overall, ensuring the development has a unique character whilst respecting the surrounding area and providing references to the historic context. The proposals include a variety of materials and dwelling forms to add interest to the development whilst maintaining a common design approach. The Council's Planning Policy section has also commented that the designs shown are acceptable, with building lines, mass and heights respected and positive elements of design within the area married through onto the proposed dwellings. The Council's Planning Policy team also note that elements of the Former Market Hotel (i.e. the green tiles), have been incorporated into the façade of the new dwellings on this site (plot 44-48), and this approach is supported. It is also welcomed that the dwelling are in accordance with the Nationally Described Space Standards, ensuring future occupants will have adequate living and storage space.

1.91 It is also noted that Historic England has confirmed they have no objection to the proposed dwelling designs, commenting in particular that the design of the replacement dwellings on Site A is influenced by the Market Hotel and Victorian architecture in its form and touches of detail yet presents a contemporary character, which is considered a more honest approach to redeveloping the site than trying to recreate the façade of the historic building. The Council's Heritage and Countryside Manager has also not raised any concerns with respect to the proposed dwelling designs.

1.92 In view of the above, the design and appearance of the dwellings is considered to be acceptable.

Hard and Soft Landscaping (incl. Boundary Enclosures)

1.93 In respect of hard and soft landscaping, the proposals are supported by a detailed planting plan and indicative details of external finishes. The proposals will result in the removal of all thirteen existing trees across the three sites.

1.94 The plots benefit from a landscaped private garden to the rear, and the majority of plots also benefit from small lawned front garden areas, fronting onto existing streets either 'open-plan' (i.e. no enclosure) or enclosed by low railings and hedges. Rear boundaries are enclosed by 1.8m high closed boarded fencing. Most plots are also served by block paved private driveways/parking spaces with private or shared footpaths (paving slabs) providing pedestrian access to the front and rear of dwellings also. Small pockets and strips of incidental open space are also proposed, predominantly around the eastern edge of the site and proposed cul-de-sac in Site B.

1.95 The Council's Planning Policy section note that there is currently an area of open space on Site B parallel to Reed Street. The area of open space was well maintained grass but it has recently been turned over. It is the only area of open space within the vicinity and its complete loss would ideally be avoided or compensated for. The Council's Planning Policy section note however that the scheme would not be financially viable without the redevelopment of this parcel of land and/or the provision of this size of open space elsewhere within the development. It is also noted that some areas of green infrastructure have been provided on site via an area of open space to the east of the site and via gardens and shrubs along key streets. Ultimately the Council's Planning Policy section note the regeneration benefits of the scheme as a whole and consider the loss of the existing incidental open space to be acceptable, in this instance.

1.96 The Council's Landscape Architect has confirmed that the submitted detailed landscaping proposals are acceptable. The Council's Arboricultural Officer has advised that although there will be a loss of some small trees to accommodate this development this has been compensated for within the accompanying landscape drawings using small growing species like *Sorbus aucuparia* together with associated shrub planting, and they therefore have no objections to the proposed landscaping.

1.97 The hard and soft landscaping proposals are therefore considered to be acceptable.

Visual Amenity and Character of the Area Conclusion

1.98 It is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), subject to the abovementioned condition(s), and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

1.99 Objections have been received from neighbours raising a number of concerns pertaining to the amenity and privacy of neighbouring land users and future occupiers, including; the proximity of the adjacent industrial factory unit and associated impact on the amenity of future occupiers due to noise and poor outlook,

loss of light to habitable rooms and stairwells within neighbouring dwellings, and an overbearing effect and loss of privacy for neighbouring dwellings from proposed development on the former Market Hotel site.

Policy Context

1.100 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

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

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

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

1.103 Paragraph 130 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

Amenity and Privacy of Neighbouring Land Users and Future Occupiers (Site A)

1.104 To the north, Site A is bound by the adopted highway on Surtees Street, with a 3 storey office building ('Northgate House') on the opposite side of Surtees Street, at a distance of approximately 15 metres from the north facing elevation of the proposed 3 storey dwelling at plot 48, on the northern end of the terrace of townhouses on this site. This adjacent office building features 2 sets of windows on each floor facing the application site and balconies at first and second floor.

1.105 The applicant has sought to create a double-aspect 'corner turner' dwelling at plot 48 by re-positioning the main front door and inserting additional glazing to habitable rooms in the north facing elevation, so that the design of the dwelling addresses both Lynn Street and Surtees Street. In design terms, this approach is preferable and avoids a blank and expansive brick gable end facing onto the adopted highway. However, the provision of additional habitable room windows in what would typically have been a side elevation introduces additional amenity and privacy considerations and engages the above-mentioned minimum separation distance requirements.

1.106 In this instance, whilst there are no concerns regarding the amenity or privacy of the occupants of the adjacent office building due to the non-sensitive nature of the use, and whilst it is not unusual for dwellings to front immediately onto the footpath with habitable room windows in the front elevation, the abovementioned 15 metre separation distance would be insufficient in this instance, resulting in principal habitable room windows in the new dwelling being substantially overlooked by the office building opposite.

1.107 In order to address this, the applicant has sought to incorporate a projecting bay window at first floor within the north facing elevation of plot 48, to serve the first floor family room. The window features an obscure metal cladding panel on its north elevation preventing direct views from Northgate House, whilst unobscured views are retained in the sides of the bay looking east and west along Surtees Street. Additional habitable room windows in this elevation serving a bedroom on the first floor and 2 further bedrooms at second floor are proposed to be obscured, as these are secondary windows (with additional windows in the east and west facing elevations serving the same rooms). These solutions will create a design feature that will add interest to the north elevation whilst also protecting the privacy of future occupants and ensuring additional natural light can reach these rooms. A planning condition to secure the requisite obscure glazing to these windows is recommended accordingly. As the privacy concerns are exclusively in relation to overlooking from an existing building outside the site (rather than from future occupants overlooking neighbours), it is not considered necessary to restrict the opening of these windows in this instance.

1.108 Notwithstanding this, it is noted that at ground floor there is an unobscured floor-to-ceiling window serving the ground floor lounge and dining area, and an unobscured kitchen window, proposed in the north facing elevation of plot 48. Whilst the kitchen window could be considered to serve a non-habitable room, and therefore would not necessarily require obscure glazing, the ground floor lounge and dining area is a habitable room, and the distance to the commercial building opposite does not meet minimum separation distance requirements, and therefore the privacy of this room and future occupants would be compromised if the window is left unobscured. It is therefore also recommended that this window be obscurely glazed, by virtue of a planning condition, though again the opening of the window need not be restricted.

1.109 In view of the above and in respect of the relationship to neighbouring land users to the north, subject to the identified planning condition(s), it is considered that the proposed development on Site A would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.110 To the east, Site A is bounded by Lynn Street, with Site B beyond. The 3-storey dwellings at plots 44-48 feature principal elevations overlooking Lynn Street, towards the proposed dwellings on the opposite side of the road. Plots 45 and 46 overlook the rear/side garden area of plot 28 and private driveways of plots 42 and 43 opposite, at a satisfactory distance of approximately 17.3 metres. Plots 44 and 47

/ 48 however directly overlook the principal front elevations of the proposed dwellings opposite at plots 43 and 28, respectively, at the same distance. This separation distance is again short of the minimum requirements set out above. This was highlighted to the applicant during the course of the application, however the applicant has clarified that they are unable to overcome this without compromising space/separation distances elsewhere on the site. In view of this, taking into account the denser urban grain in this edge of town centre location and given this relationship is between public facing elevations, it is considered on balance that this limited (approx. 14%) reduction in separation distances between principal elevations in this instance would not have such a significant detrimental impact on the amenity or privacy of future occupants to warrant refusal of the application. In view of the above and in respect of the relationship to neighbouring land users to the east, it is considered that the proposed development on Site A would not result in a significant detrimental impact on the amenity or privacy of neighbouring land users or future occupiers.

1.111 To the south, the proposed 3-storey dwelling at plot 44 features a blank gable elevation facing the gable elevation of the existing 2-storey dwelling at 36 Lynn Street, at a distance of approximately 2.25 metres. This neighbour has objected to the proposals, raising concerns regarding loss of light / overshadowing. This neighbouring dwelling does not feature any habitable room windows in the north facing side elevation overlooking the application site, although there is a staircase (non-habitable room) window in this elevation. It is acknowledged that due to the proximity of the proposed dwelling at plot 44 to this neighbour's gable elevation (in comparison to the existing former Market Hotel building), that an element of additional overshadowing, overbearing and a loss of outlook for their side facing staircase windows will occur. However, as this is a non-habitable room, the minimum separation distance requirements above are not applicable, and it is consequently not considered that the impact on the amenity of this neighbour would be so significant as to warrant refusal of the application. It is also noted that the proposed dwellings on Site A are largely in-line with the existing building line on Lynn Street and therefore do not step significantly forward of the front or rear elevations of neighbouring properties to the south. There would therefore be no appreciable overshadowing, overbearing effect or loss of outlook for principal habitable room windows in the front or rear of 36 Lynn Street. The impact on the amenity of neighbouring land users to the south (in terms of overshadowing, any overbearing effect or loss of outlook) is therefore not considered to be significant.

1.112 It is noted however that following the submission of amended plans in order to address concerns with respect to the impact on the privacy of neighbours to the west (see below), plot 44 now features a projecting bay window at second floor on the rear elevation, with a narrow south facing window overlooking the rear garden area of 36 Lynn Street at a distance of approximately 3.5 metres. This neighbour has objected to the proposals, raising concerns regarding loss of privacy, and in this instance it is considered that the presence of this window at second floor, directly facing this neighbour's garden at such short distance will result in a perception of overlooking for this neighbour to some degree. However, it is noted that the existing former Market Hotel building already features a side facing (south elevation) window in its rear offshoot, overlooking this neighbour's garden, albeit at a greater distance of approximately 14 metres. Furthermore, given the narrow width of the proposed

window (approx. 0.35m) and its perpendicular situation within the bay, it is considered that views towards this neighbour's garden will be limited and future occupants are unlikely to linger in the bay. It is therefore considered on balance that the impact on the privacy of this neighbour through overlooking or the perception of overlooking would not be so significant as to warrant refusal of the application. In view of the above and in respect of the relationship to neighbouring land users to the south, it is considered that the proposed development on Site A would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.113 To the west, the principal rear elevations of plots 45 and 46 do not directly overlook any neighbouring dwellings to the west. Whilst plots 45 and 46 do face towards the rear garden areas of 15 Surtees Street and 1 Empire Square, both plots benefit from an approximately 9 metre long rear garden creating adequate separation to the rear shared boundary with these neighbours, and similar relationship (albeit between 2 storey dwellings) can be found in the immediate area and are not uncommon in such an urban setting. The principal rear elevations of plots 47 and 48 face onto the side elevation of 15 Surtees Street at a distance of approximately 12.6 metres, however this neighbour does not feature any habitable room windows in the east facing gable elevation overlooking the application site, and therefore this separation distance is in accordance with the minimum separation distance requirements set out above.

1.114 With respect to plot 44, the principal rear elevation of plot 44 directly faces the principal rear elevation of 1 Empire Square at a distance of approximately 16.5 metres. This is more notably (approx. 17.5%) short of the abovementioned minimum separation distance requirements for principal elevations and is between two private facing elevations, unlike the relationship to the east described above. In the first instance, it should be noted that limited separation distances are already a characteristic of the relationship between the dwellings along Lynn Street and those to the rear on Empire Square, with similar limited rear-to-rear separation distances of approximately 16.5 metres. In this respect, the proposed separation distances to neighbouring dwellings to the west are comparable to existing relationships to the south, and the proposed dwelling at plot 44 does not project any further west than the existing rear property line on Lynn Street. However, in this instance, it is acknowledged that plot 44 is a three storey dwelling, which will exacerbate amenity and privacy impacts.

1.115 This issue was highlighted to the applicant during the course of the application, and the applicant has sought to address potential privacy impacts by amending the submitted plans to obscurely glaze the second floor bedroom windows overlooking this neighbour, including the provision of a projecting bay at second floor (as used elsewhere at plot 48) that allows views north and south, but utilises an obscure metal cladding panel on the western elevation of the bay to obscure views to the west. It is considered that this approach will negate privacy impacts on this neighbour to the west from these second floor windows. A planning condition to secure this obscure and restrict the opening mechanism of the windows recommended accordingly. Whilst no changes have been made to ground and first floor windows in plot 44, as the relationships between ground and first floor windows

in plot 44 and those windows in the rear of 1 Empire Square are largely the same as existing relationships to the south and can be considered characteristic of the denser urban grain in this area, it is not considered that these windows would have such a significant detrimental impact on the privacy of neighbours to the west to warrant refusal of the application.

1.116 It is also acknowledged however that the added height to the dwelling at plot 44 will result in additional amenity impacts (in terms of overshadowing and overbearing effect) compared to existing relationships to the south. The applicant has not made any changes to the scale or built form of the development on Site A in view of the separation distance concerns raised, however it is considered that the design and massing of this block of townhouses is a fundamental part of the scheme and is comparable to that of the former Market Hotel (albeit wider and with less depth). It is ultimately considered on balance that the additional amenity impacts caused by the erection of a 3 storey dwelling at plot 44 (rather than 2 storey as per existing relationships to the south), weighed against the existing situation and the overall regeneration benefits of the wider development, would not be so significant as to warrant refusal of the application.

1.117 In view of the above and in respect of the relationship to neighbouring land users to the west, subject to the identified planning condition(s), it is considered that the proposed development on Site A would not result in so significant a detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers to warrant refusal of the application.

1.118 Internally, the relationship between the proposed dwellings on Site A is predominantly side-to-side and therefore impacts on the amenity and privacy of future occupiers from the layout of the proposed dwellings are largely non-existent and the abovementioned separation distance requirements are not engaged. However, as above, it is noted that a second floor bay window with north and south facing windows has been introduced in the rear elevation of plot 44 through amendments to the application. This will allow views from the north facing window of the bay towards the rear garden of plot 45 at a minimal distance of approximately 2.5 metres (and the other plots beyond). Similar concerns exist regarding the perception of privacy of future occupants of plot 45 as for the existing occupants of 36 Lynn Street, however again given the narrow width of the window (approx. 0.35m) and its perpendicular situation within the bay, it is considered that views towards this neighbouring plot's garden will be limited and future occupants are unlikely to linger in the bay. It is therefore considered that the impact on the privacy of future occupants of plot 45 through overlooking or the perception of overlooking would not be so significant as to warrant refusal of the application.

1.119 In view of the above and with respect to the internal layout of the site, it is considered that the proposed development on Site A would not result in so significant a detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of future occupiers to warrant refusal of the application.

Amenity and Privacy of Neighbouring Land Users and Future Occupiers (Site B)

1.120 To the north, Site B is bound by Surtees Road with the site of a new film studio under development opposite. Satisfactory separation distances of approximately 21 metres are maintained between the proposed dwellings and the film studio building, in line with the abovementioned minimum separation distance requirements. In view of the above and in respect of the relationship to neighbouring land users to the north, it is considered that the proposed development on Site B would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.121 To the east, the gable elevations of plots 16, 19 and 20 face onto the proposed approx. 2.4m high acoustic fence, with a number of industrial/commercial (non-sensitive) land uses/buildings beyond. The minimum separation distance requirement above are therefore mostly not engaged. In view of this and the screening provided by the acoustic fence, the absence of habitable room/unobscured windows at ground or first floor level in the gables of these dwellings, and the non-sensitive nature of the neighbouring uses, it is considered that the proposed dwellings at plots 16, 19 and 20 would not have any appreciable impact on the amenity or privacy of neighbouring land users to the east. Likewise, whilst the principal rear elevation of plot 10 to the south of Site B faces onto the blank west elevation of an adjacent car repair garage to the east, a separation distance approximately 17.5 metres is maintained, in line with minimum separation distance requirements, and it is therefore considered that the proposed dwelling at plot 10 would not have any appreciable impact on the amenity or privacy of neighbouring land users to the east.

1.122 In terms of the amenity and privacy of future occupants, plots 16 and 20 are set back from neighbouring properties to the east by approximately 14.5 and 10 metres, respectively. Plot 16 does not feature any windows in the gable elevation facing east, nor are there any windows in the west facing elevation of the nearest existing building on Reed St facing plot 16. Plot 20 features a ground floor secondary kitchen window and first floor landing window, both of which are indicated to be obscurely glazed, which can be secured by planning condition. Whilst the adjacent large traditional warehouse style building to the east of plot 20 does feature a row of windows at 3rd floor level, these predominantly directly overlook the roof and gable of plot 20 (in which there are no unobscured/habitable windows). In view of the above, it is considered that there would be no detrimental impact on the amenity or privacy of future occupants of plots 16 and 20.

1.123 In respect of the proposed end-of-terrace bungalow at plot 19, this sits in relatively close proximity to the adjacent industrial / factory unit to the east at a distance of approximately 2 metres, with its gable elevation facing this neighbouring building, absent of any habitable room windows. It is therefore considered there would be no impact on the privacy of plot 19. In terms of the amenity of plot 19, the adjacent factory unit extends the full length of the shared boundary with plot 19 from north to south (albeit stepping down in height towards the north) and, based on the submitted section drawings, has an approximate height to ridge of 7 metres. This neighbouring warehouse does however feature a dual pitched roof that slopes away

from the shared boundary and as such is approximately 5.3 metres to the eaves immediately adjacent to plot 19. Plot 19 features a fairly modest eaves (3 metres approx.) and ridge (6 metres approx.) height. The applicant has advised that the layout of the site in this location has been dictated by the need to reduce noise impacts on future occupants from the adjacent business and the orientation of the bungalow in this location (with its gable, rather than principal rear elevation, facing the factory) is beneficial in this respect. It is acknowledged however that the outlook from the north and south facing principal elevations of the bungalow will be somewhat dominated by the adjacent building, which may appear somewhat overbearing, and a degree of overshadowing will occur when the sun is lower in the sky to the east. It is noted however that the relationship to this adjacent building is intersected by the proposed 2.4m high acoustic fence, which will help to break up its massing as viewed from plot 19 and this dwelling will continue to benefit from an outlook to the north and north-west on the rear, and south and south-west on the front, with direct sunlight after midday and into the afternoon / evening, particularly to the front elevation. Whilst the proposed relationship is not ideal, the constraints of the site are acknowledged and in this instance it is considered on balance that the impact on the amenity of future occupiers of plot 19 would not be so significant as to warrant refusal of the application.

1.124 The rear elevation of plot 10 faces onto an existing adjacent car repair garage to the east at a distance of approximately 17.5 metres. This neighbouring business does not feature any windows in its west facing elevation and the building is only of modest height (less than 2 storeys) and therefore, in line with the above separation distance requirements, it is considered that there would be no detrimental impact on the amenity and privacy of future occupants of plot 10.

1.125 In view of the above and in respect of the relationship to neighbouring land users to the east, it is considered that the proposed development on Site B would not result in so significant a detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers such as to warrant refusal of the application.

1.126 To the south, adjacent to plot 10, Site B is bound by Huckelhoven Way, with residential dwellings on the opposite side beyond. A satisfactory separation distance of approximately 24 metres is maintained between the south facing elevation of plot 10 and the north facing elevations of the dwellings opposite. Plots 14, 15 and 16 are bounded to the south by a small unadopted alley (albeit currently overgrown / unmaintained) with the aforementioned car repair garage beyond. As above, this neighbouring business does not feature and windows in its north facing elevation and the building is only of modest height (less than 2 storeys). A satisfactory separation distance is maintained between the rear elevations of plots 14, 15 and 16 and this neighbouring building of approximately 10 metres. In view of the above and in respect of the relationship to neighbouring land users to the south, it is considered that the proposed development on Site B would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.127 To the west, Site B is bounded by Lynn Street and a reduced separation distance of between 17.3 and 18.2 metres is maintained along the length of Lynn Street between the principal front elevation of the proposed new dwellings, and those of the existing and proposed dwellings on the opposite side of the adopted highway. Again, taking into account the site constraints, the denser urban grain in this edge of town centre location and given this relationship is between public facing elevations, it is considered on balance that this limited (approx. 10-14%) reduction in separation distances between principal elevations in this instance would not have such a significant detrimental impact on the amenity or privacy of future occupants or neighbouring land users to the west to warrant refusal of the application.

1.128 In view of the above and in respect of the relationship to neighbouring land users to the west, it is considered that the proposed development on Site B would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.129 Internally, across the majority of site B, minimum separation distance requirements are met between proposed dwellings, with the exception of those plots along Reed Street (plots 33-37 and 13-16). Initially, separation distances between principle elevations of dwellings on these plots were as low as 15.8 metres (approx.), however these issues were raised with the applicant during the course of the application and they have since amended the plans to increase these separation distances to approx. 16.8 metres. Whilst this is still short of minimum separation distance requirements, as set out above with respect to relationships on Lynn Street, taking into account the site constraints, the denser urban grain in this edge of town centre location and given this relationship is between public facing elevations, it is considered on balance that this limited (approx. 16%) reduction in separation distances between principal elevations in this instance would not have such a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of future occupants to warrant refusal of the application.

Amenity and Privacy of Neighbouring Land Users and Future Occupiers (Site C)

1.130 To the north, Site C is bounded by the adopted highway on Surtees Street, with a car park and residential flats on the opposite side of Surtees Street. Initially the dwelling in the north-west corner of the site was situated further to the west, with a separation distance of approximately 14.2 metres to the residential flats opposite. As the house type in this location was another dual-aspect 'corner turner' unit, it features habitable room windows at ground and first floor facing Surtees Street and the adjacent properties, and as such fell short of minimum separation distance requirements. This was highlighted to the applicant, who has since amended the layout of the scheme at Site C, including rotating the dwelling 90 degrees and moving it further to the east. Whilst separation distances to the north have not increased significantly, the dwelling now sits offset to the building opposite, reducing the opportunity for direct views. Notwithstanding this, it is still considered likely that views could be achieved between the building opposite and the westernmost windows within the front elevation of plot 2. Whilst these 2no. windows serve habitable rooms at ground and first floor, they are secondary windows, with these

rooms served by additional windows in the west facing elevation (where adequate separation distances are maintained), and as such it is considered appropriate that these 2no. windows be obscurely glazed to limit views thereby protecting the privacy of both future occupants and neighbours to the north. A condition to obscurely glaze and restrict the opening of these windows is therefore recommended. In view of the above and in respect of the relationship to neighbouring land users to the north, subject to the identified condition, it is considered that the proposed development on Site C would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.131 To the east, plots 1 and 9 are bounded to the east by the existing dwellings at 21 Surtees Street and 10 Empire Square, respectively. Whilst the proposed dwelling at plot 1 features habitable room windows in the east facing elevation overlooking 21 Surtees Street, this neighbouring dwelling's gable elevation faces west, and there are no habitable room windows overlooking the application site. An adequate separation distance of approximately 10.8 metres is therefore maintained. In view of this, it is considered that the proposals would not result in an adverse loss of privacy (in term of overlooking), nor will there be an adverse loss of amenity (in terms of overshadowing, any overbearing effect, or loss of outlook), for this neighbour or future occupiers of plot 1.

1.132 An objection has been received from the occupants of 10 Empire Square raising concerns that the proposals will result in a loss of light and privacy to their property. The proposed dwelling at plot 9 features only obscured non-habitable or secondary windows in its east facing gable elevation overlooking the rear garden area of 10 Empire Square (to be secured by planning condition). 10 Empire Square also features a west facing gable with no habitable room windows overlooking the front parking spaces of plot 9. It is therefore considered that the proposals would not result in any loss of privacy for this neighbour or future occupiers of plot 9. It is acknowledged however that the proposed dwelling at plot 9 is situated beyond the rear elevation of this neighbour, immediately to the north-west, and as such will have an impact on the outlook from habitable room windows at ground and first floor to some degree and result in a degree of overshadowing to the rear elevation of 10 Empire Square (when the sun is lower in the sky to the west). However, both the proposed dwelling at plot 9 and neighbouring dwelling at 10 Empire Square are set off the shared boundary, and there is therefore a minimum side-to-side (albeit offset) gap between the two dwellings of approximately 4.6 metres. 10 Empire Square will continue to benefit from a largely unobstructed outlook from the rear elevation to the north and north-east, and it is considered the distance and oblique nature of the relationship between the rear elevation of 10 Empire Square and the proposed dwelling at plot 9 is sufficient that any detrimental impact on the amenity of 10 Empire Square (in terms of overshadowing, any overbearing effect or loss of outlook) would not be so significant as to warrant refusal of the application. It is also noted that plot 9 sits adjacent to this neighbour's rear garden area, albeit is set off the boundary by approximately 1m to accommodate a private footpath to its rear garden. This neighbour's side boundary is currently screened by an approximately 1.8m high timber fence, and the proposed boundary treatment plans indicate that this is to be maintained. Whilst the proposed dwelling sits close to the boundary and is west of this neighbour's garden, and therefore will result in an element of additional

overshadowing (when the sun is lower in the sky to the west), this neighbouring property benefits from a relatively generously sized rear garden for an edge of town centre location, over double the width of the dwelling at its widest point and comparatively larger than neighbouring properties in Empire Square, with its rear door and patio area set off the shared boundary approximately 6 metres. It is therefore considered that the impact on the amenity of this neighbour through overshadowing or an overbearing effect on its rear garden would not be so significant as to warrant refusal of the application. In view of the above and in respect of the relationship to neighbouring land users to the east, subject to the identified condition, it is considered on balance that the proposed development on Site C would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.133 To the south, the proposed dwellings at plots 5-9 maintain adequate separation distances in excess of 14 metres to the blank gable elevations of the dwellings on the opposite side of Charles Street at 9 Empire Square and 31 Whitby Street, in line with minimum separation distance requirements. In view of the above and in respect of the relationship to neighbouring land users to the south, it is considered that the proposed development on Site C would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.134 To the west, Site C is bounded by the adopted highway on Whitby Street with a vacant public house and car parking beyond. Initially the dwelling in the north-west corner of the site was situated further west, with a separation distance of approximately 15.7 metres to principal front elevation of the public house opposite. As the house type in this location was another dual-aspect 'corner turner' unit, it features habitable room windows at ground and first floor facing Whitby Street and the adjacent pub, and as such fell short of minimum separation distance requirements. This was highlighted to the applicant, who has since amended the layout of the scheme at Site C, including rotating the dwelling 90 degrees and moving it further to the east. This has increased the abovementioned separation distance to approximately 20.9 metres, in accordance with minimum separation distance requirements. In view of the above and in respect of the relationship to neighbouring land users to the west, it is considered that the proposed development on Site C would not result in a significant detrimental impact on the amenity (in terms of overshadowing, any overbearing effect or poor outlook) or privacy (in terms of overlooking) of neighbouring land users or future occupiers.

1.135 Internally, adequate separation distances in line with minimum separation distance requirements are maintained throughout Site C, and it is therefore considered that the amenity (in terms of overshadowing, any overbearing effect or poor outlook) and privacy (in terms of overlooking) of future occupiers would be protected.

Noise and Disturbance

1.136 In respect of matters of noise and disturbance, the application is supported by a Noise Impact Assessment. As above, it is noted that the proposed development at Site B is adjacent to an existing industrial / factory unit and other commercial uses and the proposals include the provision of an approx. 2.4 metre high acoustic fence along the eastern boundary to mitigate noise impacts.

1.137 The Council's Public Protection team has been consulted and has commented that they agree with the recommendations laid out in the noise assessment and would have no objection to this application providing those recommendations were met. A planning condition to secure this is recommended accordingly.

1.138 The Public Protection team have also advised that they have no objections to this application subject to planning conditions to restrict hours of demolition and construction work, and to effectively control dust emissions and open burning. A planning condition to secure this and the submission of a construction and demolition management plan is therefore recommended.

Amenity and Privacy of Neighbouring Land Users and Future Occupiers Conclusion

1.139 In view of the above considerations and subject to the abovementioned conditions, it is considered that the proposals are acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

1.140 The application is supported by a Biodiversity Net Gain Assessment, Preliminary Ecological Appraisal and Arboricultural Impact Assessment. The proposals will result in the removal of all thirteen existing trees across the three sites.

Ecological Impacts

1.141 Policy NE1 (Natural Environment) of the Local Plan and Section 15 of NPPF seek to ensure development does not result in significant ecological harm. The Council's Ecologist has advised that based on the information within the ecological reports and the development plans there is potential for significant ecological harm as a result of the following impacts (excluding impacts to statutory designated nature conservation sites, which are addressed in the HRA section below);

- Loss of early mature trees adjacent to Lynn Street Depot.
- Destruction of active bird nests as a result of demolition of Lynn Street Depot.
- Loss of a common pipistrelle bat roost (low conservation status roost type) as a result of demolition of former Market Hotel.

1.142 In order to mitigate against the identified impacts above, the Council's Ecologist has recommended the following mitigation measures to prevent significant ecological harm occurring as a result of construction of the proposals;

- Tree planting to compensate for those trees lost to construct the proposals.
- Demolition of Lynn Street Depot outside of the bird breeding season (March to August inclusive), or once an ecologist has confirmed no active nests are present.
- Scheme for the inclusion of bat boxes into some of the new dwellings, sufficient to compensate for loss of low conservation status bat roost.

1.143 The Council's Ecologist has confirmed however that the details and implementation of the above mitigation measures can be secured through planning conditions, and these conditions are therefore recommended accordingly.

Habitats Regulations Assessment (HRA)

1.144 The application sites fall within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites, namely the Teesmouth and Cleveland Coast SSSI, SPA and Ramsar Site. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance at the coast.

1.145 The Council has an adopted strategy in place to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development within this zone.

1.146 In view of the above, the Council's Ecologist has carried out a separate Habitats Regulations Assessment (HRA). This assessment concluded that there will be no adverse effect on the Teesmouth and Cleveland Coast SPA, or any other Natura 2000 site, subject to a financial contribution to implement the abovementioned mitigation measures, comprising £350 per dwelling (£16,800 total).

1.147 It is a statutory requirement for a stage 2 HRA to have regard to the advice of Natural England following consultation. Natural England has been consulted directly on the HRA and has confirmed they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Natural England has confirmed subject to this mitigation being secured, they are satisfied there will be no damage or disturbance to the interest features of these sites.

1.148 It is noted that the Council is the applicant in this instance, and the Council cannot enter into a Section 106 Legal Agreement with itself to secure the abovementioned financial contributions, however the applicant has provided written agreement to provide the abovementioned contributions as required, and this requirement forms part of the recommendation.

Biodiversity Net Gain

1.149 As major development, the Council's Ecologist has confirmed that the proposals will need to demonstrate no net loss in biodiversity value through use of a biodiversity metric. The baseline habitat data required for the calculation is included in the submitted Preliminary Ecological Appraisal, and following submission the applicant has provided further information by way of Biodiversity Net Gain Report and supporting information, at the request of the Council's Ecologist.

1.150 The Council's Ecologist has subsequently confirmed that the proposals are acceptable with respect to biodiversity net gain, subject to a planning condition to secure a scheme for offsite compensation to ensure that the approved development provides a biodiversity net gain, and this is recommended accordingly.

Ecology and Nature Conservation Conclusion

1.151 The Council's Ecologist has concluded that, in view of the above, provided appropriate mitigation measures are secured through planning conditions and the requisite HRA contribution, the proposals are acceptable and in accordance with biodiversity policies. The Council's Arboricultural Officer has advised that the loss of existing trees has been compensated for and they therefore have no objections to the proposals.

1.152 The proposals are therefore considered to be acceptable with respect to the impact on ecology and nature conservation, subject to the identified financial contribution and planning conditions, and in accordance with the relevant policies of the development plan and NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

1.153 The proposals make use of the existing road network, albeit proposals for Site B include the stopping up of Reed Street and the creation of a new internal cul-de-sac. The majority of the proposed dwellings feature 1 or 2 off-street parking spaces (with the proposed bungalows being served by one space each) accessed via the existing road network or new cul-de-sac, with the exception of the proposed 5no. townhouses on the former Market Hotel site, which do not benefit from off-street parking. 2no. visitor parking bays are also provided within the proposed new cul-de-sac in Site B, adjacent to plot 17 and opposite plot 33.

1.154 The Council's Planning Policy section has commented that the car parking for plot 33 is located to the east of the dwelling, on the opposite side of the road. Two bays have been allocated and are within the area of open space. It is advised that the car parking bays should be clearly labelled or have access barriers to prevent visitors parking there and to ensure that the residents of plot 33 are not required to park on the road and/or path. An informative note to advise the applicant of this is recommended accordingly.

1.155 It is also noted by the Council's Planning Policy team that the units on Site A have no car parking options. It is appreciated that lower car parking standards can be acceptable within areas so close to the town centre and the train station, however

in practice, many residing in this location do drive, and therefore the Council's Planning Policy section expect that on street parking arrangements are available within this area. It was noted during the case officer's site visit that parking in the vicinity is restricted to resident permit holders only during certain hours, and it is expected that future occupants of the proposed townhouses on Site A will be able to access this should they require it.

1.156 The Council's Traffic and Transport section has been consulted and has confirmed that they have no objections in principle to the proposals as it is not anticipated the number of proposed dwellings will have an adverse impact on the surrounding highway network. The Traffic and Transport section has advised however that a stopping up order will be required for the section of Reed Street which is being cut off and all roads and pavings should be constructed in accordance with the HBC Design Guide and specification. An informative note to make the applicant aware of this advice is recommended accordingly.

1.157 As discussed above, an objection has been received from an adjacent business concerning the loss of access via Reed Street and in particular the resulting inability of HGVs to turn around and associated loss of on-street parking for customers. As above, the Council's Highways, Traffic & Transport section advised that, whilst it would be difficult for an articulated vehicle to use the proposed new turning head on Reed Street (which is for more general traffic use), larger vehicles will still be able to turn around via George Street, either by driving along its length to access/exit Reed Street or by using the George Street / Reed Street junction as a turning head. Double yellow lines are already present at the George Street / Reed Street junction, to prevent parking, albeit in a poor state of repair, and these can be refreshed irrespective of the outcome of this application. The Highways, Traffic & Transport section also consider the junction to be relatively quiet, and they would therefore have no concerns with a HGV manoeuvring in this area.

1.158 In view of the above, it is considered that the proposals are acceptable with respect to the impact on highway and pedestrian safety, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

1.159 Site A and C are located within Flood Zone 1 (low probability of flooding from rivers and the sea), whilst Site B is located within Flood Zones 2 & 3 (medium to high risk of flooding from rivers and the sea), as shown on the Environment Agency's flood maps. The Environment Agency has advised however that subsequent reporting provided to the Environment Agency indicates that the areas shown to be in Flood Zones 2 & 3 are now protected to a 1 in 100 year event due to the installation of multiple flood defences. All three sites are shown to be at very low risk of surface water flooding. The application is however accompanied by a Flood Risk Assessment and Preliminary Drainage Strategy.

1.160 The Environment Agency has been consulted and has confirmed that they have no objections to the proposed development, however have recommended that the submitted Flood Risk Assessment is conditioned as an approved document within the decision notice, and this is also recommended accordingly. They have

also advised that it is for the local planning authority to determine if the sequential test has to be applied and so whether or not there are other sites available at lower flood risk.

1.161 The Council's Engineering section has confirmed that they have no objection in principle in respect of surface water management, subject to a planning condition to secure the detailed design and associated management and maintenance plan of surface water drainage for the site, and this is recommended accordingly. They have also confirmed that the sequential test does not need to be applied in this case.

1.162 Northumbrian Water, whilst not raising any concerns in respect of the proposals, has also requested a condition to secure details of surface water management, as above, as well as foul water drainage, and a condition(s) to secure this is recommended accordingly. Northumbrian Water has also provided advice for the applicant with respect to the potential presence of private drains and sewers and the presence of a public sewer on site, and with respect to how the applicant should prepare their surface water drainage solution. Informative notes to make the applicant aware of this advice are also recommended accordingly.

1.163 No comments or objections have been received from Hartlepool Water.

1.164 In view of the above, it is considered that the proposals are acceptable with respect to matters of flood risk and drainage subject to the abovementioned conditions, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

CONTAMINATED LAND

1.165 The application sites are all located on previously development land. The application is supported by a Phase 1 Desk Study. The Council's Engineers have advised that, whilst in principle they have no objections to the proposals in respect of contaminated land matters, the applicant's submitted site investigation report recommends further and intrusive investigation, and therefore the Council's Engineers have requested a planning condition to secure this, and this is recommended accordingly.

1.166 In view of the above, it is considered that the proposals are acceptable with respect to matters of contaminated land subject to the abovementioned condition, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Public Rights of Way

1.167 The Council's Countryside Access Officer has been consulted and has advised that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. The

application is therefore considered to be acceptable with respect to the impact on public rights of way.

Safety and Security

1.168 Objections have been received from neighbours raising concerns that the proposals may result in anti-social behaviour, through the creation/retention of alleyways.

1.169 Cleveland Police has been consulted and has advised that the recommendations of Secured by Design are adopted. In particular, Cleveland Police has commented that it would have been preferred to have no rear footpath to properties, and that where these do exist all rear footpaths need to be gated and locked securely with gates fitted close to the footpath entrance, and the area should be well lit.

1.170 Cleveland Police has also advised that street lighting should comply with BS5489 2013, dusk/dawn lighting should be fitted to entrance doors and door and window security should meet requirements of PAS 24 2016.

1.171 It is noted that the proposed layout does in a limited number of places create rear footpaths to allow access to the rear gardens of mid-terrace units for bin storage etc. and retains an existing alley to the south of plot 44. Whilst the use of rear footpaths is not best practice, it is noted that this only occurs on a limited number of plots and typically only provides access for 1 or 2 dwellings, and this type of arrangement is not uncommon in urban developments.

1.172 Notwithstanding this, the advice of Cleveland Police will be passed on to the applicant by way of an informative note appended to the decision notice.

1.173 The Council's Community Safety and Engagement team has also been consulted and no comments or concerns have been received.

1.174 The application is therefore considered to be acceptable with respect to safety and security.

Waste Management

1.175 An objection has been received from a neighbour raising concerns that the proposals will result in the loss of hard standing adjacent to the former Market Hotel site that is currently used for bin collection by occupants of adjacent properties.

1.176 In the first instance, it is noted that the proposed plans demonstrate that an approximately 2.25 metre wide gap/alley between plot 44 and the adjacent existing dwelling at 36 Lynn Street would be retained, which is considered would still allow bins to be collected from this location, and which provides continued access to the rear gardens of existing properties in this area for bin storage.

1.177 The application is also supported by a Waste Audit. The report concludes that once in use each property will have ample hardstanding provision to allow for the

storage of waste generated, and this is reflected within the submitted plans. As per standard arrangements, it will be the responsibility of the occupant to ensure that the bins are used in the correct manner and are made available for collection.

1.178 No comments or objections have been received from the Council's Waste Management section.

1.179 The application is therefore considered to be acceptable with respect to waste management.

RESIDUAL MATTERS

Building Regulations and Fire Safety

1.180 The Council's Building Control section has advised that an application for Building Regulations approval will be required for the works described.

1.181 Cleveland Fire Brigade has confirmed they offer no representations regarding the development as proposed, however have provided advice with respect to the requirements of the building regulations, and a suitable information to make the applicant aware of this is recommended accordingly.

Utilities

1.182 Northern Gas Networks have been consulted and have confirmed they have no objection to the proposals, however there may be apparatus in the area that may be at risk during construction works. Northern Gas Networks comments and attached records have been forwarded to the applicant for their information, however a suitable informative is also recommended to make the applicant aware of this advice.

1.183 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. This information has been forwarded to the applicant and an informative note is recommended accordingly. No comments or objections have been received by National Grid.

Pre-application Engagement

1.184 Hartlepool Civic Society has commented that it is regrettable that they were not consulted by the applicant at pre-application stage with respect to the proposals. The application is supported by a Statement of Community Involvement (SCI) which sets out the applicant's approach to pre-application engagement. The submitted SCI indicates that a leaflet was prepared by the applicant which was distributed to nearby properties around the three proposed development sites, and that the applicant has engaged in pre-application discussion with officers at Hartlepool Borough Council. Whilst the local planning authority will always encourage proportionate pre-application engagement and it appears the applicant did not engage with the Hartlepool Civic Society prior to submission of the application in this instance, there

is no statutory requirement for the applicant to do so. Hartlepool Civic Society were however formally consulted as part of the consultation process on this planning application.

Impact on Quality of Life

1.185 An objections from a neighbour has raised concerns that the proposals will dramatically impact on their quality of life, particularly due to loss of light and privacy. In the first instance, it should be noted that the 'right to a view' and 'right to light' operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

1.186 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the wider community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

1.187 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

1.189 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.190 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.

1.191 Section 17 implications are considered in the relevant section of the report as above

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the consideration of any additional comments received before the expiry of the publicity (Members to be verbally updated at the meeting), developer contributions towards HRA ecological financial mitigation (£16,800.00) for indirect adverse impacts on SPA feature birds through recreational disturbance; and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

100 Rev P1 (Site Location Plan)
101 Rev P1 (Existing Site Plan)
received 9th July 2021 by the Local Planning Authority;

402 Rev P4 (Proposed and Existing Site Sections)
401 Rev P4 (Proposed and Existing Site Sections)
104 Rev P4 (Proposed Site Plan – Ground Floor Plans)
301 Rev P4 (Streetscene Elevations)
received 13th October 2021 by the Local Planning Authority;

LSH L001 Rev D (Planting Layout Drawing 01)
LSH L002 Rev D (Planting Layout Drawing 02)
received 21st October 2021 by the Local Planning Authority;

102 Rev P5 (Proposed Site Plan)
103 Rev P5 (Proposed Site Plan – Coloured)
105 Rev P5 (Proposed Site Plan – Housetypes Identified)
107 Rev P5 (Incidental Open Space & Green Infrastructure Plan)
Housetype Booklet (October 2021) Revision P5
received 22nd October 2021 by the Local Planning Authority.

106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan)

received 25th October 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of development (including any demolition works), a Construction and Demolition Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the demolition and construction phases, effectively control dust emissions from the demolition, site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. There shall be no open burning permitted at any time on site. Thereafter the development shall be carried out in accordance with the agreed scheme.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
4. Prior to the commencement of development (including any demolition works), details of the existing and proposed levels of the site including the finished floor levels of the buildings to be demolished and erected, and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
5. Notwithstanding the provision of condition 20, no development (including any demolition works) shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep where applicable, will be a minimum of 50% less than the demonstrable run-off from the site prior to the proposed development following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

6. Prior to the commencement of development (including any demolition works), a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

7. No development (including any demolition works) shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:

- a. human health,

- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- c. adjoining land,

- d. groundwaters and surface waters,

- e. ecological systems,

- f. archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

8. A) No development (including any demolition works) shall take place/commence until a programme of building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

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

To record and advance understanding of the significance of the heritage asset, in accordance with paragraph 205 of the NPPF.
9. No development (including any demolition works) shall commence unless and until a scheme for offsite compensation ("the scheme") to ensure that the approved development provides a biodiversity net gain has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 3.0. The scheme shall include:
 - a) identification of the compensation site(s);
 - b) details of habitat interventions sufficient to provide a biodiversity net gain;
 - c) the provision of arrangements to secure the delivery of the habitat interventions (including a timetable for their delivery);
 - d) a management and monitoring plan (to include for the provision and maintenance of habitat interventions for a period of at least 30 years).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery or any variation so approved in writing by the Local Planning Authority.

To provide biodiversity net gain in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.
10. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the provision of bat boxes to be installed integral to the completed dwellings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bat features have been installed. The bat boxes shall be installed strictly in

accordance with the details so approved and shall be maintained as such thereafter.

To compensate for the loss of low conservation status bat roosts.

11. Prior to the commencement of development above ground level on site (excluding any demolition works), final details of the proposed 2.4 metre high acoustic fence to be erected along the far eastern boundary of the site, as indicated on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour, exact location/extent and any variations in height along its full length. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development. In the interests of visual amenity and the amenity of future occupiers.
12. Notwithstanding the submitted information and prior to commencement of development above ground level on site (excluding any demolition works), details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples (or high quality photographs) of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
13. Prior to commencement of development above ground level on site (excluding any demolition works), a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be implemented in accordance with the following plans and details; LSH L001 Rev D (Planting Layout Drawing 01), LSH L002 Rev D (Planting Layout Drawing 02) received 21st October 2021 by the Local Planning Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and to compensate for those trees lost to the development.
14. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme setting out final details of energy efficiency measures and renewable energy provision (including the siting, size

and design of solar PV equipment, where provided), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the submitted Energy Statement (section 7, page 38 of the submitted Planning Statement) received 9th July 2021 by the Local Planning Authority, unless a suitable alternative scheme is otherwise agreed in writing with the Local Planning Authority. The agreed energy efficiency measures and renewable energy provision shall thereafter be implemented in accordance with the approved scheme.

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

15. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the obscure glazing and restricted opening of the following proposed windows (plot numbers as identified on plan 102 Rev P5 (Proposed Site Plan) received 22nd October 2021 by the Local Planning Authority) shall be first submitted to and approved in writing by the Local Planning Authority;

Plot 02 - 1no. ground floor north facing front elevation living room window and 1no. first floor north facing front elevation master bedroom window.

Plot 04 – 1no. ground floor south facing side elevation kitchen / dining window and 1no. first floor south facing side elevation landing window.

Plot 05 – 1no. ground floor north facing side elevation kitchen / dining window and 1no. first floor north facing side elevation landing window.

Plot 07 – 1no. ground floor west facing side elevation kitchen / dining window and 1no. first floor west facing side elevation landing window.

Plot 09 – 1no. first floor east facing side elevation landing window.

Plot 30 – 1no. ground floor south facing side elevation bathroom window.

Plot 31 - 1no. ground floor north facing side elevation bathroom window.

Plot 36 - 1no. ground floor west facing side elevation kitchen / dining window and 1no. first floor west facing side elevation landing window.

Plot 43 - 1no. ground floor north facing side elevation kitchen / dining window and 1no. first floor north facing side elevation landing window.

Plot 44 – 1no. second floor west facing rear elevation bedroom window

Plot 48 – 1no. ground floor north facing front elevation lounge window, 1no. ground floor north facing front elevation W/C window, 1no. first floor north facing front elevation bedroom window, 2no. second floor north facing front elevation bedroom windows.

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent. The windows shall typically be fixed (to prevent opening) or restricted to 30-degree opening, unless otherwise agreed. Thereafter the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking in the interests of the privacy of the occupants of neighbouring properties and future occupiers.

16. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

17. Prior to the first occupation of the dwellings hereby approved, final details for the incorporation of the existing iron work decorative sign of the former Market Hotel into the north facing elevation of plot 48, as shown in the Housetype Booklet (October 2021) Revision P5 (plan 708 Rev P3 – Housetype 5a) received 22nd October 2021 by the Local Planning Authority, or such other suitable location as may be agreed, shall be submitted to and approved in writing by the Local Planning Authority. The sign shall thereafter be installed in accordance with the approved details and retained for the lifetime of the development.

In the interests of visual amenity and as a means of making the significance of the heritage asset publicly available

18. Prior to the first occupation of the dwellings hereby approved, final details of the proposed interpretation panel(s) to the north-east of the Market Hotel Site, as shown on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, or such other suitable location as may be agreed, shall be submitted to and approved in writing by the Local Planning Authority. The interpretation panel(s) shall thereafter be installed in accordance with the approved details and retained for the lifetime of the development.

In the interests of visual amenity and as a means of making the significance of the heritage asset publicly available

19. The boundary enclosures hereby approved shall be installed in accordance with the following plans and details; 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, prior to the first occupation of the dwellings hereby approved.
For the avoidance of doubt and in the interests of visual amenity and the amenity of neighbouring land users and future occupiers.
20. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (dated March 2021) received 9th July 2021 by the Local Planning Authority.
For the avoidance of doubt and to prevent the increased risk of flooding.
21. The development hereby approved shall be carried out in accordance with the submitted Noise Impact Assessment (8987.1 Revision A dated 21st May 2021) received 9th July 2021 by the Local Planning Authority.
For the avoidance of doubt and in the interests of the amenity of future occupiers.
22. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
23. The demolition of the Lynn Street Council Depot (Site B) shall take place outside of the bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check within 48 hours prior to the relevant works taking place and provided written confirmation that no birds will be harmed. Any such written confirmation should be submitted to the local planning authority, prior to the work being carried out.
In the interests of breeding birds.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be converted, externally altered or extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), other than the approved boundary enclosures shown on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse forward of any wall of that

dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

26. The dwellings hereby approved shall be used as C3 dwellinghouses and not for any other use, including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147232>

1.194 Copies of the applications are available on-line:

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

CONTACT OFFICER

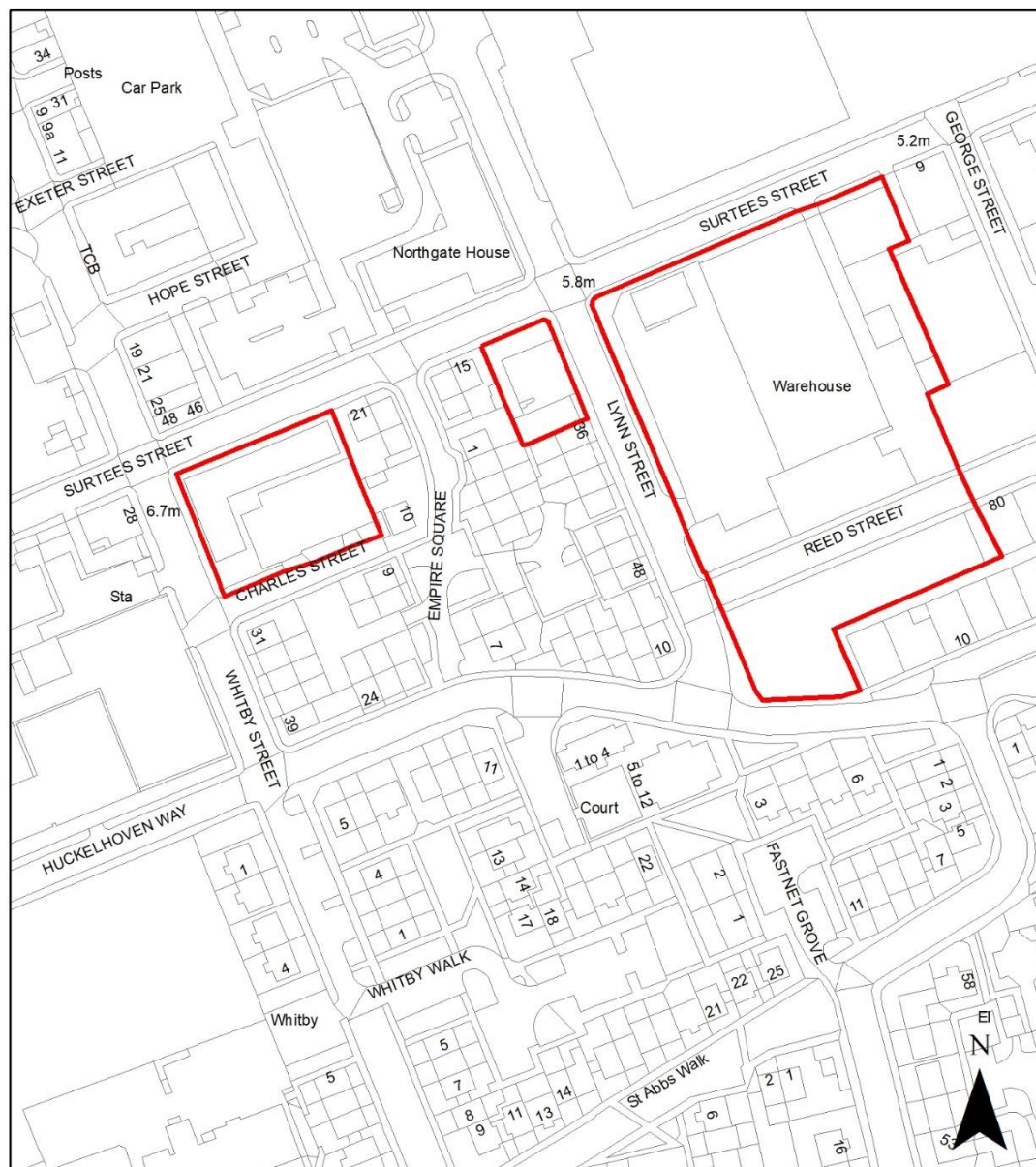
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Land at Lynn Street, Whitby Street and Surtees Street, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:1,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0315 h/2021/0343	REV

No: 2
Number: H/2021/0343
Applicant: AMY WALLER VICTORIA ROAD HARTLEPOOL TS24 8AY
Agent: ID PARTNERSHIP NORTHERN CAROLE INMAN ST JUDE'S BAKER STREET SHIELDSFIELD NEWCASTLE UPON TYNE NE2 1AS
Date valid: 09/08/2021
Development: Listed Building Consent for demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping.
Location: LAND AT LYNN STREET, WHITBY STREET, SURTEES STREET HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following planning history is relevant to the current planning application;

Former Market Hotel Site, Lynn Street

HFUL/1989/0490 – Planning permission was granted on 18th October 1989 for change of use from public house with living accommodation to licensed hotel with living accommodation and public function facilities and alterations to elevations

HLBC/1989/0499 – Listed Building Consent was granted on 18th October 1989 for alterations and extension to form Hotel with living accommodation and public function facility

HLBC/1999/0405 – Listed Building Consent was granted on 30th September 1999 for alterations to provide public house, restaurant and living accommodation.

HLBC/2000/0055 – Listed Building Consent was granted on 22nd May 2000 for retention of spotlight fascia sign 10 no spotlights on frontage, 2 no spotlight board signs and 1 no hanging sign

HLBC/2000/0171 – Listed Building Consent was granted on 22nd June 2000 for ground floor internal and external alterations and toilet extension

HFUL/2000/0237 – Planning permission was granted on 18th January 2001 for entrance alterations and toilet extension.

H/2005/5627 – Planning permission was granted on 28th October 2005 for alterations to ground floor and first floor to provide office and 3 self contained flats

HLBC/2004/0973 – Listed Building Consent was granted on 23rd December 2005 for repainting of building.

H/2009/0615 – A planning application for erection of 17no. 2 and 2.5 storey dwellings and associated infrastructure (works include preparation of site and demolition of former Market Hotel Public House) was withdrawn on 23rd April 2010.

H/2009/0626 – A Listed Building Consent application for demolition of listed building was withdrawn on 23rd April 2010.

H/2013/0151 – Planning permission was granted on 16th May 2013 for change of use to seven residential flats (plus two existing flats)

H/2013/0152 – Listed Building Consent was granted on 16th May 2013 for change of use to seven residential flats (plus two existing flats)

H/2013/0407 – Planning permission was granted on 7th October 2013 for change of use from public house/restaurant into 9 self-contained flats

H/2013/0408 – Listed Building Consent was granted on 7th October 2013 for change of use from public house/restaurant into 9 self-contained flats

Other Relevant Applications

H/2021/0315 - A valid planning application was received on 9th August 2021 for the current proposal, as described in detail below. This application is currently under consideration and also forms part of this committee agenda (date 17/11/2021).

PROPOSAL

2.3 Listed Building Consent is sought for demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping. It should be noted that it is only the demolition of the listed building (the former Market Hotel) that requires listed building consent.

2.4 The wider proposals comprise demolition of existing buildings across the 3 sites as follows:

- D. Former Market Hotel – Demolition of an existing 3 storey grade II listed former hotel and public house (most recent use as public house/restaurant) on the corner of Lynn Street and Surtees Street.
- E. Lynn Street Council Depot – Demolition of an existing large (approx. 1900m²) warehouse/depot building, smaller associated office unit and ancillary

temporary structures (i.e. 'portakabin's, shipping containers) on Lynn Street (south of Surtees Street and north of Reed Street).

- F. Former Drug Rehabilitation Centre – The demolition of an existing single storey (approx. 500m²) drug rehabilitation centre on the corner of Surtees Street and Whitby Street.

2.5 Following demolition and site clearance, the proposals comprise the erection of 48no. dwellings across the 3 sites as follows;

- D. Erection of 5no. terraced three-storey townhouses on the site of the former Market Hotel, fronting onto Lynn Street.
- E. Erection of 34no. detached, semi-detached and terraced two-storey dwellings and bungalows on the site of the Lynn Street Council Depot and vacant plot of land to the south of Reed Street.
- F. Erection of 9no. detached, semi-detached and terraced two-storey dwellings on the site of the former Drug Rehabilitation Centre, fronting onto Surtees Street, Whitby Street and Charles Street.

2.6 The application has been referred to the planning committee due to the number of objections received, in line with the Council's scheme of delegation for planning applications.

PUBLICITY

2.7 The application has been advertised by way of neighbour letters (161), site notices (2) and a press notice. To date, there has been 3 objections received across both the planning and listed building consent applications. The concerns raised (summarised) are:

- Proposed development on former Market Hotel site is out of keeping with existing dwellings adjacent in terms of scale and materials.
- Overbearing effect on neighbouring dwellings.
- Loss of privacy for neighbouring dwellings from proposed development on former Market Hotel site.
- Loss of bin storage adjacent to former Market Hotel site.
- The closing of the through-road at Reed St will reduce access to existing retail store, making deliveries from articulated vehicles difficult, reducing customer parking, and resulting in a loss of trade.
- The closing of the through-road at Reed St will reduce visibility and accessibility of the existing retail store, resulting in a loss of passing trade.
- The proximity of the adjacent industrial factory unit will have a detrimental impact on the amenity of future occupiers due to noise and poor outlook.
- Loss of light to habitable rooms and stairwell within neighbouring dwellings
- Provision/retention of alleyway may result in anti-social behaviour.

2.8 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=147644>

2.9 The period for publicity has expired.

CONSULTATIONS

2.10 The following consultation replies have been received:

Historic England – Historic England has no objection to this proposal.

The former Market Hotel is a grade II listed Victorian former public house whose main interest lays in the ornately detailed and varied public house frontage. It now in poor repair with major structural problems.

The application proposes to demolish the listed building and replace it with a block of housing, which is part of a wider residential redevelopment of the area. The demolition of a listed building should be an exceptional circumstance requiring a strong justification in line with paragraphs 200 and 201 of the National Planning Policy Framework.

The information provided is detailed and realistic in its assessment of financial viability and condition allowing for a properly informed decision on the building's future to be made. The conclusion that the listed building is unlikely to be redeveloped in the medium due to a large negative market value and lack of interest from charitable organisations is not disputed.

Although we regret that the building has declined to this poor condition, we acknowledge the efforts of the Council in investigating options for retention and providing an evidence-based case to support this application.

Historic England Advice

The former Market Hotel is a grade II listed former public house dating from the mid to late 19th century. Its main interest lays in the ornately detailed and varied public house frontage, which is now in poor repair, over-boarded and over painted.

The Hotel was one of many commercial buildings lining Lynn Street when it was the principal shopping street within West Hartlepool. It is an important reminder of that period along a street that was largely cleared of its Victorian and Edwardian buildings in the 1960's and 1970's. The building's vacant and degraded condition means that it has a negative impact on the street but its potential to enhance the street through restoration remains.

The proposal is to demolish the listed building and redevelop with housing, which is part of a larger regeneration housing project.

The demolition of any listed structure requires a clear and convincing justification. Paragraph 200 of the National Planning Policy Framework asks that the total loss of a grade II listed building should be exceptional. Paragraph 201 sets out how an exceptional justification can be assessed. In summary justification relies on either:

Demolition is necessary to deliver substantial public benefits that over-ride the loss of the listed building and could not be delivered in another way or location.

Demolition offers public benefits to a site where the re-use of the listed building is not practical in the medium term for reasons of condition and viability.

Whilst new housing is of public benefit it could not be demonstrated that this is the only site where the benefit could be delivered and therefore the second route applies, that being a realistic assessment of the building's viability for re-use against the benefits of redevelopment.

Paragraph 201 and paragraph 17 of the Planning Practice guide asks that viability is tested by market testing and exploring the potential for grant aid or charitable ownership to bridge any conservation deficit (where the cost of repair and re-use exceeds the market price of the building on completion of those works). A structural survey is required to underpin this work.

The application provides this information allowing for a judgement to be made in line with paragraph 201. On the details the following comments are made:

The structural report by RNJ Partnership LLP is thorough and knowledgeable of conservation practice. It describes a very dilapidated building with major structural problems that require immediate attention. We consider the report is fair and that its recommendations show that action is required in the short term, and that indefinite mothballing is not an option.

The structural report does not state that the building is beyond repair. This is not unusual as most buildings can be saved where there is enough will and finance to do so. Rather it considers the likelihood of that happening in the medium term that is the chief consideration, as laid out by paragraph 201.

The market testing of the property is ordinarily done through placing the property on the market for sale, in order to test the interest of the private sector. The Market Hotel has been assessed in the past in this way although the application contains little information on the results. Instead, a current market value report has been produced based on the 2013 application for conversion to apartments, either for sale or as part of a council owned rental. It is backed by development appraisals and costs drawn from the structural report. The report is produced by Hartlepool Borough Council and independently verified, as is good practice.

The reports produce conservation deficits of between £750 thousand and £1 million, which are very considerable sums that reflect not only the poor condition of the building but poor market values in this area. For the sake of robustness it would be advisable for the applicant to set out the marketing history of the property within the application, although the market value report does bring home the financial reality well enough.

Grant funding is explored within the heritage statement and we broadly agree with the view that for a grade II listed building outside a conservation area there are limited avenues to explore. It is theoretically possible that a public use by a charitable foundation could access funds more widely and the heritage statement runs through the likely options and, reasonably, discounts them. Even if such an

organisation could be found repair and re-use would likely take years to realise - years that the structural report suggests the building no longer has.

On the public benefits of the replacement housing we defer to yourselves as best placed to consider the need for housing in this location. The design of the replacement is influenced by the Market Hotel and Victorian architecture in its form and touches of detail yet presents a contemporary character. This is a more honest approach to redeveloping the site than trying to recreate the façade of the historic building and we have no objection to the design. Cleaning and incorporating some of the faience from the bar frontage into the walls could add yet more interest.

Conclusion

We consider that a robust justification for the demolition of the Market Hotel has been provided.

We acknowledge the efforts that the Council has made in investigating options for retention, and in the provision of information to support the case for the proposed demolition.

The demolition of any listed building should be a last resort and justified in a robust way in line with paragraphs 200 and 201 of the NPPF. The information provided in this application is detailed and systematic in its appraisal of condition and viability. For the sake of completeness, a brief outline of previous efforts to market the building should be added. Subject to this there is sufficient information within the application to determine the application in line with the NPPF.

Determining the application requires a balanced decision between whether the public benefit of retaining the listed building is outweighed by the benefit of redevelopment. Public benefit of heritage in this instance means its potential benefit arising from repair and re-use. The likelihood of this happening in the medium term seems very doubtful without significant investment at a loss to its end market value. As owners of the listed building Hartlepool Borough Council could consider whether to bridge that gap, but there is no requirement on them to do that.

We therefore advise that you now consider whether the public benefits of redevelopment are strong enough to outweigh that loss and if so, ensure that the site is redeveloped through planning condition or agreement.

Recommendation

Historic England has no objection to the applications on heritage grounds.

Your authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decisions in due course.

UPDATE 22/10/21: Thank you for sending through that resume. I knew there had been efforts in 2010's to market the property but couldn't recall the details. For the sake of transparency where the local authority is the applicant it is good practice to provide such a marketing outline and what is provided is satisfactory. In some

circumstances it is prudent to remarket a building nearer to the time of determining an application, but in this instance that would serve little purpose as there has been no uplift in the economic draw of the area whilst the building has deteriorated further.

Consequently, I have no further comments to make on the application.

UPDATE 02/11/21: The request [to ensure that the site is redeveloped through planning condition or agreement] reflects paragraph 204 of the NPPF:

‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred’

I couldn’t find any guidance on ‘reasonable steps’ either within the PPG or Historic England guidance unfortunately but in ordinary ownership circumstances a legal agreement would seem to be reasonable. I recall one way of doing this to be tying demolition to after the letting of contracts for the redevelopment work, but can’t remember now the proposal.

I hadn’t considered the LPA ownership aspect but as you say it precludes legal agreement. The only comparator that came to mind was Durham County Council’s application to demolish Easington Colliery Schools this year. They are both owner and planning authority, there is a slight difference in that the redevelopment was a pocket park, something of a meanwhile use.

I attach the decision notice and note that there is no condition referring to ensuring the park is built. I presume confidence that it will be built lies in the fact that not to do so would cause residential blight and this is not an outcome that is acceptable to a LPA. The Market Hotel case presents the same issues and more assurance is provided by the housing scheme.

As for a third party challenges on other similar proposals I don’t have an answer beyond the difference between the roles of a private developer and LPA.

In summary, ensuring a site is redeveloped following the loss of a heritage asset is good practice that concerns risk management. With the LPA as developer and the proposal for social housing that risk appears small. Considering that a legal agreement is not technically possible we would have no objection to proceeding without a condition that reflects paragraph 204 in this instance.

Hope that covers this issue but please get in touch if you need clarification.

Victorian Society – No representations received.

HBC Heritage and Countryside Manager – The application site is located around the Lynn Street area and includes the grade II listed Market Hotel 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.

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

Policy HE4 of the local plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

The property has been vacant for some time and meets the Historic England criteria of a building at risk. This is because the building is in a significant state of disrepair and suffers from structural issues. 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 proposal is the demolition of a number of buildings including the Market Hotel and the erection of 48 dwellings, along with associated infrastructure, access and landscaping.

The NPPF para 200 states that, “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” Further to this para 201 sets out a number of criteria which should be met in order to demonstrate that the harm is necessary to achieve “substantial public benefits that outweigh that harm or loss.”

Historic England in their comments provide a detailed consideration of the steps that have been taken in order to find a solution to this site concluding that a robust justification for the demolition of the Market Hotel has been provided. Whilst this is noted they also highlight that, “For the sake of completeness, a brief outline of previous efforts to market the building should be added.”

In order to fully conclude that the terms of the NPPF can be met it is suggested that this should be provided prior to any decision being made in order to demonstrate fully the criteria outlined in para 201.

UPDATE 29/10/21: Further to the information provided highlighting the efforts that have been made to market this property. It is noted that this has been a prolonged process and although offers have been made these have not come to fruition. It would therefore appear from the evidence presented that the requirements of paragraph 201 of the NPPF have been satisfied. I therefore have no further comments to make.

HBC Townscape Heritage Projects Officer – No representations received.

Tees Archaeology - Thank you for the consultation on this application. We note the inclusion of a Heritage Statement, which concludes that the Grade II listed Market

Hotel is no longer viable, and as such should be demolished. We are disappointed with this conclusion and would be saddened to see the loss of this heritage asset, especially as the building is the sole reminder of Lynn Street's historic past. Should planning permission be granted, we would ask that Level 2 historic building recording be carried out prior to its demolition, in line with NPPF paragraph 205. As a means of making the significance of the heritage asset publically available (NPPF para. 205), it is noted that the developer intends to incorporate features (such as the iron work decorative sign) and architectural references from the Market Hotel into the new buildings, as well as establishing an interpretation panel outlining the 'importance of this entire area as Hartlepool Older Town centre including the former market to the north east of the Market Hotel Site'. The building recording could be secured by a condition upon the development. I set out proposed wording of this condition below:-

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Hartlepool Civic Society – Deeply to be regretted and a terrible indictment, the final nail in the coffin of West's premier shopping street arrives with the demolition of the Market Hotel which once faced the old market hall. Lynn Street is finally cleared! This had been a lively bustling street at the heart of the Victorian boom town, full of character and proudly expressing the pride of West Hartlepool. In the 60s and 70s the wrecking ball reigned, and the centre of town was laid waste – only now are the empty holes, created decades before, being filled, but are the new buildings going to be a cultural legacy we can proudly pass to future generations with any pride?

The loss of another of the towns listed buildings and character and heritage wasted, may have been more palatable had the new proposal been inspiring. The proposed buildings that are to replace the old hotel itself do show some potential, they

celebrate the urban heart of the town in scale and form. Perhaps this accounts for the dominance of the design of this relatively small element in the Design and Access Statements. Why was this scale, proportion and commendable design effort then abandoned for the rest of the scheme? Sadly most of the rest of the development falls far short in its uninspiring plan and suburban form.

The part of the scheme east of Lynn Street is out of proportion with the large and bold Victorian Baltic Building in Surtees Street and the commercial property/warehouses in Reed Street. The conversion of the latter street into two peculiar backwater cul-de-sacs is an awkward attempt to distinguish residential and commercial areas that will do a disservice to both and create truly unfortunate dead ends that invite antisocial activities – better to keep the open flow and visibility of the existing street.

The proposed streetscape is broken and full of gaps especially along Lynn Street, Surtees Street and Whitby Street. To use the vernacular 'its full of holes'. The earlier development around the Market Hotel is much more successful in this respect as it retains the urban sense of space and place, maintaining the enclosure of the main streets. The back land development location of the bungalows is another awkward prospect which results in the backs of houses exposed to the public street/view and properties facing gable ends. Will the residents one presumes these are intended for relish being hidden away from the life of the rest of the community?

It is extremely regrettable that the consultation and engagement mentioned in the statement of community involvement did not include Hartlepool Civic Society. The NPPF identifies the role of local authorities in encouraging the use of pre-application engagement. Paragraph 40 states that local authorities should “encourage any applicants (in this case the local authority itself) who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications”, where this would be beneficial. Bearing in mind this application included a listed building one would have thought pre-application engagement with a civic society would have been beneficial. In the past much of Hartlepool was built with an eye on expressing the great pride and confidence in the town by enriching its streets through the architecture, now it is much more a venture in less cost more gain – for built examples compare the Hartlepool Central Co-operative Stores building with its modern counterpart Asda supermarket. If accountants were architects what a rich environment we would all be living in.

On the application in hand, we regret the loss of the Market Hotel all the more because the proposed application which contains its destruction also contains new development that is all too disappointing in its design.

HBC Property Services – No representations received.

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

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 HSG1: New Housing Provision
 HSG1A: Ensuring a Sufficient Supply of Housing Land
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 NE1: Natural Environment
 NE2: Green Infrastructure
 NE6: Protection of Incidental Open Space
 QP1: Planning Obligations
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC3: Innovation and Skills Quarter
 RC7: Lynn Street Edge of Town Centre Area
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

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

doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA060: Delivering a sufficient supply of homes
 PARA086: Ensuring the vitality of town centres
 PARA092: Promoting healthy and safe communities
 PARA093: Promoting healthy and safe communities
 PARA094: Promoting healthy and safe communities
 PARA098: Open space and recreation
 PARA099: Open space and recreation
 PARA104: Promoting sustainable transport
 PARA105: Promoting sustainable transport
 PARA110: Considering development proposals
 PARA112: Considering development proposals
 PARA119: Making effective use of land
 PARA124: Achieving appropriate densities
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA132: Achieving well-designed places
 PARA152: Meeting the challenge of climate change, flooding and coastal change
 PARA154: Meeting the challenge of climate change, flooding and coastal change
 PARA157: Meeting the challenge of climate change, flooding and coastal change
 PARA167: Planning and flood risk
 PARA169: Planning and flood risk
 PARA174: Conserving and enhancing the natural environment
 PARA183: Habitats and biodiversity
 PARA187: Habitats and biodiversity
 PARA189: Conserving and enhancing the historic environment
 PARA194: Conserving and enhancing the historic environment
 PARA195: Conserving and enhancing the historic environment
 PARA197: Conserving and enhancing the historic environment
 PARA199: Conserving and enhancing the historic environment - Considering potential impacts
 PARA200: Conserving and enhancing the historic environment - Considering potential impacts
 PARA204: Conserving and enhancing the historic environment
 PARA205: Conserving and enhancing the historic environment

PLANNING CONSIDERATIONS

2.14 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 of the proposal on the listed building. This and any other residual matters are considered in detail below.

IMPACT ON THE LISTED BUILDING

Policy Context and Key Legislation

2.15 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.16 Policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings and Structures) of the Local Plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.” Policy HE7 (Heritage at Risk) 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.

2.17 The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation.

2.18 Paragraph 200 of the NPPF states that, “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”, and that substantial harm to or loss of grade II listed buildings should be exceptional.

2.19 Further to this, paragraph 201 states that proposals resulting in substantial harm or total loss of significance of a heritage asset should be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- e) the nature of the heritage asset prevents all reasonable uses of the site; and
- f) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- g) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- h) the harm or loss is outweighed by the benefit of bringing the site back into use.

2.20 Paragraph 201 of the NPPF and paragraph 17 of the Planning Practice Guidance (PPG) asks that viability is tested by market testing and exploring the

potential for grant aid or charitable ownership to bridge any conservation deficit (where the cost of repair and re-use exceeds the market price of the building on completion of those works). A structural survey is required to underpin this work.

Impact on the Listed Building

2.21 The mid-late 19th century grade II listed former Market Hotel is located within site A of the application site(s). The building is recognised as a designated heritage asset, with the main interest lying in the ornately detailed and varied public house frontage, though the building is acknowledged to be in a significant state of disrepair and suffers from structural issues. The building therefore meets the Historic England criteria of a building at risk.

2.22 The hotel was one of many commercial buildings lining Lynn Street when it was the principal shopping street within West Hartlepool. It is an important reminder of that period along a street that was largely cleared of its Victorian and Edwardian buildings in the 1960's and 1970's.

2.23 The proposals include the complete demolition of the former Market Hotel. The application is supported by a Heritage Statement and detailed assessment of the condition of the building and the financial viability and costs associated with its retention.

2.24 Historic England has been consulted and have commented that the required information has been provided, and this information is sufficiently detailed and realistic in its assessment of financial viability and condition, allowing for a properly informed decision on the building's future to be made. The supporting information concludes that the listed building is unlikely to be redeveloped in the medium term due to a large negative market value and lack of interest from charitable organisations, and this is not disputed by Historic England, who recognise the efforts of the applicant in investigating options for retention and providing an evidence-based case to support this application.

2.25 On the design of the replacement dwellings, Historic England has commented that this is influenced by the Market Hotel and Victorian architecture in its form and touches of detail yet presents a contemporary character. This is considered by Historic England to be a more honest approach to redeveloping the site than trying to recreate the façade of the historic building and they therefore have no objection to the proposed design.

2.26 Ultimately, Historic England has concluded that they consider a robust justification for the demolition of the Market Hotel has been provided, and they therefore have no objections to the application on heritage grounds.

2.27 Historic England therefore advise that it is now for the local planning authority to consider whether the public benefits of redevelopment are strong enough to outweigh the loss of the listed building. Historic England also initially advised that the redevelopment of the site should be secured through legal agreement or planning condition. However, following further discussions with the case officer regarding the appropriateness of a planning condition to require redevelopment, and noting that

the Local Authority is the applicant in this instance (and so a legal agreement cannot be entered into) and the proposal is for social housing, Historic England has advised that they consider the risk of the development not coming forward to be small. Historic England has therefore clarified that they have no objection to the application proceeding without a condition that reflects paragraph 204 in this instance.

2.28 The Council's Heritage and Countryside Manager has also been consulted and has not raised any concerns or objections to the proposals. The Council's Heritage and Countryside Manager did request further clarification on marketing information, in view of Historic England's comments, and this has since been provided by the applicant. It is noted that marketing of the site has been a prolonged process and although offers have been made these have not come to fruition. The Council's Heritage and Countryside Manager has concluded from the evidence presented that the requirements of paragraph 201 of the NPPF have been satisfied and has no further comments to make.

2.29 The Council's Planning Policy section has commented that, in view of the submitted information, they supports the demolition of the building and the redevelopment of the land. The Council's Planning Policy section are of the view that other alternative options have been unsuccessful and demolition is a last resort and realistically the only way to regenerate the area and rid it of a currently unsightly building.

2.30 The comments of Hartlepool Civic Society are set out above. They regret the loss of the building and raise concerns with the quality of large parts of the development.

2.31 No comments or objections have been received from the Victorian Society, or the Council's Townscape & Heritage Project Officer.

Archaeological Matters

2.32 Tees Archaeology has also been consulted and has advised that whilst they are disappointed with the conclusions of the supporting information and would be saddened to see the loss of this heritage asset, should planning permission be granted, Level 2 historic building recording must be carried out prior to its demolition, in line with NPPF paragraph 205. It is advised that this can be secured by virtue of a planning condition, and this is recommended accordingly.

2.33 Furthermore, as a means of making the significance of the heritage asset publically available (NPPF para. 205), it is noted that the developer intends to incorporate features (such as the iron work decorative sign) and architectural references from the Market Hotel into the new buildings, as well as establishing an interpretation panel outlining the 'importance of this entire area as Hartlepool Older Town centre including the former market to the north east of the Market Hotel Site'. Planning condition(s) on the related planning application also before members are proposed (H/2021/0315) to secure further details of these measure, where appropriate.

RESIDUAL MATTERS

2.34 Comments have been received from neighbouring land users with respect to the principle of the development and the impacts of the proposal on the visual amenity of the application site and the character of the surrounding area, the amenity and privacy of neighbouring land users and future occupiers, highway and pedestrian safety and car parking, and safety and security. These matters are beyond the scope of this application for Listed Building Consent however have been considered in full as part of the associated full application for planning permission (ref: H/2021/0315) received at the same time as this application.

2.35 Hartlepool Civic Society has commented that it is regrettable that they were not consulted by the applicant at pre-application stage with respect to the proposals. The application is supported by a Statement of Community Involvement (SCI) which sets out the applicant's approach to pre-application engagement. The submitted SCI indicates that a leaflet was prepared by the applicant which was distributed to nearby properties around the three proposed development sites, and that the applicant has engaged in pre-application discussion with officers at Hartlepool Borough Council. Whilst the local planning authority will always encourage proportionate pre-application engagement it appears the applicant did not engage with the Hartlepool Civic Society prior to submission of the application, there is no statutory requirement for the applicant to do so in this instance. Hartlepool Civic Society were however formally consulted as part of the consultation process on this planning application.

CONCLUSION

2.36 The loss of any listed building is regrettable however in light of the above, it is considered the public benefits of redevelopment (regeneration of the area and the delivery affordable housing) are strong enough to outweigh the loss of the building and that on balance the proposals are acceptable and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

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 The Section 17 implications are considered in the relevant part of the related planning report, also on this agenda.

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 following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

100 Rev P1 (Site Location Plan)

101 Rev P1 (Existing Site Plan)

received 9th July 2021 by the Local Planning Authority;

For the avoidance of doubt.

3. A) No development (including any demolition works) shall take place/commence until a programme of building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

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

To record and advance understanding of the significance of the heritage asset, in accordance with paragraph 205 of the NPPF.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147644>

2.42 Copies of the applications are available on-line:

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

CONTACT OFFICER

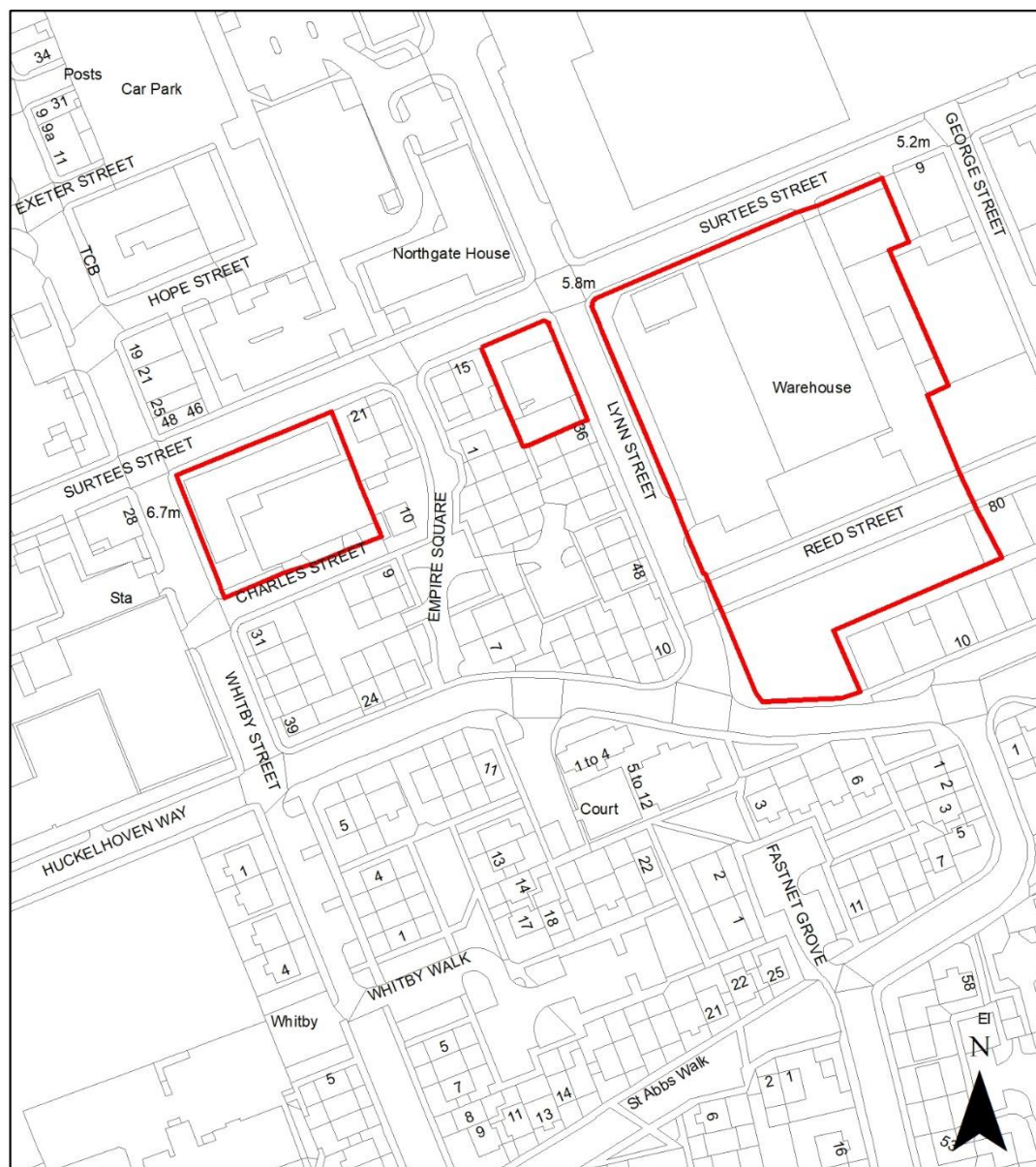
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Land at Lynn Street, Whitby Street and Surtees Street, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:1,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0315 h/2021/0343	REV

No: 3
Number: H/2021/0346
Applicant: MR JONOTHAN HALFPENNY LUPTON TOWER
 LUPTON CUMBRIA LA6 2PR
Agent: MISS KATHARINE MORGAN CUSHMAN &
 WAKEFIELD ST PAULS HOUSE 23 PARK SQUARE
 LEEDS LS1 2ND
Date valid: 26/07/2021
Development: Change of use from residential (use class C3) to a care
 home (use class C2) for up to 5 young people and the
 erection of a single storey education building, with
 associated parking provision, amendments to access and
 hard and soft landscaping.
Location: THE GROVE DALTON PIERCY ROAD DALTON
 PIERCY HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

HFUL/1993/0603 – Planning permission was granted in December 1993 for alterations and erection of a dining room and kitchen extension and incorporation of stables into dwellinghouse.

PROPOSAL

3.3 Planning permission is sought for change of use from residential (use class C3) to a care home (use class C2) for up to 5 young people and the erection of a single storey education building, with associated parking provision, amendments to access and hard and soft landscaping.

3.4 The applicant's supporting Planning Statement indicates that the care home will provide accommodation for up to 5 young people. The applicant has clarified that the age range of future occupants is 8 to 18 years old. The care home will provide accommodation for those with special educational needs who are unable to thrive within a mainstream environment. This facility is designed for a specialist client group who need a peaceful, quiet location.

3.5 The applicant's supporting Planning Statement also states the school element of the use will be for those young people living at the site only. The care home will be staffed 24 hours a day and open 52 weeks a year. The school element of the

proposals will run 38 weeks of the year. The development will create up to 28 new jobs, including care staff, the registered manager, a full-time therapist and 5 teaching staff.

3.6 In terms of built development, the school element of the proposals requires the erection of a single storey 'L' shaped education building with a gross floor area of approximately 157sqm, measuring approximately 16.75 metres by 13.6 metres at its greatest extent, and including a covered walkway to the front. The proposed building accommodates 3no. classrooms of varying capacity, an office/staff room and w/c facilities, all connected by a central corridor. The proposed building features a dual-pitched roof design with an overall ridge height of approximately 4.2 metres and an eaves height of approximately 2.7 metres. Details of finishing materials are to be agreed.

3.7 The proposals also comprise minor external alterations to the existing dwelling including replacement windows and doors, a small new window and replacement of an existing window with an entrance door in the north-west facing elevations, a replacement garage door and removal of existing feature/boundary walls. The proposed main care home building comprises living space, staff offices, a study and therapy room at ground floor, 5no. resident bedrooms with en-suite bathrooms and 1no. staff bedroom with en-suite bathroom at first floor, and ancillary attic/loft space in the main part of the dwelling.

3.8 Access to the site will be maintained and improved through an existing access point onto Dalton Piercy Road to the east. The existing access is proposed to be widened with the provision of 2.4 x 45 metre sight lines in both directions (following discussions with the Council's Highways team). The amended access to the site is proposed to lead to a new car park comprising 20no. parking spaces to the east of the main building. An existing secondary access and hard standing to the north of the site is to be retained and used to provide 1no. disabled parking space. From the car park and main building, a footpath is proposed to run to the south to the adjacent education building.

3.9 Associated changes to hard and soft landscaping are proposed to accommodate the development and to compensate for the loss of ten existing trees on site.

3.10 The application has been referred to the planning committee due to the number of objections received, in line with the Council's scheme of delegation for planning applications.

SITE CONTEXT

3.11 The application site comprises an existing large (6-bed) detached dwellinghouse situated within a large plot with generous private amenity space and landscaped gardens extending south from the main dwelling towards the existing watercourse which runs along the southern boundary, with the village of Dalton Piercy beyond. The site is surrounded to the north, east and west by agricultural land, with the adopted highway on Dalton Piercy Road bounding the site to the east. A small narrow strip of land owned by Dalton Piercy Parish Council also adjoins the

eastern boundary of the site, between the application site and the road. To the north the site is bounded by an unadopted/private road leading to a water treatment works operated by Anglian Water.

PUBLICITY

3.12 The application has been advertised by way of neighbour letters (10), site notice and a press notice. To date, there have been 4 objections received.

3.13 The concerns raised are (summarised):

- Impact on highway and pedestrian safety due to increased traffic / as local road network is inadequate
- Impact on safety and security
- Insufficient information regarding future occupants
- Insufficient public consultation

3.14 A fifth representation was also received with the following comments (summarised):

- Support if for un-parented children
- Object if for young offenders kept in secure conditions. Dalton Piercy is too small to absorb such an institution.

3.15 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=147684>

The period for publicity has expired.

CONSULTATIONS

3.16 The following consultation replies have been received:

HBC Traffic & Transport – The proposed development will intensify the amount of traffic using this section of road, however not at a level that would be detrimental to highway safety.

The proposed access has very poor sight lines in both directions although it is proposed to improve the sight lines in both directions by removing a wall and some trees the curvature of the road allows only allows a 37 and 35 metre sight line which is well below DMRB requirements. They are suggesting that due to carriageway alignment and the speed survey which recorded low 85th percentile speeds that Manual for Streets sight lines would be more appropriate in this instance. The MfS sight lines are generally used on roads with speed limits 30mph or less. In this case the National Speed limit applies, therefore in theory a car can be driven at 60 mph although unlikely due to the road alignment. There is never the less a chance that a vehicle can approach the junction legally at a speed greater than the sight lines are

designed for. I would therefore object to this change in use due to road safety concerns at the proposed access.

UPDATE 06/10/2021: Further to my comments on The Grove, Dalton application.

I have given further consideration to the sight line requirements at the proposed junction. I can confirm that the amended sight line provision of 2.4 x 45 metres would be acceptable and I have no further objections.

HBC Public Protection – After reviewing all relevant documentation I have no concerns regarding the proposal of change of use from residential (use class C3) to a care home (use class C2) for up to 5 young people . The location of the property and information provided in the noise assessment is acceptable and I would have no further comment regarding this.

Regarding the erection of a single storey education building again the information provided in the noise assessment is acceptable I would have no objection providing the following condition is met relating to the erection of the building.

- construction works for the education building shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

HBC Heritage and Countryside Manager – The application site is The Grove, Dalton Piercy Road. The property is not a listed or locally listed building nor is it located in a conservation area.

It should be noted that at the time of the development of the local list in 2011 the property was assessed for inclusion however the evidence present was such that the independent panel assessing the nominations did not consider it should be added at that time.

The nearest building to the application site is a grade II listed. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, “great weight” to the asset’s conservation (para 193, NPPF).

Policy HE4 of the local plan states, “to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting”.

It is considered that the proposal is sufficient distance away from the listed building that it will not impact on its setting.

No objections to the proposal.

Tees Archaeology - Thank you for the consultation on this application. We note the inclusion of a section on archaeology in the planning statement, which suggests undertaking archaeological monitoring during the groundworks. Minimal groundworks are proposed, and it is considered that there is insufficient archaeological potential to justify archaeological monitoring. No further work is necessary, and no condition related to archaeology is required.

Hartlepool Civic Society – No representation received.

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

HBC Landscape Architect – An Arboricultural Impact Assessment has been produced. The conclusions appear acceptable although I would defer to Arboricultural Officer for detailed comments.

Details of proposed planting should be provided although these can be controlled by condition. There will be some loss of tree on sites and this should be mitigated for in planting proposals.

HBC Arboricultural Officer – I have looked at the site and the tree report submitted by FPCR Environment and Design Ltd. regarding the Arboricultural Impact Assessment which is quite comprehensive. Although there are 10 trees shown to come out, the only trees of any size are T10 and T12 (both Sycamores) to accommodate a wider entrance. These trees are just under 0.5 m in diameter and 12m tall. The majority of the trees on site, although growing into on another will remain untouched and the report describes these in more detail in the survey details in Appendix A.

As a similar situation arose with application H/2018/0243 at Hart on the Hill I have no issues with this application.

A condition to comply with the recommendations and temporary protective fencing during construction work needs to be made if a decision notice for approval is forthcoming.

HBC Ecology – The proposals are supported by a Preliminary Ecological Appraisal. While this format of ecological report is not intended as supporting evidence for planning applications, being designed to provide information to support the design process then to be superseded by an Ecological Impact Assessment at application stage, the report is produced to a high standard enabling important ecological features to be identified and the potential for ecological harm to be understood. In this case the report is sufficient to support the application, given the nature of the proposals.

The proposals will result in the loss seven mature and three early mature trees. This impact would represent significant ecological harm and will therefore need to be

compensated for. A condition to secure suitable compensation has been suggested below. However, the survey information presented indicates that none of the trees to be removed to facilitate the development have greater than negligible potential to support roosting bats, harm to roosting bats is therefore unlikely.

Tree 42 on the submitted arboricultural impact assessment has been identified as unsuitable for retention, and the ecological report identified this tree as having high potential to support roosting bats. However, the removal of this tree is not included within the envelopment proposals and, while further ecological survey is required prior to any works affecting this tree, if this tree is to be removed at a later date any protected species licencing requirements would be fulfilled under a separate consent regime. It would be prudent, however, to include an informative on any planning permission that identifies this requirement for further survey in advance of any works to Tree 42.

Other potentially significant ecological effects can be avoided through appropriate mitigation measures. Potential impacts and associated mitigation measures are listed below.

- Impacts to foraging bats – implement a sensitive lighting scheme for the site.
- Direct impacts to nesting birds – avoid tree felling during the nesting bird season, or proceed with clearance only following confirmation from a suitably qualified ecologist of no nesting birds present.
- Disturbance or damage to water voles or water vole burrows – establish and maintain a 5 m buffer zone from the watercourse for the duration of construction.

Conditions have been suggested below to secure the above mitigation.

Subject to securing the appropriate mitigation and compensation, the proposals are in line with local plan policy NE1 and I have no objection.

Suggested Conditions

1. A scheme for compensation for the loss of ten trees, including but not limited to native species.
2. A lighting scheme for the new education building, limited to external lighting, to ensure lighting is minimised to avoid harm to foraging bats,
3. Vegetation clearance outside of the nesting bird season.
4. Establish and maintain a 5 m buffer from the watercourse during construction.

HBC Engineering – In response to your consultation on the above application, we have no objection to proposals in respect of contaminated land or surface water management. Please include our standard unexpected contamination and standard basic surface water conditions on any permission issued for proposals.

Northumbrian Water – No representation received.

Hartlepool Water – No representation received.

Anglian Water - No representation received.

HBC Waste Management – No representation received.

HBC Property Services – No representation received.

HBC Building Control – I can confirm that a Building Regulation application will be required for the change of use.

HBC Housing Services – No representation received.

HBC Housing Standards - No representation received.

HBC Community Safety and Engagement – Further to your consultee letter dated 10 August 2021 in respect of the Change of use from residential (use class C3) to a care home (use class C2) for up to 5 young people, the erection of a single storey education building, associated parking provision and amendments to access and hard and soft landscaping at THE GROVE DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL TS27 3HS, there are no community safety concerns in relation to this application.

HBC Education / Children and Joint Commissioning – Further to your consultee letter dated 10 August 2021 in respect of the Change of use from residential (use class C3) to a care home (use class C2) for up to 5 young people and the erection of a single storey education building, with associated parking provision, amendments to access and hard and soft landscaping at THE GROVE DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL TS27 3HS. Children's and Joint Commissioning Services Department have no objections to these proposals.

HBC Adults Social Care – No representation received.

Cleveland Police – I have completed Police checks in the area around the proposed home and can find no concerns of note. I have made the local Neighbourhood Policing Team aware for monitoring purposes also.

Police have no objections to this application which is obviously a much needed facility. I would expect that the home will be well managed and the client group is appropriately selected and to specific to needs required. I would expect security measures are in place to ensure a safe and secure environment for the children the use of a CCTV system would be of benefit to all entrance doors along with full access control to the building. I understand that children would be unlikely to go out on their own but if this does occur I would expect that a full risk assessment carried out before any child is permitted to go out unaccompanied for although located in area which suffers lower than average incidents of crime an disorder however the immediate area is fairly isolated with limited natural surveillance for the general movement of vulnerable children.

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

However, Access and Water Supplies should meet the requirements as set out in:

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

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

It should also be noted that this change of use will require a building regulations application and further comments may be made, by Cleveland Fire Brigade, through the building regulation consultation process as required.

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.

Northern Gas Networks – Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

Northern Powergrid - No representation received.

Dalton Piercy Parish Council – Councillors at Dalton Piercy Parish Council spent some time considering this application and received numerous comments from residents of the village.

Safety was the number one concern and must be the overriding priority when considering this application.

The safety of all those potentially living and working at The Grove and the safety of the residents of our village. Reassurances that policy and management at the site – as well as physical design modifications - will keep a young person in crisis safe as well as those around them and the residents of our village would be welcome.

The further safety concern is in relation to additional traffic to the site. Just a few short months ago a vehicle left the road and crashed into signage virtually opposite the entrance to The Grove. DPPC suspect this was due to; too high speed at a pinch point and blind corner where the vehicle likely had to swerve due to an oncoming vehicle. The traffic survey on this application report suggests vehicles travel slowly at this location. Due to the nature of the road it is only appropriate to travel at slow speed at this point. Evidence as above suggests this is not always the case and DPPC's fear of a serious injury or fatality, especially to a pedestrian/cyclist/horse and rider, is clearly valid due to the number of accidents this summer. It only takes one instance for the worst outcome to happen.

DPPC have consistently raised issue that the road is not suitable to accept higher traffic flow. 20 parking spaces would suggest this application anticipates an increase in traffic. Is this necessary for 5 residents?

DPPC urge HBC to look at the safety aspect of the whole road. Speed limits, signage and possible traffic calming measures.

Other comments that should be noted were that residents feel The Grove is an important building adding to the character of the village. It is pleasing to see the building will remain as a home and retain its garden which abuts the beck and wooded area leading to The Howls which is an important wildlife corridor – this should continue to be protected.

Councillors voted with a majority NOT to Object to the application. We hope the concerns raised above are taken into consideration by both HBC and Witherslack Group.

Hartlepool Rural Neighbourhood Plan Group – The following Rural Neighbourhood Plan Policies are particularly relevant to this application: -

POLICY GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments

will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The site of this application is outside Development Limits as defined on the Proposals Map and within the Green Gaps shown on the Proposals Map. The application is however reusing an existing property with the addition of a small building to be used for educational purposes. Although not clear the new building appears to be of timber similar to a stable block. Such a development could be argued not to compromise the openness of the countryside.

The development is not essential for agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. While the applicant suggests that the use benefits from being in a rural area that is not quite the same as appropriate and it is unclear how it will support the rural economy unless the aim is to provide employment for the rural area. The use of an existing house even with the small additional building could be argued not to have a significant impact on visual amenity. Given the number of staff and a need for them to commute in and out in their own vehicles, given the lack of public transport, the development will add to the problems of increased traffic on the narrow country lanes which serve Dalton Piercy.

POLICY EC1 - DEVELOPMENT OF THE RURAL ECONOMY

The development of the rural economy will be supported through:

1. the retention or expansion of existing agricultural and other businesses;
2. the re-use or replacement of suitable land/buildings for employment generating uses in villages and the countryside;
3. the provision of live-work units and small scale business units within the development limits of the villages;
4. the construction of well designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
5. appropriate tourism related initiatives;
6. recreation uses appropriate to a countryside location.

The development should be of a scale appropriate to its setting and enhance the local landscape character and nature conservation. It should not be detrimental to the amenity of nearby residential properties, sites of geological importance, heritage assets, or result in significant impacts on the local highway network or infrastructure. All proposals should accord with all other necessary policies contained within this plan, particularly with regard to design and amenity. Necessary policies will be applicable depending on the proposal put forward.

This application re-uses an existing building which will generate employment in the countryside, but it is by no means clear if this employment will benefit the rural area or simply be located in the rural area. If this becomes a commuter employer increasing traffic there is concern that it will add to the increasing pressure on the narrow country lanes. Even with improvements to the access there will be limited visibility for traffic emerging from the property which is a safety concern given the increased number of vehicles.

On balance the Group has no objection to this application but neither can it be supported given the concerns expressed above.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development

3.19 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

GEN1: Development Limits
 GEN2: Design Principles
 EC1: Development of the Local Economy

National Planning Policy Framework (NPPF)(2021)

3.20 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:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA060: Delivering a sufficient supply of homes

PARA078: Rural housing

PARA081: Building a strong, competitive economy

PARA084: Supporting a prosperous rural economy

PARA092: Promoting healthy and safe communities

PARA110: Considering development proposals

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

3.21 HBC Planning Policy comments - The principle of development is acceptable within this location, it is a residential use within an existing residential unit.

Planning Policy do have concerns with regards to intensifying the existing access as it is likely that the business will generate more vehicular movements than the existing dwelling, movements which will occur on a 60mph road. Planning Policy note the objection raised by the highways team in that the sight lines are not sufficient with regards to the speed of the traffic along Dalton Road.

In light of the sight lines matter and when considered along with an intensification of an access with poor site lines Planning Policy are of the view that vehicles would not be able to access and egress the site safely, therefore Planning Policy consider that the proposal does not accord with Local Plan Policy QP3 (Location, Accessibility, Highway Safety and Parking).

UPDATE 19/10/21: The principle of a care home within this existing residential use is acceptable. It is noted that concerns raised by the Council's highway engineers have been addressed and thus Planning Policy consider that the proposal accords with the relevant Local Plan policies.

PLANNING CONSIDERATIONS

3.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposals on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, highway and pedestrian safety,

ecology and nature conservation (incl. tree protection), heritage assets and archaeology, and flood risk and drainage. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

3.23 The development plan for Hartlepool comprises the adopted Hartlepool Local Plan 2018 and the adopted Hartlepool Rural Neighbourhood Plan 2018. Both the Local Plan and Rural Neighbourhood Plan set out the development limits in their associated Policies Maps. The application site is located beyond, albeit adjacent to, the development limits, as set out in the development plan.

3.24 Policy RUR1 (Development in the Rural Area) of the Local Plan stipulates that development outside the development limits will be strictly controlled. Furthermore, the policy requires that development in the rural area, where relevant, should be in accordance with the Rural Neighbourhood Plan, be located in or near to the villages, re-use existing buildings and/or materials, not have a detrimental impact on neighbour amenity, landscape character, or highway safety, feature good design and avoid best and most versatile agricultural land.

3.25 The application site is also located within the 'Green Gaps' designated by policy GEN1 (Development Limits) of the Rural Neighbourhood Plan. Policy GEN1 stipulates that development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

3.26 In this instance, it is noted that the application site relates to an existing residential dwellinghouse and its associated curtilage, which comprises a large plot with generous private amenity space and landscaped gardens. The site is located immediately to the east of the development limits of Dalton Piercy, and includes the reuse of the existing building on site.

3.27 The Hartlepool Rural Neighbourhood Plan Group has also highlighted that the application is reusing an existing property with the addition of a small building to be used for educational purposes, noting that the new building appears similar to a stable block and therefore could be argued not to compromise the openness of the countryside. Ultimately the Group does not object to the application, though does query whether the use is appropriate in the rural area or supports the rural economy.

3.28 As above, it is noted that the proposed development will generate employment, and the Council's Planning Policy section has advised that, as the proposals are for a (C2) residential use and are located on the site of an existing residential unit, they consider that the principle of the development in this instance is acceptable, subject to the consideration of all other relevant material considerations, as set out in policy RUR1.

3.29 No comments, concerns or objections have been received from the Council's Housing Services, Housing Standards, Adult Social Care, Education, or Children and Joint Commissioning teams.

3.30 In view of the above, it is considered that the principle of the development is acceptable in this location in this instance, subject to the consideration of all other relevant material planning matters, as set out in detail below.

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

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

3.32 Policy RUR1 (Development in the Rural Area) of the Local Plan requires that development in the rural area feature good design and not have a detrimental impact on landscape character. Similarly, policy GEN2 (Design Principles) of the Rural Neighbourhood Plan stipulates that the design of new development should demonstrate, where appropriate, how the design; helps to create a sense of place and reinforce the character of the rural area, and preserves and enhances significant views and vistas, amongst other requirements.

3.33 The National Planning Policy Framework 2021 (NPPF) sets out the Government's commitment to good design. Paragraph 128 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), amongst other provisions.

3.34 The application site currently comprises an existing large (6-bed) detached dwellinghouse situated within a large plot with generous private amenity space and landscaped gardens. The existing dwelling is traditional in design, understood to date back to the late 1800s, though was renovated in the 1990s (see planning history above) including the conversion and incorporation of an adjacent stable block to create a larger dwelling. As noted by the Council's Heritage and Countryside Manager however, the building is not listed, nor locally listed, and does not sit within a conservation area. The surrounding area is predominantly rural in nature, with the site surrounded on three sides by agricultural land, though as noted above the site sits on the eastern edge of the village of Dalton Piercy.

3.35 The proposals in this instance comprise the change of use of the existing dwellinghouse to a residential care home, however only limited external alterations are proposed to the existing building on site. As above, external alterations to the building mainly comprise replacement windows and doors, a new window and new doorway, and removal of existing feature/boundary walls inside the site. It is also

understood that the applicant may look to repaint the existing render finish, though planning permission would not necessarily be required for this.

3.36 Whilst the replacement windows appear more simplistic, with the loss of some of the Georgian bars detailed on the existing windows, the overall dimensions of the windows are retained and the style remains largely traditional, and it is therefore not considered that this would have such a significant detrimental impact on the character of the building to warrant refusal of the application. Similarly, given the limited scale of the other proposed alterations, it is not considered these would have a significant impact on the character of the building or the visual amenity of the site.

3.37 With respect to the proposed new teaching building, it is noted that this is single storey only and therefore relatively modest in scale. The building sits further to the south within the site, at a lower level to the existing dwellinghouse and therefore its visual presence from the site entrance will be reduced and it will appear subservient to the main building. As noted by the Hartlepool Rural Neighbourhood Plan Group, the building is similar in form and appearance to a stable block and therefore will not appear incongruous in the rural area. Furthermore, the proposed building is set off the eastern boundary of the site by approximately 10 metres (at its closest point), and approximately 15 metres (at its closest point) from the adjacent adopted highway on Dalton Piercy Road. The eastern boundary is also significantly screened by existing landscaping, the majority of which is to be retained. In view of the above, it is considered that the proposed new teaching building would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the surrounding area. Notwithstanding this, final details of the proposed finishing materials are recommended to be secured by virtue of a planning condition.

3.38 In terms of hard and soft landscaping, only limited details primarily in respect of the layout of the site have been provided at this stage. Whilst the proposals do include a relatively large parking area, parking bays are indicated to be 'grasscrete', curtailing the amount of hard standing proposed, and the parking area is accessed via an existing access and sits on the site of an existing gravel circular driveway. Other hard standing is limited to new paths to provide pedestrian access between the car parking, the main building and the new teaching building. Indicative planting proposals show the use of low planting around the widened site access and car parking area, with the majority of the remaining private garden area to the south retained, though it is noted that the proposals do require the loss of 10 trees on site.

3.39 The Council's Arboricultural Officer has advised that although there are 10 trees proposed to be removed, only 2 of these are of size, and the majority of the trees on site will remain untouched. The Arboricultural Officer has therefore not raised any concerns with the proposals, however has requested a condition to comply with the recommendations of the submitted Arboricultural Impact Assessment and to secure temporary protective fencing during construction work, to protect the trees that are to be retained, and this is recommended accordingly.

3.40 The Council's Landscape Architect has also not raised any concerns however notes the loss of trees on site and advises that this should be mitigated for in the planting proposals. Accordingly, the Landscape Architect has requested a planning

conditions to secure details of proposed planting, and this is recommended accordingly, along with a condition to secure final details of hard landscaping.

3.41 Subject to the aforementioned conditions, it is therefore considered that the proposed hard and soft landscaping proposals would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

3.42 Dalton Piercy Parish Council has commented that The Grove is an important building adding to the character of the village, and they are pleased to see the building will remain as a home and retain its garden which abuts the beck and wooded area leading to The Howls (ancient woodland and local wildlife site to the north west).

3.43 In view of the above, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the identified planning conditions, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

3.44 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook.

3.45 Policy QP4 also seeks to ensure the privacy of residents and visitors is not significantly negatively impacted in new development by requiring adequate space to be provided between houses / new development. The following minimum separation distances must therefore be adhered to:

- Principal elevation (i.e. any elevation containing a habitable room window) to principal elevation - 20 metres.
- Gable elevation (i.e. those containing a blank or non-habitable room window) to principal elevation - 10 metres.

3.46 The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019). Whilst the abovementioned separation distances are typically used for new residential development, these can equally be applied between residential and commercial/non-residential properties to ensure the privacy and amenity of existing and future occupiers of residential properties is maintained.

3.47 Paragraph 130 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

3.48 The surrounding area is predominantly rural in nature with agricultural land to the immediate west, north and east of the site. There are therefore no sensitive (i.e. residential) land uses within the vicinity of the site in these directions and it is therefore considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the west, north or east.

3.49 To the south, the site is bounded by an existing watercourse which, along with a small wooded area on the opposite bank, separates the site from Dalton Piercy. There are therefore no residential properties adjoining the site boundaries, however there is an existing dwelling at 'Sunniside Cottage' to the south-east, at a distance of approximately 50 metres from the south-east corner of the site. There is a further residential dwelling to the south-west at 'Rose Cottage' also at a distance of approximately 50 metres from the south-western boundary of the site.

3.50 The proposed development is principally located at the northern end of the site, with the southernmost part of the development, the proposed new teaching building, situated approximately 70 metres from the south-west boundary of the site. There are therefore substantial separation distances to these existing neighbouring properties to the south from the proposed new teaching building in excess of 100 metres, significantly above the minimum separation distances set out in Local Plan policy QP4 and the Residential Design SPD.

3.51 In view of the above separation distances, it is considered that the proposals would not have a significant detrimental impact on the amenity or privacy of neighbouring land users to the south (incl. south-east and south-west) in terms of overshadowing, any overbearing effect, loss of outlook or overlooking.

3.52 In terms of undue noise and disturbance, the Council's Public Protection section has been consulted and has advised that, the location of the property and information provided in the noise assessment is acceptable and they would have no further comment regarding this. With respect to construction activity, the Council's Public Protection section has also advised that the information provided in the noise assessment is acceptable and they have no concerns, subject to the application of a condition to limit the hours of construction, and this is recommended accordingly.

3.53 With respect to the amenity of future occupiers of the site, separation distances to neighbouring properties remain as existing (and significantly in excess of minimum requirements, as set out above) and it is considered the proposed new teaching building is sufficient distance from the main building and of a scale that would not have any appreciable impact on the amenity or privacy of future occupants.

3.54 In view of the above, it is considered that the proposals are acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, subject to the identified planning condition, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

3.55 Access to the site will be maintained and improved through an existing access point onto Dalton Piercy Road to the east, with the access proposed to be widened. A car park with the capacity for twenty cars is proposed adjacent to the entrance to the site, with an existing secondary access and hard standing to the north of the site to be retained and used to provide one disabled parking space.

3.56 The Hartlepool Rural Neighbourhood Plan Group has raised concerns that future employees of the care home commuting to the site from elsewhere will increase traffic, which will add to the increasing pressure on the existing highway. Concerns have also been raised by the Group regarding visibility for traffic emerging from the property. Similar concerns have been raised by Dalton Piercy Parish Council regarding the potential additional traffic to the site. Objections from neighbours also raise concerns that the existing road network is inadequate and cannot accommodate the additional traffic, and that the proposals are likely to pose a risk to highway and pedestrian safety.

3.57 The Council's Traffic & Transport section has been consulted on the proposals and initially raised an objection due to road safety concerns at the proposed access, as a result of limited visibility. These concerns were reiterated in the comments of the Council's Planning Policy team, who highlighted that due to the objection from the Council's Traffic & Transport section, the proposals would not be compliant with policy QP3 (Location, Accessibility, Highway Safety and Parking) of the Local Plan.

3.58 In view of these concerns, the applicant has submitted amendments to the proposed plans to demonstrate improved/extended sight lines in both directions. The Council's Traffic & Transport section has been re-consulted on the amended sight lines and has since advised that the amended sight line provision would be acceptable and they therefore have no further objections. In view of this, the Council's Planning Policy team has also confirmed the proposals now accord with the relevant Local Plan policies. In order to secure and maintain the agreed sightlines for the lifetime of the development, a planning condition is recommended to ensure these are implemented prior to occupation of the development and any landscaping within the sight lines is kept no higher than 1.05 metres in height. The wording of the condition has been agreed with the Council's Traffic & Transport section.

3.59 In their comments, Dalton Piercy Parish Council also urges the Borough Council to consider measures to improve the safety of the road, such as speed limits, signage and traffic calming. The proposals (as amended) are ultimately considered to be acceptable in terms of highway and pedestrian safety subject to the identified condition, and therefore whether the Council's Traffic & Transport team consider additional safety measures on this stretch of road necessary is a matter for them to consider separately and is beyond the remit of this application.

3.60 In view of the above, it is considered that the proposals are acceptable with respect to the impact on highway and pedestrian safety, subject to the identified

planning condition, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION (INCL. TREE PROTECTION)

3.61 The application site benefits from a generous amount of private amenity space and landscaped gardens extending south from the main dwelling towards an existing watercourse that runs along the southern boundary. There are a significant number of trees within the site, with the proposals resulting in the loss of 10 trees. The proposals are supported by a Preliminary Ecological Appraisal, which the Council's Ecologist has advised in this instance is produced to a high standard enabling important ecological features to be identified and the potential for ecological harm to be understood. The applicant has also provided an Arboricultural Impact Assessment.

3.62 Dalton Piercy Parish Council notes that the property will retain its garden, which abuts the beck and wooded area leading to The Howls (ancient woodland and local wildlife site to the north west), which the Parish Council highlight is an important wildlife corridor that should continue to be protected.

3.63 The Council's Ecologist has been consulted and notes that the proposals will result in the loss of seven mature and three early mature trees. It is advised that this impact would represent significant ecological harm and therefore needs to be compensated for. In view of this, the Council's Ecologist has requested a planning condition to secure suitable compensatory planting, and this is recommended accordingly. Notwithstanding this, the survey information presented indicates that none of the trees to be removed to facilitate the development have greater than negligible potential to support roosting bats, therefore harm to roosting bats is unlikely.

3.64 The Council's Ecologist has also identified other potentially significant ecological effects including impact on foraging bats, nesting birds and water voles, however it is advised that these impacts can be sufficiently managed/mitigated through the use of appropriately worded conditions to control external lighting and the timing of landscape clearance, and to secure a 5m buffer from the existing watercourse (or additional survey work where necessary). These conditions are recommended accordingly.

3.65 Further advice is also provided by the Council's Ecologist for the applicant on the requirement for further survey work and potential requirement for a protected species licence (which would be dealt with separately) should they seek to remove any additional trees in future, and an informative note to make the applicant aware of this is recommended accordingly.

3.66 Subject to securing the abovementioned mitigation and compensation, the Council's Ecologist has advised that the proposals are in line with Local Plan policy NE1 (Natural Environment) and they have no objections to the application.

3.67 The Council's Arboricultural Officer has also advised that although there are 10 trees proposed to be removed, only 2 of these are of size, and the majority of the

trees on site will remain untouched. The Arboricultural Officer has therefore not raised any concerns with the proposals, however has requested a condition to comply with the recommendations of the submitted Arboricultural Impact Assessment and to secure temporary protective fencing during construction work, to protect the trees that are to be retained, and this is recommended accordingly.

3.68 In view of the above, it is considered that the proposals are acceptable with respect to the impact on ecology and nature conservation (incl. tree protection), subject to the identified planning conditions, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

HERITAGE ASSETS AND ARCHAEOLOGY

3.69 The Council's Heritage and Countryside Manager has been consulted and has confirmed that the property is not a listed or locally listed building nor is it located in a conservation area. It is noted that, at the time of the preparation of the local list in 2011, the property was assessed for inclusion however the evidence present was such that the independent panel assessing the nominations did not consider it should be added at that time.

3.70 The application site is however located approximately 50m to the north-east of an existing grade II listed building at Rose Cottage. Given the siting of the proposed new teaching building and other associated works within the application site, a separation distance in excess of 100 metres will be maintained between the proposed development and this nearby heritage asset.

3.71 Local Plan policy HE1 (Heritage Assets) of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 (Listed Buildings and Structures) of the local plan states, "to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting".

3.72 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, "great weight" to the asset's conservation (para 193, NPPF).

3.73 The Council's Heritage and Countryside Manager has confirmed that the proposals are of sufficient distance from the nearby listed building such that they will not impact on the setting of the listed building. The Council's Heritage and Countryside Manager has confirmed that they therefore have no objections to the application.

3.74 Tees Archaeology has also been consulted and notes the inclusion of a section on archaeology in the submitted Planning Statement, which suggests undertaking archaeological monitoring during the groundworks. On review, Tees Archaeology has confirmed that, as minimal groundworks are proposed, it is considered that there is insufficient archaeological potential to justify archaeological

monitoring in this instance, and therefore no further work is necessary, and no condition related to archaeology is required.

3.75 No comments or objections have been received from Hartlepool Civic Society.

3.76 In view of the above, it is considered that the proposals are acceptable with respect to the impact on heritage assets and archaeology, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

3.77 The majority of the application site (and all of the built area of the development) is within flood zone 1 (low risk of flooding from rivers and the sea). There is a small portion of the site running along the adjacent watercourse to the south which is within flood zone 3 (high risk of flooding from rivers and the sea), however no built development is proposed within or adjacent to this area, with a notable increase in ground levels moving away from the watercourse towards the northern end of the site, where the proposed new teaching building and existing dwelling are located. The majority of the site is also at low or very low risk of surface water flooding (with the built area of the development at very low risk), again with the higher risk areas contained in the extreme south/south-west of the site adjacent to the existing watercourse.

3.78 The Council's Engineering section has been consulted and has confirmed that they have no objection to the proposals in respect of surface water management. The Council's Engineers have however requested a condition to secure details of surface water drainage, and this is recommended accordingly.

3.79 No comments or objections have been received from Northumbrian Water or Hartlepool Water / Anglian Water.

3.80 In view of the above, it is considered that the proposals are acceptable with respect to the impact on flood risk and drainage, subject to the identified planning condition, and are in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Safety and Security

3.81 An objection has been received from a neighbour suggesting insufficient information regarding future occupants has been provided and raising concerns pertaining to matters of safety and security for existing residents in Dalton Piercy. One representation has also been received wishing to be recorded as an objection if future occupants will include young offenders kept in secure conditions, stating that Dalton Piercy is too small to absorb such an institution.

3.82 Comments have also been received from Dalton Piercy Parish Council concerning the safety of all those potentially living and working at The Grove and the

safety of the residents of Dalton Piercy. The Parish Council seeks reassurances that policy and management at the site, as well as physical design modifications, will keep a young person in crisis safe, as well as those around them and the residents of Dalton Piercy.

3.83 In the first instance, and for the avoidance of doubt, it should be noted that the proposals are for a C2 use (residential institutions), which relates to such uses as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. This is distinct from a C2A use (secure residential institutions), which would include such uses as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre or secure hospital. This application does not seek permission for a C2A use, and planning permission would again be required to change the use of the site from a C2 use to a C2A use. Notwithstanding this, a planning condition is recommended to restrict the use of the development to a C2 use as a care home for up to 5 young people only.

3.84 Notwithstanding the above, it is otherwise not within the remit of this planning application to vet or control future occupants. Further, the management of the site is for the owner/operator of the site and relevant regulatory bodies to determine.

3.85 It is understood however that the applicant is an established provider of schools and children's homes for children with special educational needs, and operates a number of special schools, children's homes and vocational training centres across England. The applicant has confirmed that future occupants will range in age from 8 to 18 years old and the proposed use will provide accommodation for those with special educational needs who are unable to thrive within a mainstream environment.

3.86 The applicant clarifies in their supporting Planning Statement that the proposed care home is not a secure facility or unit. The home will be staffed 24 hours a day however, and the young people will attend school on site but will be free to enjoy other social activities outside of the school day. The home will be equipped with two cars to take the young people to activities such as sporting facilities, cinema and clubs.

3.87 The applicant advises that their objective is to provide high quality specialist provision within high quality living accommodation, all underpinned by generous staffing ratios, which they maintain allows vulnerable young members of society to maximise their potential within a highly supported and caring environment. The applicant considers the site to be ideal in that it is rural, peaceful and in itself therapeutic.

3.88 The Council's Community Safety and Engagement, Education, and Children and Joint Commissioning teams have been consulted and have confirmed that they have no concerns or objections in relation to this application. Similarly, Cleveland Police have advised that they have no objections to this application and note that the area experiences lower than average incidents of crime and disorder, however Cleveland Police have provided advice for the applicant on the management and

security of the site. An informative note to make the applicant aware of Cleveland Police's advice is recommended accordingly.

3.89 In view of the above, the application is considered to be acceptable with respect to matters of safety and security.

Contaminated Land

3.90 The Council's Engineers have been consulted and have advised that they have no objection to the proposals in respect of contaminated land. A standard condition to deal with any unexpected contamination encountered during the development has been requested and is proposed. The application is therefore considered to be acceptable with respect to contaminated land matters.

Public Rights of Way

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

Waste Management

3.92 It is noted that ample space is retained within the site for bin storage and existing access arrangements are to be maintained and improved. The Council's Waste Management section has been consulted and no comments or objections have been received. The application is therefore considered to be acceptable with respect to waste management issues.

RESIDUAL MATTERS

Public Consultation

3.93 Objections have been received from neighbours commenting that the public consultation exercise carried out by the Council on the application has been inadequate.

3.94 By virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Local Planning Authority has a statutory duty to publicise such planning applications by site display in at least one place on or near the land to which the application relates for not less than 21 days, or by serving the notice on any adjoining owner or occupier.

3.95 In this instance, the Council has sent letters to all addresses on record within an approx. 100-150 metre radius of the site boundaries, in addition to consulting all relevant technical and statutory consultees, including Dalton Piercy Parish Council and the Hartlepool Rural Neighbourhood Plan Group. The case officer has also displayed a site notice adjacent to the site access, and the application has been publicised in the

local press. The consultation process has therefore been in excess of the statutory requirements set out above, and is considered to be commensurate with the scale and nature of the proposed development.

3.96 Notwithstanding the above, anyone is welcome to comment on or object to the application, provided they do so in a timely manner, irrespective of whether they have directly received a notification letter from the Council, and it is noted that a number of the objections received to date and taken into account in the preparation of this report are from residents who live beyond the consultation area.

Fire Safety and Building Regulations

3.97 The Council's Building Control section has been consulted and has confirmed that a Building Regulations approval will be required for the proposals. An informative note to make the applicant aware of this is recommended accordingly.

3.98 Cleveland Fire Brigade has confirmed they offer no representations regarding the development as proposed, however have provided advice with respect to the requirements of the building regulations, and a suitable information to make the applicant aware of this is recommended accordingly.

3.99 Cleveland Fire Brigade has also recommended the installation of sprinklers or a suitable alternative Automatic Fire Suppression system. Fire safety in respect to development of this nature is principally a matter for the Building Regulations process, however Cleveland Fire Brigade's comments have been forwarded on to the applicant. In response, the applicant has not indicated that they intend to install sprinklers, however has advised that, through the approved building control body, they will ensure that they fully meet or exceed the Building Regulations in all respect including fire safety under Part B and associated guidance in the Approved Documents. The applicant has also confirmed that their appointed approved inspector will in due course liaise with the fire brigade in respect of the proposals once the detailed design has been completed. Notwithstanding this, a suitable informative note to reiterate this recommendation to the applicant is also recommended accordingly.

Utilities

3.100 Northern Gas Networks have been consulted and have confirmed they have no objection to the proposals, however there may be apparatus in the area that may be at risk during construction works. Northern Gas Networks comments and attached records have been forwarded to the applicant for their information, however a suitable informative is also recommended to make the applicant aware of this advice.

3.101 No comments or concerns have been received from Northern Powergrid.

CONCLUSION

3.102 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in

accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.103 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.104 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.

3.105 These matters are address in the section on safety and security above.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following condition(s);

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

21.012(9-)007 Revision A (Site Location Plan)
21.012(9-)009 (Existing Site Layout Plan),
21.012(2-)004 (Proposed Elevations),
21.012(2-)05 Revision B (Proposed Plans and Elevations of New Teaching Building),
21.012(2-)002 Revision B (Existing and Proposed Plans of Main House),
21.012(2-)003 (Existing Elevations),
received 26th July 2021 by the Local Planning Authority;

21.012(9-)012 Revision A (Site Layout Plan)
received 4th October 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. The external finishing materials used for the external alterations to the existing building hereby approved shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

4. Prior to the commencement of development on the new teaching building hereby approved, details of all external finishing materials (including finished colours) shall be submitted to and approved by the Local Planning Authority, samples (or high quality photographs) of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Prior to the commencement of development, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF.
6. Prior to the commencement of development, full details of the existing and proposed levels across the site, including the finished floor levels of the building(s) to be erected, the levels in the vicinity of the site boundaries and the height of any proposed mounding or earth retention measures, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with policy QP4 of the Hartlepool Local Plan 2018.
7. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of water voles from construction related activities has been submitted to and approved in writing by the local planning authority. Where it is feasible to maintain a 5 m exclusion zone from all parts of the watercourse the method statement shall describe protective fencing and warning signs sufficient to visually identify the exclusion zone. Where a 5 m exclusion zone cannot be maintained the method statement shall include the results of a survey for water voles, together with any avoidance, mitigation or compensation measures, as appropriate. The method statement shall identify whether a protected species license is necessary to regularise works within 5 m of the watercourse. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed measures;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed measures shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed construction program;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and any protective measures maintained throughout the construction program.

In the interests of preventing disturbance or damage to water voles or water vole burrows.

8. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall include compensation for the loss of 10no. trees on site, including but not limited to native species. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation, for the lifetime of the development hereby approved.

In the interests of visual amenity and to provide ecological compensation.

9. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved, full details of all new walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the buildings.

In the interests of visual amenity and highway safety.

10. The development hereby approved shall not be occupied until the 2.4 x 45 metre sight lines / visibility splays in both directions, as shown on drawing 21.012(9-)-012 Revision A (Site Layout Plan) received 4th October 2021 by the Local Planning Authority, have been implemented and vehicular access to the highway has been made, in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. Thereafter the agreed scheme shall be retained for the lifetime of the development. Any landscaping or vegetation within the approved sight lines / visibility splays shall be no higher than 1.05 metres to facilitate the sight lines, which shall be maintained for the lifetime of the development.

In the interest of highway safety.

11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide

additional attenuation storage. The agreed scheme shall be implemented prior to the first occupation of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

12. No external lighting shall be installed until details of all external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of ensuring lighting is minimised to avoid harm to foraging bats

13. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Assessment Rev A, dated July 2021, (incl. associated plans and details) received 26th July 2021 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of adequately protecting trees and other planting that is worthy of protection in the interests of visual amenity and conserving the natural environment.

14. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check within 48 hours prior to the relevant works taking place and provided written confirmation that no birds will be harmed. Any such written confirmation should be submitted to the local planning authority, prior to the work being carried out.

In the interests of breeding birds.

15. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal

with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure that any site contamination is addressed.

16. Construction works for the education building hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the new teaching building hereby approved shall not be extended or externally altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of visual amenity, the amenities of the occupants of the adjacent residential properties and highway safety.

18. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting those Orders with or without modification), the site to which this application relates (within the red line as shown on plan 21.012(9-)007 Revision A (Site Location Plan) received 26th July 2021 by the Local Planning Authority) shall be used as a care home (use class C2) for up to 5 young people only, and for no other use(s) within The Town and Country Planning (Use Classes) Order 1987 (as amended), without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and highway safety.

19. The proposed new teaching building, as shown on plan 21.012(9-)012 Revision A (Site Layout Plan) received 4th October 2021 by the Local Planning Authority, shall be and shall remain ancillary to the use of the main building as a care home (use class C2), shall serve the occupants of the care home only, and shall not be subdivided in any way or otherwise used as a separate teaching space or school for use by the general public.
For the avoidance of doubt and to enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and highway safety.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147684>

3.108 Copies of the applications are available on-line:

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

CONTACT OFFICER

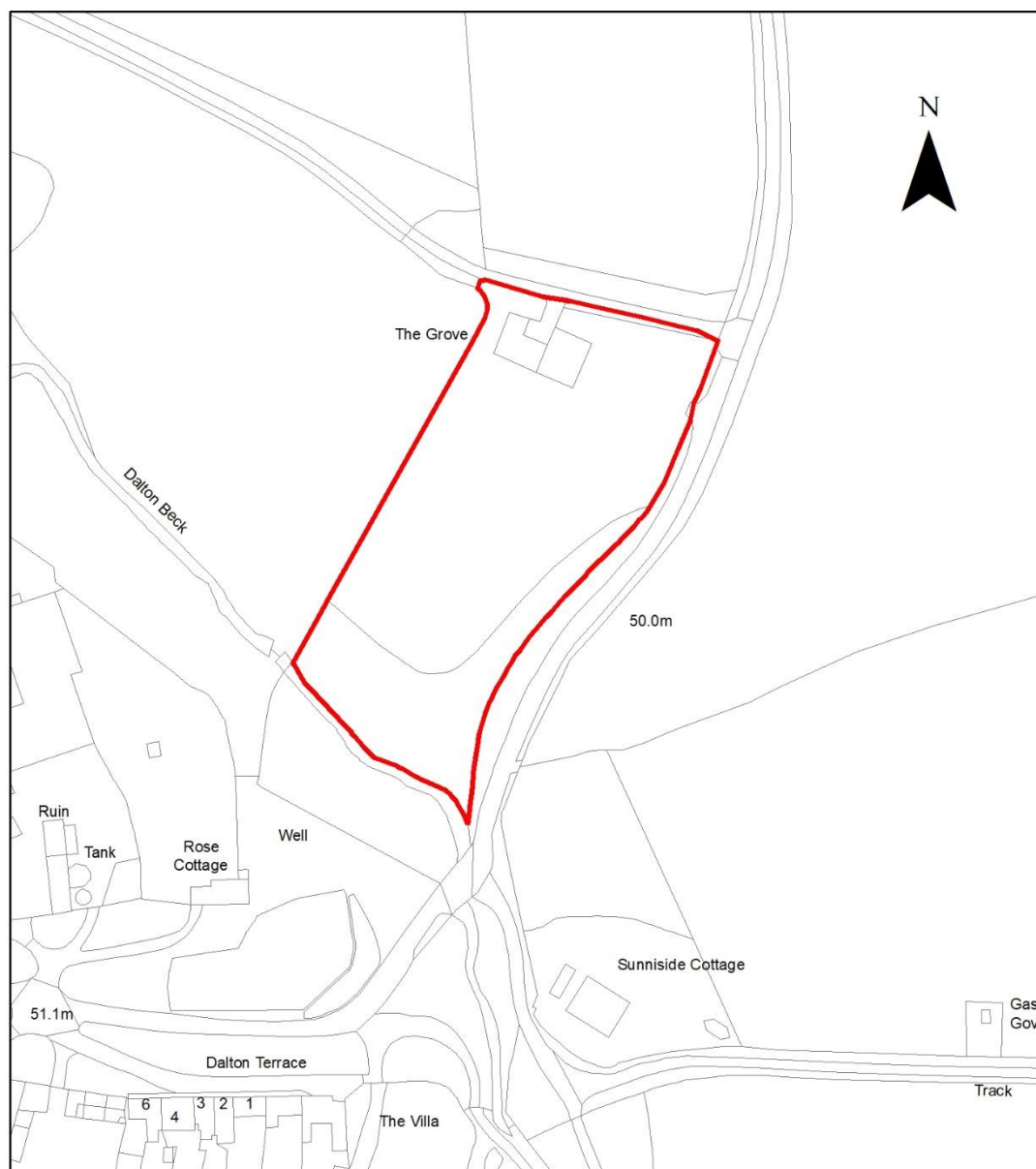
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The Grove Dalton Piercy, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:1,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0346	REV

No: 4
Number: H/2021/0281
Applicant: MRS HAYLEY MARTIN PARKLANDS WAY
HARTLEPOOL TS26 0AS
Agent: MRS HAYLEY MARTIN 13 PARKLANDS WAY
HARTLEPOOL TS26 0AS
Date valid: 17/08/2021
Development: Erection of a single storey and two storey extension to the side and alterations to existing single storey front extension.
Location: 13 PARKLANDS WAY HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 None.

PROPOSAL

4.3 Planning permission is sought for the erection of a single storey and two storey extension to the side and alterations to existing single storey front extension.

4.4 In detail, owing to the 'L' shape of the main dwelling, the proposed two storey extension projects approximately 2.6 metres beyond the south-east facing side elevation of the main dwelling at the rear of the dwelling and approximately 5.5 metres at the front, where it partly sits above a ground floor living area. The proposed two storey extension extends the full depth of the main dwelling (front to back) with a length of approximately 8.5 metres, sitting flush with the first floor of the main dwelling at the front and rear. This two storey element of the extension features a hipped roof with an eaves height in keeping with that of the main dwelling (approx. 5.2 metres) and a ridge height lower than that of the main dwelling at approx. 6.9 metres.

4.5 The proposals also include a small single storey extension projecting approximately 2.6 metres beyond the south-east facing side elevation of an existing single storey front offshoot, and approximately 1.6 metres forward of the abovementioned two storey side extension. This element of the proposal features a 'lean-to' monopitch roof with an eaves height of approximately 2.6 metres and a ridge height of approximately 3.5 metres. In addition, the proposals include the provision of a pitched roof along the rest of the existing single storey front offshoot to tie into the proposed single storey extension and replace an existing flat roof. This element of the proposal also includes a front facing gable above the existing front

door. The proposed alterations to the existing single storey front offshoot also include the provision of a new family room window and entrance door and windows within the front elevation.

4.6 At ground floor, the proposed extension would accommodate a utility room and store, whilst at first floor it would consist of a large 4th bedroom with en-suite bathroom and dressing area. To the rear the extension features a single utility room door and window at ground floor and a Juliet balcony with inward opening patio doors serving a dressing area/bedroom at first floor. To the front, the extension includes a garage door (to serve the proposed store) and two new bedroom windows at first floor.

4.7 The proposed extensions are indicated to be finished in a render finish, matching the existing front and side elevations of the main dwelling. The proposed plans also indicate that the remainder of the house is to be rendered to match.

4.8 The proposals have been amended during the course of the application to reduce the width of the proposed side extension and change the roof design from gable end to hipped, resulting in the current proposals as described above. These amendments were made by the applicant following an objection from a neighbour and in view of concerns raised by the case officer. These amendments are discussed in further detail below.

4.9 The application has been referred to the planning committee, as the applicant is a senior council officer.

SITE CONTEXT

4.10 The application site comprises a detached 3-bedroom two storey dwellinghouse in a residential area at 13 Parklands Way, Hartlepool. The surrounding area is residential in nature and consists exclusively of detached dwellings, often within generous sized plots. To the north-west, the application site is bounded by 15 Parklands Way. To the north-east of the site is the adopted highway on Parklands Way, with the junction of Egerton Road and a detached dwelling at 59 Egerton Road, beyond. To the south-east, the application site is bounded by 11 Parklands Way, whilst to the south-west, the site is bounded by 7 and 9 The Spinney.

PUBLICITY

4.11 The application has been advertised by way of neighbour letters (5). To date, there has been 1 objection received.

4.12 The concerns raised are:

- Proposed extension is too close to neighbouring boundary and will be overbearing.
- Proposed extension will result in a terracing effect between neighbouring properties and will be out of keeping with surrounding properties.
- Submitted drawings are misleading / inaccurate

- Boundary wall is not owned by applicant

4.13 Following the submission of amended plans by the applicant to reduce the width of the proposed side extension and change the roof design from gable end to hipped, a re-consultation exercise was carried out in October 2021 consisting of further neighbour letters (5). A further objection from the initial objector has been received with the following concerns (summarised):

- Proposed extension is too close to neighbouring boundary and will be overbearing.
- Proposed extension will result in a terracing effect between neighbouring properties and will be out of keeping with surrounding properties.
- Submitted drawings are misleading
- Boundary wall is not owned by applicant
- Applicant verbally advised extension would be 1000mm from inside of boundary wall

4.14 The re-consultation period is still outstanding at the time of writing this report, and Members will be verbally updated on the day of the planning committee meeting should any further representations be received.

4.15 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=146604>.

CONSULTATIONS

4.16 The following consultation replies have been received:

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

HBC Ecology – The original hanging tiles on the front elevation appear to have been replaced by render sometime after 2010, along with other properties on the street. With the removal of these features the building to be affected is unlikely to support roosting bats. Therefore the proposals are unlikely to result in significant ecological harm.

However, the general area provides suitable foraging habitat for bat species such as common or soprano pipistrelle. Therefore ecological enhancement, which is a policy requirement for all development, can reasonably be provided through the inclusion of an integral bat box within the new extension.

Assuming installation of a bat box is secured through any planning permission I have no objection to the proposals.

PLANNING POLICY

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

Local Policy

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

LS1 – Locational Strategy

SUS1 – Presumption in Favour of Sustainable Development

QP4 – Layout and Design of Development

HSG11 – Extensions to Existing Dwellings

National Planning Policy Framework (NPPF)(2021)

4.19 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 007: Purpose of the Planning System

PARA 011: Presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications in accordance with the development plan

PARA 126: High quality buildings and places

PARA 130: Design principles

PLANNING CONSIDERATIONS

4.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity and privacy of neighbouring land users, and the visual amenity of the site and the character and appearance of the surrounding area. These and all other planning and residual matters are considered in detail below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.21 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of

occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

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

The policy also states that extensions to buildings that would significantly reduce separate distances will not be permitted. The above requirements are reiterated in the Council's recently adopted Residential Design SPD (2019).

4.22 Similarly, Local Plan policy HSG11 (Extensions and alterations to Existing Dwellings) requires that proposals for extensions and alterations to existing dwellings do not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook.

4.23 An objection has been received from the neighbouring property to the south citing concerns that the proposed extension is too close to the neighbouring boundary and the proposed extension will be overbearing.

4.24 To the south-east, the host dwelling currently sits approximately 3.4 metres from the inside of an existing short boundary/retaining wall dividing the application site from the neighbouring property to the south-east at 11 Parklands Way. The host dwelling currently does not sit any further forward in the street than the front elevation of this neighbouring dwelling, nor does the rear elevation of the host dwelling project beyond the rear elevation of this neighbouring dwelling. However, the application site sits at a higher level (approx. 1.2 metres higher) than this neighbouring property due to the area's topography. The neighbouring dwelling is also set off the shared boundary by approximately 1.3 metres.

4.25 Initially, the proposed side extension would have reduced the gap between the south-east elevation of the proposed extension and the inside of the shared boundary wall to approximately 0.67 metres, bringing the host dwelling notably closer to this neighbouring dwelling. In response to the objection, the applicant has submitted amended proposals to reduce the width of the extension and thereby slightly increase the gap to the inside of the boundary wall by approximately 0.1 metres (to 0.77 metres), and to change the proposed south-east facing gable end roof design to a more modest hipped roof design (as currently proposed). In submitting the amended proposals, the applicant advised that they have only been able to reduce the width of the extension by 0.1 metres due to the position of the proposed foundations next to existing surface water drainage pipework in this location that serves more than one property and therefore is classed as a public sewer and cannot be diverted. The location of this drain is shown on the submitted floor plan drawings.

4.26 Following receipt of the amended plans, neighbouring properties have been re-consulted and the occupant of 11 Parklands Way have reiterated their objection,

maintaining the same concerns. The consultation period is still outstanding at the time of writing this report, and Members will be verbally updated on the day of the planning committee meeting should any other representations from neighbours, be received.

4.27 The case officer has visited the application site and surrounding area to assess the impact of the proposals, and has considered the amended plans submitted. Whilst the concerns of the objector are noted, it was observed on site and corroborated through review of this neighbouring dwelling's recent planning history (planning ref H/2017/0403), that this neighbouring dwelling does not feature any habitable room windows in its north-west facing side elevation facing the application site, with only 2no. obscurely glazed first floor en-suite / bathroom windows located in this elevation. Furthermore, the proposed side extension in this instance does not feature any windows in its south-east facing side elevation overlooking this neighbour. In view of this, the minimum separation distance requirements above are not engaged, as the relationship between these two neighbours is gable-to-gable. Notwithstanding this, whilst it is acknowledged the proposed extension will result in a loss of light/overshadowing to these 2no. bathroom windows to some degree given its proximity and the difference in levels, it is considered that the amendments to the proposals to provide a hipped roof sloping away from the shared boundary, and the orientation of the extension to the north (rather than the south) will assist in reducing overshadowing. Ultimately, in view of the non-habitable nature of the rooms served by these windows, it is not considered that the resulting impact on the amenity of these windows serving the neighbouring property (in terms of overshadowing, an overbearing effect or poor outlook) would be so significant as to warrant refusal of the application.

4.28 It was also noted on site that this adjacent neighbouring dwelling has itself been significantly extended at ground and first floor (planning ref H/2017/0403) and, as a result, features a two storey rear extension projecting along (albeit set off) the shared boundary with the application site, which projects beyond the rear elevation of the host property (and proposed side extension) by approximately 3 metres. Given this existing relationship between these two dwellings, and as the proposed two storey side extension sits flush with front and rear elevations of the host dwelling, and therefore does not project beyond the front or rear elevations of this neighbouring dwellinghouse, it is also considered that the proposed 2 storey side extension would not have a significant impact (in terms of overshadowing, any overbearing effect or loss of outlook) on habitable room windows in the front or rear elevations of 11 Parklands Way.

4.29 With respect to the proposed single storey front extension, it is noted that this sits approximately in line with the front elevation of this neighbouring dwellings single storey front extension, however it does project beyond the front elevation of this neighbouring dwelling's first floor which, given the difference in levels, will result in the proposed mono-pitch roof sitting adjacent to and projecting forward of this neighbour's first floor bedroom window by approximately 1.2 metres, albeit with an appreciable gap of approximately 2 metres between the two dwellings. Whilst the difference in levels will make this element of the proposal more prominent when viewed from this neighbour's front elevation bedroom window adjacent, given the relatively modest projection and single storey scale of this element of the extension,

it is considered that it would not have a significant detrimental impact (in terms of overshadowing, any overbearing effect or loss of outlook) on this adjacent habitable room window.

4.30 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the amenity of neighbouring land users to the south-east in terms of overshadowing, any overbearing effect or loss of outlook.

4.31 In terms of privacy, the proposed extension does not feature any windows or doors in the south-east facing side elevation overlooking this neighbouring property, and whilst a Juliet balcony is proposed at first floor within the rear elevation, given the oblique relationship of this and other windows/doors in the front and rear elevations of the proposed extension to the front and rear garden areas of 11 Parklands Way, and taking into account screening of the immediate rear garden area of this neighbour afforded by their existing 2 storey rear extension, it is considered that there would be no significant loss of privacy for 11 Parklands Way to the south, through overlooking or a perception of overlooking.

4.32 In view of the above, it is considered that the proposals would not have a significant detrimental impact on the privacy of neighbouring land users to the south-east in terms of overlooking or the perception of overlooking.

4.33 To the south-west, the proposed extension does not extend any further towards the neighbouring dwellings to the rear at 7 and 9 The Spinney and as such satisfactory separation distances between the principal rear elevation of the host property and the principle rear elevations of these neighbours to the rear of approximately 25 metres (minimum) will be maintained, in line with the abovementioned minimum separation distance requirements. It is also noted that the host property features an outbuilding along the western boundary opposite the site of the proposed extension which will also provide screening for neighbours to the south-west. In view of the above, it is considered that the proposed extension and alterations to the existing single storey front extension would not have a significant impact on the amenity or privacy of neighbouring land users to the south-west.

4.34 To the north-west, with the exception of the proposed alterations to the existing single storey front extension, the proposals are almost entirely screened from 15 Parklands Way adjacent by the existing dwellinghouse. The proposed alterations to provide a pitched roof to the existing front extension are set off the shared boundary to the north by approximately 5 metres and it is noted that this neighbour sits at a higher level. In view of this and taking into account the modest scale of these proposals to the front of the dwelling, it is considered that the proposals would have no appreciable impact on the amenity or privacy of neighbouring land users to the north-west.

4.35 To the north-east, the proposed extension and alterations do not extend any further beyond the front elevations of the existing dwellinghouse and as such satisfactory oblique separation distances of approximately 25 metres (minimum) between the principal front elevations of the host dwelling and the gable elevations of the dwelling opposite (to the front) at 59 Egerton Road are maintained, in line with the abovementioned minimum separation distance requirements. In view of the

above, it is considered that the proposals would not have a significant impact on the amenity or privacy of neighbouring land users to the north-east.

4.36 In view of the above, it is considered that the application is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF.

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

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

4.38 An objection has been received from the neighbouring property to the south citing concerns that the proposed extension will result in a terracing effect between neighbouring properties, and will be out of keeping with the character of the surrounding area.

4.39 The host property is a two storey detached dwellinghouse set within a plot of relatively generous proportions with large front and rear garden areas, and features a double garage structure within the rear garden that has been converted into an ancillary garden room / outbuilding, accessed via a strip of hardstanding running along the southern boundary of the site from the adopted highway at the front. This space along the side of the main dwelling would accommodate the proposed extension. The dwelling is of traditional residential scale and form, featuring a dual pitched roof with both front and side facing gables. The front elevations of the dwelling have been finished in white render, whilst to the rear / side the dwelling is finished in red brick.

4.40 The surrounding area is residential in nature and consists exclusively of detached dwellings, often within generous sized plots. Dwellings along Parklands Way are varied in their size, design and finish, including a mix of two storey houses and bungalows finished in a variety of materials including render and facing brick with feature brick/stonework and cladding in places. All are of a similar age (c. 1970s) despite many having been altered significantly since being constructed. Parklands Way sits on an incline, sloping downwards from the north-west to the south-east, therefore dwellings along the street do not sit at the same level to one another but typically step down a metre or so from the neighbour to the north-west.

4.41 The proposed extension is large in size and will provide a significant increase in the floor space of the host dwelling at both ground and first floor (more so at first floor). The extension sits flush with the front elevation of the existing dwellinghouse, and is to be finished in matching materials. Initially, the proposed extension was 0.1 metres wider and featured a dual-pitched roof with side facing gable.

4.42 Given the size of the extension and the increase in width (almost doubling) of the main front elevation, with no noticeable set back at ground and/or first floor, concerns were initially raised by the case officer that the proposed extension did not appear subservient to the main dwelling and its size and design were therefore not particularly sympathetic to the host property. In view of this, it was recommended that the applicant consider whether a setback at first floor level and/or the provision of a hipped roof (rather than a side facing gable), to reduce the massing of the extension, as can be seen on other 2 storey side extensions in the vicinity, could be achieved. In view of these concerns, the applicant has submitted amended proposals to reduce the width of the extension by 0.1 metre and change the roof design from a side-facing gable to a hipped roof design.

4.43 Whilst the proposed extension is still considered to be of a large size, it is considered that these amendments have softened the overall visual impact of the extension by reducing the massing of the roof and (marginally) the overall width of the extension. It is further considered that the proposed replication of the projecting vertical column design feature to frame the extension at first floor, as found on the front elevation of the main dwelling, will further serve to break up the frontage of the dwelling, as extended, and prevent it from appearing as one continuous block when viewed from the front. It is also noted that the ridge height of the extension is approximately 0.6 metres lower than that of the main dwelling roof, further reducing its massing and giving the appearance of subservience to the main dwelling.

4.44 In view of the above, it is considered on balance that the proposed extension as amended is sympathetic to the host property and would not have a significant detrimental impact on the visual amenity of the application site or host dwelling.

4.45 In terms of the impact on the character and appearance of the surrounding area, the concerns of the objector with respect to the potential for a ‘terracing effect’ are noted, however in this instance given the variation in levels between the host property and 11 Parklands Way to the south-east, the appreciable gap that will be maintained between the two dwellings, and the notable differences in the design/form of these two neighbouring dwellings and other dwellings in this row, it is considered that the proposals would not result in any detrimental ‘terracing effect’.

4.46 Ultimately, it is considered that the proposed dwelling, as extended, would not be out of keeping with the surrounding area, and therefore would not have a significant detrimental impact on the character and appearance of the surrounding area.

4.47 In view of the above, the proposal is considered to be acceptable with respect to the impact on the visual amenity of the site and the character and appearance of the surrounding area, and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF, subject to the identified conditions.

OTHER PLANNING MATTERS

Highway and Pedestrian Safety

4.48 The proposals include the provision of a two storey extension over an existing area of hardstanding/driveway, and the addition of 1no. bedroom to the dwellinghouse. It is noted however that the plot will continue to benefit from a long double width driveway.

4.49 The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns with the proposals. The proposals are therefore considered to be acceptable with respect to the impact on highway and pedestrian safety.

Ecology and Nature Conservation

4.50 The Council's Ecologist has also been consulted and has advised the existing dwellinghouse is unlikely to support roosting bats. Therefore the proposals are unlikely to result in significant ecological harm.

4.51 However, the general area provides suitable foraging habitat for bat species such as common or soprano pipistrelle. Therefore ecological enhancement, which is a policy requirement for all development, can reasonably be provided through the inclusion of an integral bat box within the new extension.

4.52 Assuming installation of a bat box is secured, the Council's Ecologist has confirmed they have no objection to the proposals. A planning condition to secure this is therefore recommended accordingly.

4.53 In view of the above, subject to the identified condition, the proposals are considered to be acceptable with respect to the impact on ecology and nature conservation.

RESIDUAL MATTERS

4.54 An objection has been received from the neighbouring property to the south-east raising concerns that the submitted drawings are misleading / inaccurate. The objection comments that the submitted drawings are misleading as they show the distance to the outside of the boundary / retaining wall (rather than inside) and inaccurate as the applicant verbally advised the objector that the gap to the boundary would be greater. These comments are noted, and whilst it is acknowledged the dimensions to the outside of the boundary wall were annotated on the drawing initially and the dimensions to the inside of the boundary wall were not, the distance to the inside of the boundary wall could still be measured accurately from the drawing as the submitted plans are to scale, and the drawing therefore did not inaccurately represent this distance. Furthermore, the applicant has since added additional annotations to the drawings to show the dimensions to the inside of the wall also, for clarity. With respect to the drawings being inaccurate because the objector had been verbally advised of different plans, the Local Planning Authority (LPA) can only consider the plans that are submitted to it, and cannot comment on any discussions that may have taken place between the applicant and objector. The submitted plans are accurate and to scale, have been published on the Council's website for consideration by neighbours and consultees, and the proposals in their current form submitted to the LPA (as amended) have been considered accordingly.

4.55 The objector has also raised concerns that boundary wall is not owned by applicant. The proposals do not affect the boundary wall in any way, with the proposed extension set back a distance of approximately 0.77 metres at its closest point to the wall. Ultimately the ownership status of this wall is a civil / legal matter between the applicant and their neighbour, and is not within the remit of this planning application.

CONCLUSION

4.56 In view of the above, the application is considered to be acceptable with respect to the relevant material planning considerations and in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF. The application is therefore recommended for approval, subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.57 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.59 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

13PW – 0621 – 001 (Location Plan),
13PW -0621-004 (Existing Plans & Elevations)
received 14th June 2021 by the Local Planning Authority;

13PW-0621-002 (Existing Site Plan),
13PW – 0621 – 007 (Existing & Proposed North West Gable Elevation)
received 4th August 2021 by the Local Planning Authority;

13PW – 0621 – 003A (Proposed Site Plan AS AMENDED),
13PW – 0621 – 005C (Proposed Plans & Elevations AS AMENDED),
13PW – 0621 – 006A (Existing & Proposed South East Gable Elevations AS AMENDED)
received 21st October 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing dwellinghouse, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. Prior to the commencement of development above ground level on the proposed extension hereby approved, full details (including the exact location, specification and design) of a minimum of 1no. integral bat box to be installed within the new extension shall be submitted to and approved in writing by the Local Planning Authority. The extension shall not be brought into use unless the bat box has been installed. The bat box shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.
To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146604>.

4.62 Copies of the applications are available on-line:

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

CONTACT OFFICER

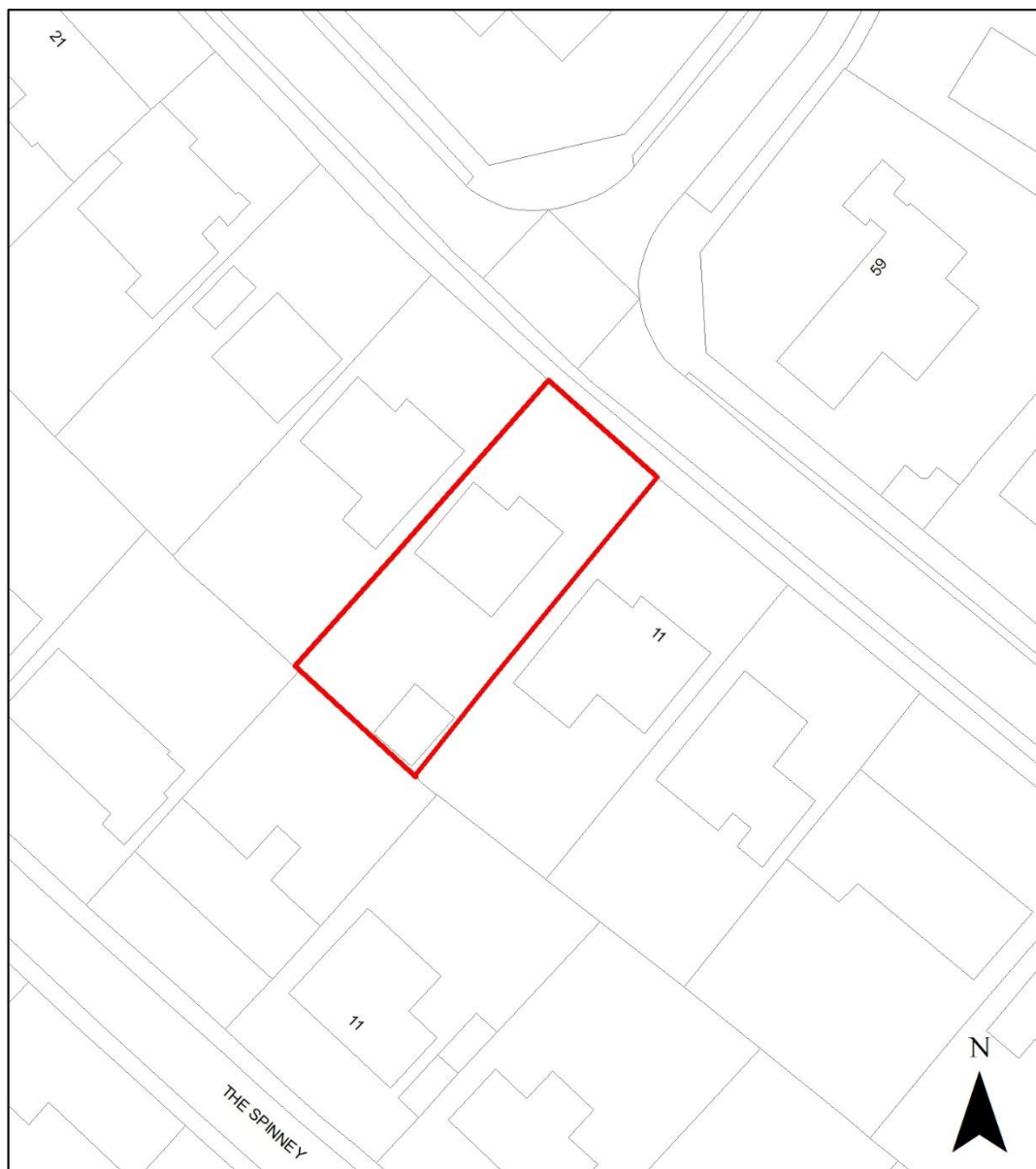
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13 Parklands Way, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0281	REV

No: 5
Number: H/2020/0233
Applicant: MR G CRACKNELL THE PADDOCK ELWICK
HARTLEPOOL TS27 3DT
Agent: VICKERS & BARRASS CHARTERED SURVEYORS
MRS CHARLOTTE NEWTON 3 SOUTH STREET
CROOK DL15 8NE
Date valid: 21/09/2020
Development: Change of use of agricultural building and land to
equestrian use as part of a DIY livery (retrospective
application)
Location: MARTINDALE FARM THE PADDOCK ELWICK
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

HFUL/2004/0845 – Removal of agricultural occupancy condition, approved 24/05/2005

H/1988/0037 – Erection of detached house, approved 17/03/1988

PROPOSAL

5.3 The application seeks retrospective planning permission for the change of use of an agricultural building and land to equestrian use as part of a DIY livery business. The livery has stabling available for a maximum of nineteen horses available at the livery yard which includes one belonging to the owner of the facility. All of the livery facilities are DIY, which offers the stables, grazing and hay as part of the chargeable service. The proposal includes a small ménage which is restricted for use by clients who have horses at the livery. Access to the stables is taken from the existing access through The Paddocks, Elwick. There is existing hard standing within the farm for parking.

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

SITE CONTEXT

5.5 The application is part of an existing farm which is located north east of Elwick Village, east of the A19. There are agricultural open fields to the north east and north west of the site.

5.6 There is an existing residential dwelling at the site, with general agricultural storage buildings. There is a small ménage which is sited to the front of the residential property.

5.7 Vehicle and pedestrian access is taken from the existing access road through The Paddock, Elwick and runs behind residential properties at Hillcrest Grove. The nearest residential property to the stables are in excess of 117m approximately. There is a right of access from the A19 which is a restricted access for agricultural vehicles only and does not form part of this application.

PUBLICITY

5.8 The application has been advertised by way of site notice and neighbour letters (67). To date, there have been 3 objections.

5.9 The objections/concerns can be summarised as follows;

- Access road inadequate for amount of vehicle usage
- Dust from access road
- Noise from vehicles early morning and evening
- Road safety due to increase in traffic
- Surface water

5.10 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=139159>

5.11 The period for publicity has expired.

CONSULTATIONS

5.12 The following consultation replies have been received:

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

HBC Engineering Consultancy – In response to your consultation on the above application, I have no objection to proposals in respect of contaminated land. In respect of surface water I note that the final surface water disposal point is in a neighbouring property. Whilst proposals do not appear to create significant additional impermeable area, if this area does not currently drain into neighbouring property and it is now proposed to drain it there it may increase flood risk on that neighbouring property. Can the applicant confirm the route of the original drainage

(so any increase in surface water discharge off site can be established) and also that the neighbour is aware of any additional surface water drainage into their land, if that is the case.

UPDATE 11/02/2021

The Drainage Strategy section 3.3 Existing Drainage states that *the barns and concrete surrounds (0.084ha impermeable area) ... are currently not formally drained, with runoff from these areas falling onto the adjacent gravel road, which will then join a natural surface water flow route that passes through the site.* A private piped drain in the field west of the site (in third party land) is mentioned, *that is expected to manage some flow, although the proposed site is not currently connected to this pipe.*

Section 3.4 Proposed Drainage Strategy proposes connecting the development's drainage to the private drain to the west (in third party land) and states that *the use of land drains with porous pipes for conveyance will also provide a degree of continuous drainage of the surrounding land and potentially intercept some of the natural overland flow.* This section goes on to mention that *the positioning of a 30m section of land drain at the east of the site lies within the natural overland flow route and so is expected to intercept some water from the overland flow.*

This suggests that the private drain to the west of the site that currently takes no or very little water from the development site, is proposed to manage surface water from the impermeable area of the proposed development and also some additional land drainage from that site.

Section 3.4 goes on to conclude that a small net increase in surface water flow from the site will result, which is agreed, and section 4.0 Conclusion states that proposals will be *providing overall net flood risk benefit to local vulnerable receptors* which is also agreed. However, this benefit is provided as development and land drainage will be diverted through a pipe to the west of the site in third party land, which currently appears to accept little or no water from the development site. Local vulnerable receptors (dwellings to the south west of the development) may see a reduction in surface water flood risk, however this is at an unknown and likely increased flood risk to third party land to the west of the development.

Whilst proposals are of a sustainable nature in that surface water discharge to watercourse is proposed, I am unable to support this application as I do not know that proposals will not increase flood risk on third party land, and due to increased formal drainage proposals they likely will increase flood risk on third party land. Furthermore, any flooding and necessary maintenance on that land will be the legal responsibility of the third party landowner and this additional responsibility appears unreasonable unless agreed between the applicant and the third party landowner.

A way forward for the application would be for the third party landowner to agree to proposals including any potential increased flood risk, noting that if the drainage on his land was not of sufficient capacity or required maintenance he will be responsible for carrying out any necessary works. I do not believe development proposals will increase flood risk other than on the development site itself (should any assets fail or be exceeded) or on the third party land through which it is proposed to drain the

development. However for the reasons detailed above I object to this application that information suggests will increase flood risk on third party land.

UPDATE 26/05/2021

If the third party landowner has agreed with the applicant to accept surface water flows from the applicant's land this appears reasonable and I have no objection to proposals.

In your email below 26/2/21 you state *a way forward would be to enter into a legal agreement with the third party landowner and HBC* and you also ask below if a legal agreement (106) is required. Please note that we just need to be satisfied that the applicant and third party landowner are in agreement, we do not want to be involved in or have any further part in that agreement.

UPDATE 22/07/2021

I'm happy with that, it says to me that there is an agreement for the third party landowner to accept surface water from the development and that the landowners are to agree terms between themselves.

HBC Ecology – Based on the nature of the existing structures there is limited potential for direct impacts to protected species. Therefore significant ecological harm is not likely to occur, or have occurred. However, policy NE1 and section 15 of NPPF require development to provide an ecological enhancement. Given the nature of the surrounding habitats suitable measures aimed at providing ecological enhancement include the installation of bat boxes. A condition has been suggested to secure this. The completed development in order to provide an ecological enhancement shall include the following measures.

Two surface mounted bat boxes suitable for crevice roosting bats, to be installed at eaves level on the southern elevation. All building mounted bat features shall be constructed from woodcrete (or similar durable insulating material), and shall not be installed directly above any doors or windows. All features installed shall be retained in that manner thereafter.

Reason: to ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

HBC Public Protection – No objections

Northumbrian Water – In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Waters network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit

<https://www.nwl.co.uk/services/developers/> Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:
Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
Discharge into ground (infiltration)
Discharge to a surface water body
Discharge to a surface water sewer, highway drain, or another drainage system
As a last resort, discharge to a combined sewer

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

HBC Arboricultural Officer – No comments received

HBC Landscape Architect – No comments received

Cleveland Police – No objection but would to make the applicant aware that premises such as these can be targeted from theft in relation to riding equipment and would advise that appropriate security measures are in place.

Elwick Parish Council – No comments received

Highways England – No objection

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change
LS1: Locational Strategy
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
RUR1: Development in the Rural Area
RUR4: Equestrian Development
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

EC1: Development of the Local Economy

National Planning Policy Framework (NPPF)(2021)

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-Making

PARA 047: Determining Applications

PARA 092: Promoting healthy and safe communities

PARA 126: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 134: Achieving well-designed places

PARA 154: Planning for Climate Change

PARA 157: Planning for Climate Change

PARA 218: Implementation

5.16 HBC Planning Policy - As the site is located within the rural area of the borough, policy RUR1 applies. This policy stipulates that proposals must be respecting of the rural area, and must be related to appropriate land based businesses, including equine. The proposals must be in accordance with the Hartlepool Rural Neighbourhood Plan, specifically policy EC1 which seeks to support the development of the rural economy, including new livery businesses. However, this is subject to the existence or provision of equestrian routes/bridleways in and around the business. One of the main policies to note in this instance is policy RUR4, which specifically relates to equestrian development. This policy stipulates

that the equestrian development will be supported as an appropriate use in the rural area where:

- Development is adjacent to or in the vicinity of villages, existing farmsteads or small holdings to minimise the visual impact of new build development on open countryside,
- The proposals are of a scale and character appropriate to their setting and are sensitively sited within the landscape and consideration should be given to the adaption or conversion of existing buildings before new build.
- It does not have significant detrimental effect on the amenities of occupiers of adjoining and neighbouring property by reason of smell, noise or general disturbance.
- In the case of new commercial establishments, these are located sufficiently close to existing residential accommodation and close to existing bridleways or routes suitable for trekking where this forms part of the business.

In this instance, it is noted that the application is for a retrospective permission, and so the change of use has already taken place. The applicant has utilised existing buildings on the site and transformed them into equestrian uses, therefore it is not considered that the development will have significant impact on the visual amenity of the area and the principle of development is acceptable. If the Council's Public Protection team are satisfied that there will be no detrimental impact on the neighbouring uses of the site, then planning policy have no objections with regards to impacts.

PLANNING CONSIDERATIONS

5.17 The main planning considerations with respect to this application are the principle of development, impact on the visual amenity, character and appearance of the area, the amenity and privacy of neighbouring land users, highway safety, parking and drainage.

PRINCIPLE OF DEVELOPMENT

5.18 Local Plan policies RUR1 and RUR4 seek to support the rural economy, including appropriate land based uses of a scale and nature appropriate to a rural location. The introduction of an equine use would be considered appropriate in principle, subject to an assessment of the potential impact of the proposals on the character and appearance of the area, the amenity of neighbouring land users, highway safety and other relevant planning considerations. The proposed use also provides an external ménage for exercising purposes, including the use of open fields for grazing purposes. The proposed site provides private land which allows access for users of the livery for riding purposes. The provision of this land would be in accordance with Policy EC1 of the Hartlepool Rural Plan.

IMPACT ON VISUAL AMENITY/CHARACTER/APPEARANCE OF SURROUNDING AREA

5.19 The application site is located within an existing agricultural business, which is located within the open countryside. The provision of the livery is within an existing building which has introduced individual stable blocks within the internal layout. Whilst it has been indicated that the building will have some repairs to replace

guttering etc, this will not have an impact upon the visual appearance of the building. The introduction of a ménage does not significantly impact upon the overall character of the area.

5.20 The track leading to the livery is screened by existing hedging. The livery is screened from the public highway, and views from residential properties are very limited due to the location of the site.

5.21 The use of the fields for grazing would not alter the character and appearance of the site overall. However, it would be prudent to restrict the use of the paddock and livery from hosting equine events and paraphernalia as this could lead to a detrimental impact upon the area. Conditions restricting this are considered appropriate in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.22 The site is in a relatively isolated position in relation to residential properties within the area. The closest residential property is to the south of the site and approximately 117m. Whilst it is acknowledged that the livery is a commercial business which currently has stabling for 19 horses, it would be prudent to restrict activities which might result in a more intensive or intrusive use of the site to the detriment of neighbouring properties and appropriate conditions are proposed.

5.23 Whilst the proposal would result in activity on land adjacent to residential properties, it is not considered this would offer an undue level of overlooking. A number of concerns have been raised by objectors with respect to dust emissions from visitors using the access, the Council's Public Protection team have raised no concerns with the potential for noise and disturbance.

5.24 It is not considered that the proposed use would have such a significant impact in terms of amenity and privacy to the neighbouring residential properties or land users to warrant refusal of the application.

HIGHWAY SAFETY AND CAR PARKING

5.25 Objections have been received in relation to highway safety and the use of the access not being adequate.

5.26 Access to the site is taken from an existing access which is taken from The Paddock, Elwick. The property benefits from a second access directly onto the A19, however this access is restricted to agricultural use and is not used by the livery. Highways England has confirmed this.

5.27 The Council's traffic and Transport team have been consulted and raise no objection or concerns in relation to the proposal. No objections have been received from the HBC Countryside Access Officer. The proposal is considered acceptable in this respect.

DRAINAGE

5.28 The application site lies outside of Flood Zones 2 and 3 and below the threshold for requiring a Flood Risk Assessment.

5.29 Concerns were initially raised from HBC Flood Officer, in respect to the drainage of surface water. The existing surface water would appear to drain to a surface water drain which is within third party land. The applicant and the owner of the third party land have agreed to a drainage easement which HBC Flood Officer accepts and raises no objection to the proposal. Following legal advice, the discharge of the surface water easement agreement between the applicant and the third party land owner is outside of the planning system and is a civil issue.

OTHER PLANNING MATTERS

5.30 Following consultation with HBC Ecologist whilst no objection has been raised, it is recommended that ecological enhancement be provided given the nature of the surrounding habitats and in accordance with policy NE1 of the Hartlepool Local Plan and section 15 of NPPF. To meet policy the provision of bat boxes suitable for crevice roosting bats should be provided, these can be installed at eaves level on the southern elevation of the stable building. These measures can be secured by condition.

PLANNING BALANCE AND OVERALL CONCLUSION

5.31 The proposed change of use is considered acceptable in principle; the use would not be detrimental to the appearance or rural character of the area. In addition, the proposal is considered to be acceptable in respect to the amenity of neighbouring land users and highway safety. The proposal is also considered to be acceptable in respect of other identified planning matters. Subject to conditions the proposal is considered to be acceptable.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.34 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 291/01 Rev-(Existing block plan), 291/03 Rev- (Existing Ground floor plan), 291/04 Rev- (Existing elevations), 291/05 Rev A (Proposed Ground floor plan), 291/06 Rev- (Proposed elevations) and details received by the Local Planning Authority on 18/08/2020 and Site Location Plan (Plotted Scale 1:6000) received by the Local Planning Authority on 21/09/2020 and cross section of proposed outdoor riding arena (not to scale) received by the Local Planning Authority on 08/07/2020.
For the avoidance of doubt.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the stable block hereby approved shall not be converted, extended, sub-divided or altered in any way. To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the surrounding area.
3. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the general public to the site shall be held at any time at the site.
To ensure that the site operates in a way which will not be detrimental to the amenities of the area and highway safety.
4. No fixed jumps shall be erected at the site.
In the interests of the visual amenity of the area.
5. No floodlight(s) of any type shall be used or erected at the site unless in accordance with details first agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
6. No Tannoy of any type shall be used or erected at the site.
In the interests of the amenities of the area.
7. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenities of the area.
8. Within 4 months of the date of this decision, a scheme for two surface mounted bat boxes to be installed at eaves level on the southern elevation of the stable block shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details within 4 months from the written agreement of the Local Planning Authority.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and NPPF.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=139159>

5.37 Copies of the applications are available on-line:

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

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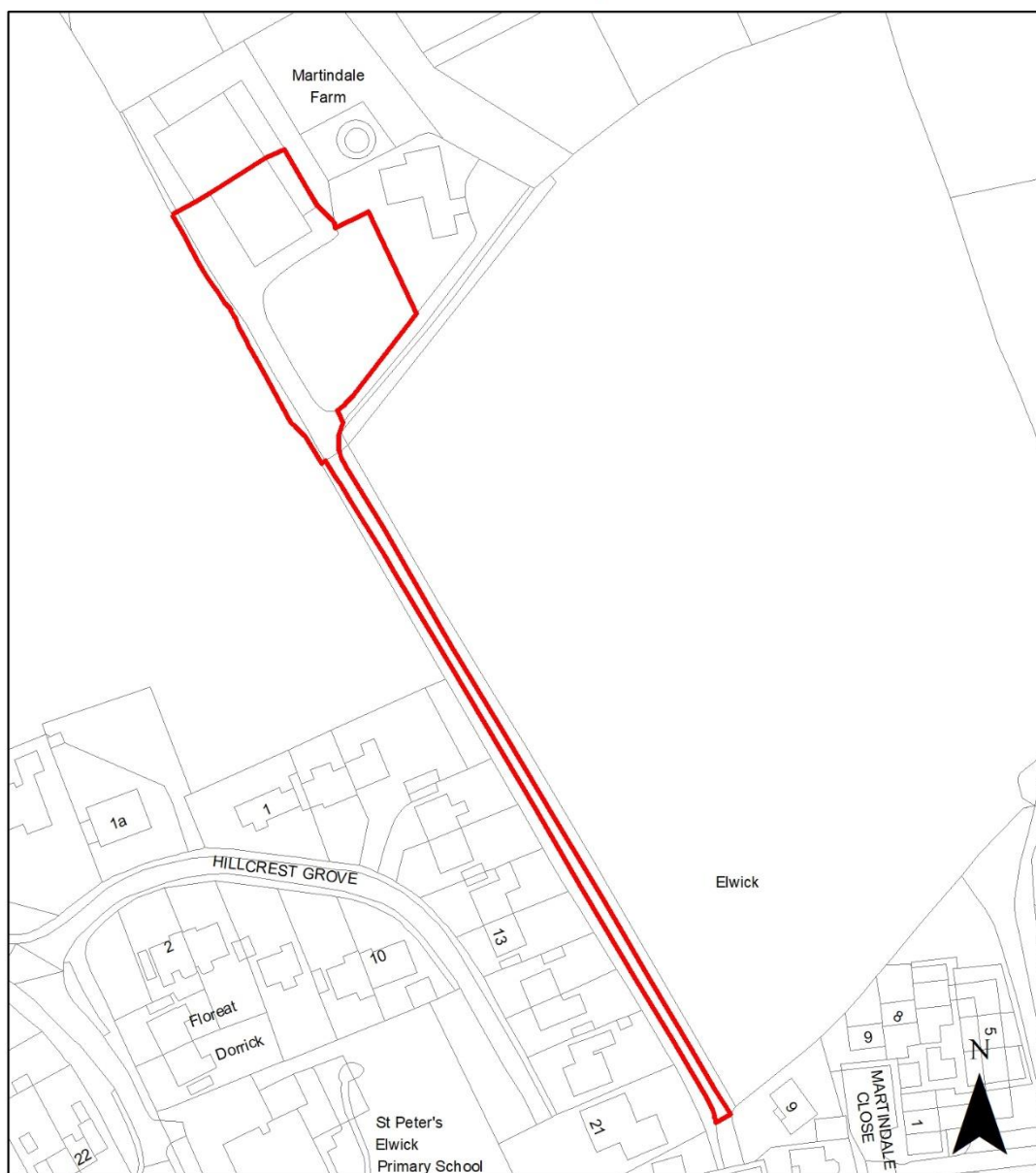
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Martindale Farm, Elwick, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:1,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2020/0233	REV

No: 6
Number: H/2021/0366
Applicant: MR ALBERT BARWICK KESTEVEN ROAD
HARTLEPOOL TS25 2NN
Agent: MR ALBERT BARWICK 26 KESTEVEN ROAD
HARTLEPOOL TS25 2NN
Date valid: 02/09/2021
Development: Relocated boundary fence (approx height 1.8m) along
boundary (retrospective application)
Location: 26 KESTEVEN ROAD HARTLEPOOL

PURPOSE OF REPORT

6.1 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

6.2 This planning application is retrospective and has been submitted following receipt of a complaint in June 2021 and a subsequent investigation by the Local Planning Authority into the erection/relocation of a boundary fence (approx. high 1.8m) to the southern side of 26 Kesteven Road. A planning application was subsequently submitted by the owner/occupier.

PROPOSAL

6.3 The application seeks retrospective planning permission for the relocation of the existing boundary fence to enclose a parcel of land to the side of the host property and its rear garden. The area of land enclosed into the garden through the relocated fence measures approximately 3.05m in width by approximately 14.76m in depth (approximately 45m²). The replacement boundary fence replaces the former fence (which had a height of approximately 1.8m and projected approximately 4.72m from the side of the property) The new timber fence encloses the southern side boundary and extends the western boundary fence down to meet the southern boundary.. At the rear, the boundary fence (untreated timber in colour) adjoins the existing boundary fence (stained oak colour) separating the rear of the host property and the side of the driveway serving No. 24 to the east.

6.4 The application has been referred to be determined in the Planning Committee due to the retrospective nature of the application and officer recommendation, in line with the Councils Scheme of Delegation.

SITE CONTEXT

6.5 The application site relates to 26 Kesteven Road, a two storey semi-detached dwellinghouse in a residential estate in the Fens and Greatham ward of Hartlepool.

The property is sited on a prominent corner location with a cul-de-sac extending to the north and the main street running east to west to the south of the application site. To the north, the host property adjoins No. 28, whilst No. 24 abounds the site to the east. Beyond the main highway of Kesteven Road to the south lies No. 23 and 25, and No. 1 Cromer Walk, whilst beyond the main highway of Kesteven Road to the west are Nos. 46 and 48 Kesteven Road. The application site features a footpath and garden to the front (west).

PUBLICITY

6.6 The application has been advertised by way of neighbour letters (8), letters to local ward councillors and site notice. To date, there has been one objection from an occupant of a neighbouring property.

6.7 The concerns raised are:

- Lack of landscaping and "ugly and intrusive" boundary fence

6.8 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=148085>

6.9 The period for publicity has expired.

CONSULTATIONS

6.10 The following consultation replies have been received:

HBC Traffic and Transport: The fence should be chamfered at the corner to provide No 24 with visibility when exiting their driveway. Otherwise I have no objections with this application.

Update 02/11

I would support a refusal based on road safety concerns due to the restricted sight lines for vehicles pulling of the drive for No.24.

HBC Landscape Architect: No comments received at time of writing.

HBC Estates: No comments received at time of writing.

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

HBC Building Control: I can confirm that a Building Regulation application is not required for the erection of a boundary fence.

PLANNING POLICY

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

Local Policy

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

SUS1: Presumption in Favour of Sustainable Development

LS1: The Locational Strategy

QP3: Location, accessibility, highway safety and parking

QP4: Layout and Design of Development

NE6: Incidental Open Space

National Planning Policy Framework (NPPF)(2021)

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

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 134: Refusing poor designed development

6.14 HBC Planning Police comments: Planning Policy do not support this retrospective application, erecting a fence in its current location removes an area of visually attractive open space in an area where the open space adds to the visual amenity and overall attractiveness of the location. In addition the fence itself is dominant and imposing in the street scene, the area should remain open and feel pleasant for residents and visitors to pass through.

PLANNING CONSIDERATIONS

6.15 The main material planning considerations when considering this application are the principle of development including the impact on the character and appearance of the application site and surrounding area, the impact on the amenity of neighbouring land users and highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

PRINCIPLE OF DEVELOPMENT AND IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

6.16 Paragraph 132 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

6.17 By virtue of the layout of plots within the estate, the host property is situated on a prominent corner plot at the end of a cul-de-sac (Kesteven Road) and it is considered that the relocated fence, is readily visible on entrance onto this section of Kesteven Road (the cul-de-sac running to the north) and from many vantage points throughout the main street of Kesteven Road which runs east to west.

6.18 It is considered that the erected fence being sited closer to the main highway results in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the street. It is further considered that the grassed area to the side (south) of the host property formed a visual continuation of garden areas, leading from No. 24 to the east, toward the cul-de-sac running to the west/front of the host property toward the north and further along the street of Kesteven Road to the west.

6.19 It is considered that the open, green garden areas with intentional landscaping around neighbouring properties to the south, west and north of the host property are a characteristic of the area and the relocated boundary fence at the host property results in a disruption of visual continuity provided by this intentional landscaping and grassed side garden areas.

6.20 Furthermore, it is considered that the former landscaping and grassed areas at the site made an important contribution to the green and open character of the estate.

6.21 Overall, it is considered that the erected fence that has been erected to enclose a parcel of open space (side garden) within the enclosed private garden to

the side and rear of the host property, due to its design, scale and siting, results in an adverse impact on the character and appearance of the area, which would not comply with Policies NE2 and QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 129 and 132 of the NPPF (2021). This would warrant a reason to refuse the application in this instance.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

6.22 The relocated fence to the side of the host property is approximately 4.3m from the front/side of No. 24 (to the east), approximately 13.3m from the rear of No. 28 (to the north) with the host property and existing boundary treatment separating the rear gardens of these two neighbouring properties between, approximately 32.4m from the front of No. 48 to the west, approximately 18m from the front of No. 23 to the south and approximately 27.5m from the side of No. 1 Cromer Walk to the south.

6.23 Given that satisfactory separation distances would remain as per those already established, it is not considered that the proposed enclosure of the land or erection of boundary fences would have a direct significant detrimental impact in terms of loss of outlook, overbearing impression, overshadowing or overlooking for any neighbouring property.

IMPACT ON HIGHWAY SAFETY

6.24 The application has been considered by the Council's Traffic and Transportation section who have confirmed that the proposed fence should be chamfered at the corner with No. 24 to the east to maintain adequate sight lines for this neighbour upon accessing/egressing their private driveway (immediately to the west of the proposed extended fence). Had the application been considered acceptable overall then this could have been suggested to the applicant in order to address the concern regarding highway safety matters. However, in the absence of an amended proposal confirming this chamfered corner, the proposal is not considered to be acceptable in terms of highway safety, and this forms a second reason for refusal of the application.

CONCLUSION

6.25 It is considered that the relocation of the boundary fence represents an unsympathetic and visual intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area by virtue of the design, scale and siting, and has an adverse impact on highway safety due to its height and siting sited immediately adjacent to the private driveway serving No. 24. It is therefore considered the development is contrary to Policies NE2, QP4 and QP5 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

6.26 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.27 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.

6.28 There are no Section 17 implications.

REASON FOR DECISION

6.29 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 design, scale and siting, would constitute an unsympathetic and visual intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policies NE2 and QP4 of the Hartlepool Local Plan (2018) and paragraph 132 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, has a detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (24 Kesteven Road) contrary to Policy QP5 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148085>

6.31 Copies of the applications are available on-line:

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

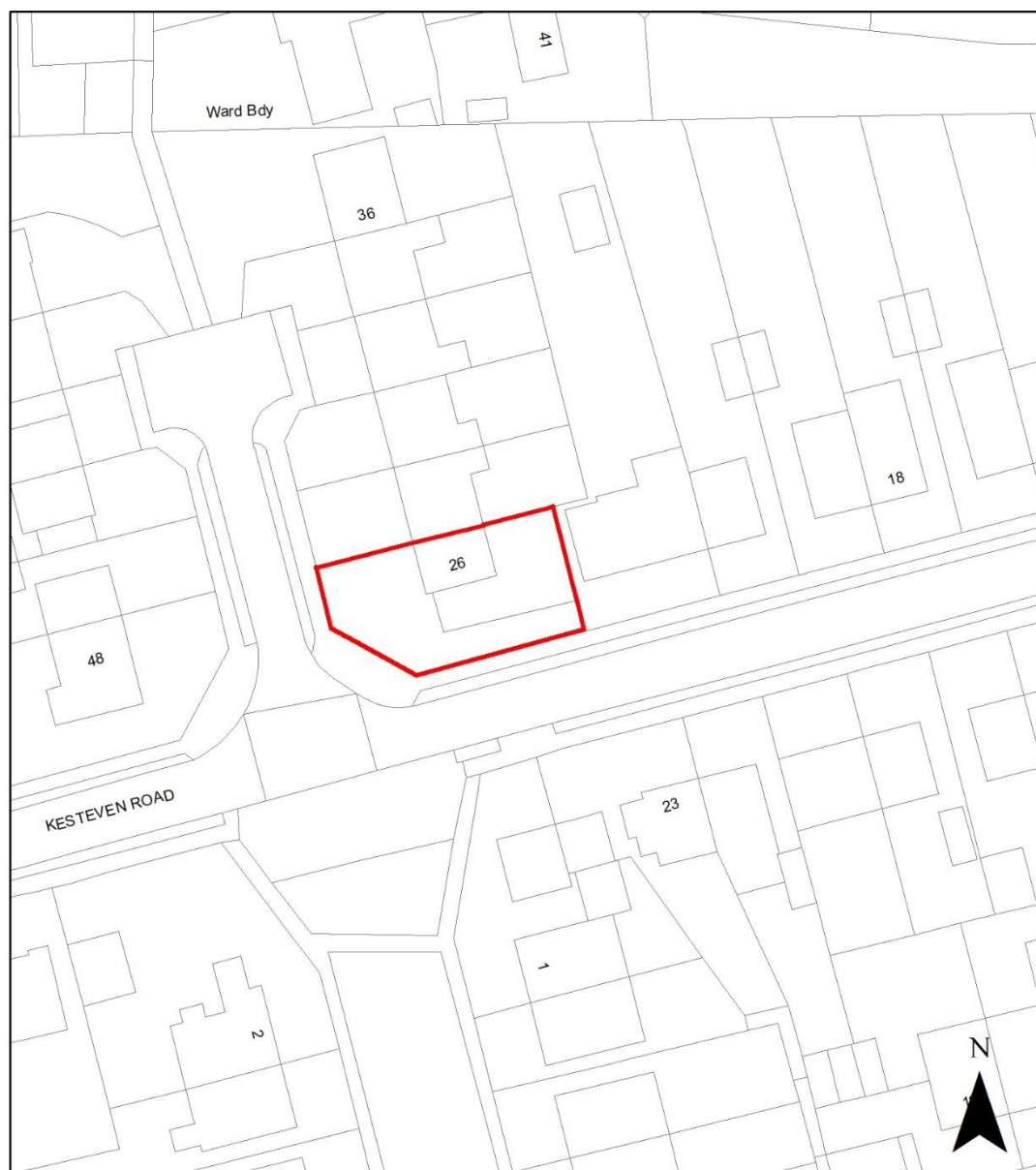
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HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0366	REV

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

MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</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"> Precedent (individual merits of each case)
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Applicants personal circumstances
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Problems arising from construction period
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Loss of trade / business competition
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Loss of a view
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Alternative proposals
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Retention of existing use
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> There is a better site for the development
<ul style="list-style-type: none"> Crime and the fear of crime 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Economic impact 	<ul style="list-style-type: none"> Changes from previous approved schemes
<ul style="list-style-type: none"> Planning history or previous decisions made 	<ul style="list-style-type: none"> Building Regs (fire safety, land stability etc.)
<ul style="list-style-type: none"> Economic viability of the scheme 	

PLANNING COMMITTEE

17 November 2021



Report of: Assistant Director (Place Management)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of a high fence at the rear of a residential property in Granville Avenue.
2. Alterations to a conservatory at the rear, and the erection of an extension to the side of a residential property in Crawford Street.
3. The installation of a roof dormer at the rear of a residential property in Alloa Grove.
4. The erection of a single storey extension at the rear of a residential property in Primrose Road.
5. Running a car repair business at a residential property in Cecil Court.
6. A development not built in accordance with the approved plans at a residential property in Manorside.
7. Non-compliance with a condition requiring the installation of obscure glazing at a property on Broadfield Road.
8. Non-compliance with a condition requiring the installation of sound insulation measures at a commercial premises in Miers Avenue.
9. The erection of railings atop a boundary wall at a property on Moor Terrace.
10. The siting of a mobile hot food takeaway at a private car park on Mainsforth Terrace.

11. Non-compliance with conditions requiring the submission of details relating to materials and hard and soft landscaping at a residential property in Dalton Back Lane.

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

1. The erection of an outbuilding in the rear garden of a residential property in Eastland Avenue. Permitted development rights apply in this case.
2. The erection of a high fence atop the front boundary wall at a residential property in Honiton Way. The fence has since been removed.
3. The installation of a composite front door with uPVC frame at a listed residential property on Regent Square. A replacement timber door and frame has since been installed.
4. The erection of a high fence to the front and side of a residential property in Bilsdale Road. A retrospective planning application seeking to regularise the development has since been approved.
5. The erection of outbuildings in the rear garden of a residential property in Bilsdale Road. Permitted development rights apply in this case.
6. The erection of an outbuilding/studio, high fence to the rear, and enclosure of land into residential curtilage at a residential property in Nightingale Close. A retrospective planning application seeking to regularise the developments has since been approved.
7. The erection of a high fence on the side boundary at the front of a residential property in Browning Avenue. The height of the fence has since been reduced in accordance with permitted development rights.
8. A loft conversion at a residential property in Brinkburn Court. Permitted development rights apply in this case.
9. The erection of a single storey side extension at a residential property in Marley Walk. Permitted development rights apply in this case.

2. **RECOMMENDATION**

- 2.1 Members note this report.

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