

PLANNING COMMITTEE

AGENDA



Wednesday 16th February 2022

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 15th February 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 15th December 2021

4. ITEMS REQUIRING DECISION

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

1. H/2021/0262 Fruitarom, Zinc Works Road (page 1)
2. H/2021/0473 Traveller's Rest, Stockton Road (page 16)
3. H/2021/0552 Sea View Guest House, 11 The Green, Seaton Carew (page 31)
4. H/2021/0139 1 Seaton Reach, Coronation Drive (page 45)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

5. H/2021/0498 Land East of Brenda Road and South of Seaton Lane
(Former Ewart Parsons Site (page 63))

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at 58 Grange Road – *Assistant Director (Place Management)*
- 5.3 Appeal at 33B The Cliff - *Assistant Director (Place Management)*
- 5.4 Appeal at 2 Chaucer Avenue - *Assistant Director (Place Management)*
- 5.5 Enforcement Notice Appeal at 170 Park Road - *Assistant Director (Place Management)*
- 5.6 Enforcement Notice Appeal at 115 Brierton Lane - *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

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

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

10. FOR INFORMATION

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



Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 16th March 2022



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15 DECEMBER 2021

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott, Brenda Harrison, Sue Little and Cameron Stokell.

Councillor Shane Moore was in attendance as substitute for Councillor Tim Fleming, in accordance with Council Procedure Rule 4.2

Councillor Veronica Nicholson was in attendance as substitute for Councillor Brenda Loynes in accordance with Council Procedure Rule 4.2

Officers: Kieran Bostock, Assistant Director (Place Management)
Jim Ferguson, Planning and Development Manager
Dan James, Planning (DC) Team Leader
Helen Smith, Senior Planning Policy Officer
Sarah Scarr, Coast, Countryside and Heritage Manager
Robin Daniels, Teesside Archaeology Services
Alex Strickland, Legal Representative
David Cosgrove, Democratic Services Team

61. Apologies for Absence

Councillors Time Fleming, Brenda Loynes and Dennis Loynes.

62. Declarations of interest by members

Councillors Boddy and Harrison declared personal interests in Planning Application H/202/0468.

63. Confirmation of the minutes of the meeting held on 17 November 2021

Confirmed.

64. Planning Applications *(Assistant Director, Place Management)*

Number: H/2021/0372

Applicant: C/O LICHFIELDS SAINT NICHOLAS STREET
NEWCASTLE UPON TYNE

Agent: LICHFIELDS JOSH WOOLLARD THE ST NICHOLAS
BUILDING ST NICHOLAS STREET NEWCASTLE UPON
TYNE

Date received: 09/09/2021

Development: Section 73 application to vary condition 1 (approved plans) of planning permission H/2020/0048 (for approval of reserved matters relating to the erection of 162 no. residential dwellings pursuant to outline planning permission H/2014/0428) to allow for house type substitutions and associated amendments.

Location: LAND SOUTH OF HIGH TUNSTALL ELWICK ROAD
HARTLEPOOL

The applicant's agent was present at the meeting.

Members noted the objections to the application and questioned if these were the same as those submitted for the original application when it was approved. The Planning Team Leader stated this was generally the case with respect to the main reasons for objections; this application was simply to change house designs due to a change in housebuilder. The application was approved by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
2133.02 (Location Plan)
Issue - 01 - 01.06.21 (HOUSE TYPE PORTFOLIO - Duchy Series 2.0, GARAGES- Duchy Series 2.0)
Energy Reduction document (dated 24th June 2021)
received 9th August 2021 by the Local Planning Authority;
2133.BT.01 (1800mm HIGH CLOSE BOARDED TIMBER FENCE WITH 1200mm HIGH STOCK PROOF FENCE)
received 25th August 2021 by the Local Planning Authority;
003-13.04.21 (STANDARD CONSTRUCTION DETAILS)
received 9th September 2021 by the Local Planning Authority;

112 Issue P2 (SECTION 38 & SECTION 278 AGREEMENT - PHASE 1)

206 Issue P3 (SECTION 278 AGREEMENT)

received 5th November 2021 by the Local Planning Authority;

31 Issue P4 (EXTERNAL WORKS LAYOUT SHEET 1)

received 11th November 2021 by the Local Planning Authority

2133.01 REV. F (Proposed planning layout)

2133.03 REV. G (Boundary and finishes plan)

2133.04 REV. A (Street Scenes)

2133.30 REV. D (Surface Treatment Plan)

32 Issue P6 (EXTERNAL WORKS LAYOUT SHEET 2)

33 Issue P6 (EXTERNAL WORKS LAYOUT SHEET 3)

119 Issue P3 (SECTION 38 AGREEMENT)

129 Issue P3 (SECTION 104 AGREEMENT)

ELWICK-CMP-001 REV. B (Construction Phasing Plan)

ELWICK-EASE-001 REV. C (Easements & Buffers Layout)

ELWICK-EEP-001 REV. B (Ecological Enhancement Plan)

ELWICK-HEDG-001 REV. B (Hedge Retention Layout)

ELWICK-SPP-001 REV. B (SANGS Phasing Plan)

received 30th November 2021 by the Local Planning Authority;

R/2502/1-1B (LANDSCAPE MASTERPLAN)

R/2502/1-10B (POS MASTERPLAN)

R/2502/11A (POS DETAILS)

R/2502/2A (LANDSCAPE DETAILS Shrub Beds S1-S16)

R/2502/3A (LANDSCAPE DETAILS Shrub Beds S17-S38)

R/2502/4B (LANDSCAPE DETAILS Shrub Beds S39-S56)

R/2502/5A (LANDSCAPE DETAILS Shrub Beds S57-S74)

R/2502/6A (LANDSCAPE DETAILS Shrub Beds S75-S100)

R/2502/7A (LANDSCAPE DETAILS Shrub Beds S101-S123)

R/2502/8A (LANDSCAPE DETAILS Shrub Beds S124-S145)

R/2502/9A (LANDSCAPE DETAILS Shrub Beds S146-S161)

received 1st December 2021 by the Local Planning Authority

For the avoidance of doubt.

2. Notwithstanding the submitted details, the final details of the treatment of the Green Wedge and areas of soft landscaping shall be agreed by virtue of conditions 5 and 19 of outline planning permission H/2014/0428, respectively, and shall include details of additional planting of native trees and hedgerow species along the eastern margins of the gas main easement and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved details.

For the avoidance of doubt and in the interests of visual amenity and ecology.

3. Notwithstanding the submitted details, the final details of bat and bird mitigation features shall be agreed by virtue of conditions 25 and 26 of outline planning permission H/2014/0428, respectively, and shall include a minimum of 17no. bat boxes and more specific details on the model of bat and bird boxes to be installed. The development shall thereafter be carried out in accordance with the approved details.

For the avoidance of doubt and in the interests of ecology.

Number: H/2021/0386

Applicant:	MR MIKE O'BEIRNE COURAGEOUS CLOSE HARTLEPOOL
Agent:	IAN CUSHLOW 31 HARVESTER CLOSE HARTLEPOOL
Date received:	06/09/2021
Development:	Change of use from Class E (formerly A1 use class) shop (currently vacant) to drinking establishment with food provision (Sui Generis use class)
Location:	UNIT 4 (FORMER SCHOONER PH) WARRIOR DRIVE HARTLEPOOL

The Planning Team Leader advised that an additional planning condition would be required to that of those set out in the published report, namely a condition to restrict the hours of construction and fitting out of the unit as requested by HBC Public Protection. The applicant was present at the meeting and addressed the Committee. The applicant lived in the area and had operated other businesses in Seaton Carew. The applicant was aware of the noise concerns of local residents and accepted the conditions relating to noise control fully. The application was approved unanimously.

Decision: **Planning Permission Approved subject to the following conditions including the additional condition relating to hours of construction and fitting out.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Location Plan (scale 1:1250), Drwg. No. 01 Existing Floor Plan, Drwg. No. 02 Proposed Floor Plan received by the Local Planning Authority on 13th August 2021.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use a scheme demonstrating appropriate noise insulation between the application site and adjoining residential properties shall be submitted to and approved in writing by the local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the submitted information and prior to the first use of the development hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter and prior to the first use of the development, the approved scheme shall be implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food requiring ventilation, filtration and fume extraction is being cooked on the premises.

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

5. The premises shall only be open to the public between the hours of 11.00 and 23.30 Mondays to Sundays inclusive.

In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC1 of the Local Plan.

6. No deliveries shall be taken or despatched for the premises outside of the following hours 0800 to 2100 Monday to Sunday (including Public/Bank Holidays).

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

7. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises shall be used as a drinking establishment with food provision (Use Class 'Sui Generis' as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC1 of the Hartlepool Local Plan (2018).

8. Construction and fitting out work shall only be undertaken between the hours of; 08:00hrs and 18:00hrs Monday to Friday, 09:00hrs and 13:00hrs on a Saturday, and at no time on a Sunday or bank Holiday.

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

The Committee considered representations in relation to this matter.

Number:	H/2021/0354
Applicant:	MR R GRIEG 2 SURTEES STREET HARTLEPOOL
Agent:	KINGFIELD DEVELOPMENTS LTD MR M DICKINSON ST OSWAL 6 SERPENTINE ROAD HARTLEPOOL
Date received:	23/09/2021
Development:	Construction of single dwelling house and associated drive
Location:	VACANT LAND AT THE FENS HART HARTLEPOOL

The Planning Team Leader reported that the Environment Agency had objected to the use of a cess pit in the proposed development and a letter from the Environment Agency was tabled at the meeting. No specific comments had been received from Northumbrian Water. Members questioned the Council's policy on cess pits / septic tanks and the Planning Team Leader stated that they were not supported where there was the potential to link into the existing foul water system, which was the case in this

application as stated in the Environment Agency's letter and that this would warrant an additional (fourth) reason for the refusal of the application to those already set out in the published committee report.

The applicant was present at the meeting and addressed the Committee raising concerns with the capacity of the existing foul water drainage system in Hart Village. There had also been other developments allowed outside the village envelope. The site was completely surrounded by trees and hedges and would be largely unseen from the road. The development would also be 'cut' into the hillside. In relation to the comments on archaeology, the applicant stated that a scheme for investigation had been agreed in 2018 but that a wider scheme was now being asked for. The applicant stated he had no issue with such an investigation taking place. The applicant disputed the comments on the cess pit stating that he had contacted the Environment Agency who had advised him they had no jurisdiction to advise on the inclusion or not of a cess pit in the development.

The representative of Tees Archelogy Service commented that the investigations were undertaken at two previous sites nearby which gave findings far in excess of what had originally been anticipated and the site was now considered to be of national significance.

Members considered the information presented at the meeting and expressed concern at the proposal to use a cess pit, the development being outside the village envelope but most significantly, the archaeological significance of the site and surrounding area. The potential of a site visit was briefly discussed but discounted. The decision to refuse was unanimous.

Decision: **Planning Permission Refused for the following reasons including an additional reason (No 4) relating to the proposed non-mains drainage connection and associated unacceptable risk of pollution to the water environment.**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the development would result in a new dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The proposal does not meet any of the relevant tests for a new dwelling beyond development limits. The proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1 and H4 of the Rural Neighbourhood Plan (2018) and paragraphs 79 and 80 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, it is considered that by virtue of the design, scale and siting of the dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and would be located within the Strategic Gap of the Hartlepool Local Plan and the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed

dwelling would compromise the integrity of both the Strategic Gap and Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policies QP4, NE1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 126, 134 and 80 of the NPPF.

3. In the opinion of the Local Planning Authority, it is considered that the applicant has failed to fully assess the significance of the heritage asset (the cemetery) or the impact of the development on the heritage asset. As a result, it is considered that the proposed development would result in a substantial harm and total loss of the heritage asset (the cemetery). Furthermore, there are no public benefits that would outweigh this harm. The proposal is therefore contrary to paragraphs 194, 195, 199, 200, 201 and 202 of the NPPF (2021) and Policy HE2 of the Hartlepool Local Plan 2018.

4. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that connection to the mains sewer is not feasible in this location and the proposed use of a non-mains foul drainage system poses an unacceptable risk of pollution to the water environment contrary to National Planning Policy Framework paragraph 174.

The Committee considered representations in relation to this matter.

Number:	H/2021/0468
Applicant:	MS HELEN HOWSON GRANGE ROAD HARTLEPOOL
Agent:	ASP ASSOCIATES JONATHAN LOUGHREY 8 GRANGE ROAD HARTLEPOOL
Date received:	08/10/2021
Development:	Replacement of the existing timber frame single glazed casement windows for uPVC frame double glazed sliding sash windows
Location:	63 GRANGE ROAD HARTLEPOOL

The Planning Team Leader reported that the application had been referred to Committee as it had been submitted by a sitting Elected Member of the Council in line with the Council's constitution. An identical previous application had been refused earlier in the year by officers when the application had not made it clear the applicant was a Councillor.

The applicant's agent was present at the meeting and addressed the Committee. The agent commented that the replacement windows would be more in keeping with the conservation area due to design, which the current single glazed windows did not. The street scene in the vicinity of the applicant's home showed a variety of mismatched styles and upvc windows.

The proposed windows would significantly improve the homes Energy Performance Certificate in line with government policy. The windows would be sash style, as installed in the original property, and would match those already approved at No. 90.

Members suggested that the windows should show a 'grain effect' to mimic wood frames and acknowledged that the property currently had non-traditional windows. Officers highlighted that the department was consistent in its views on replacement windows in line with current policy. A review of the installation of upvc windows was currently underway and would be reported to the Committee early in 2022.

The decision to reject the recommendations set out in the report to refuse the application was unanimous. The recommendation to approve the application with conditions to be determined by the Planning and Development Manager in consultation with the Chair was approved.

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

The Committee considered representations in relation to this matter.

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

The Assistant Director, Place Management submitted a report updating members with regard to complaints that have been received and investigations that have been completed. Councillor Cook requested updates on items 6 and 7 in the report.

Decision

That the report be noted.

66. Appeal at Southbrooke Farm, Summerhill Lane *(Assistant Director, Place Management)*

The Planning Team Leader advised members that a planning appeal had been submitted against the Council's decision in respect of an application for residential development comprising 14 detached properties including demolition of existing buildings and farmhouse. The appeal is against the decision of the Council to refuse the application. The application was refused by Members at the committee meeting date of 25/08/2021.

Decision

That the report be noted.

67. Enforcement Notice Appeal at 213 Wynyard Road
(Assistant Director, Place Management)

The Planning Team Leader advised members of an appeal that had been submitted against an enforcement notice served by the Local Planning Authority in respect of the retrospective erection of an outbuilding (garden room) in the front garden and the installation of a boundary wall, fence and pillars around front and side garden (with a height above 1m).

Decision

That the report be noted.

68. Appeal at 28 Chichester Close, Hartlepool (Assistant Director, Place Management)

The Planning Team Leader advised members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for the erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden. The appeal was allowed and planning permission granted.

Decision

That the report be noted.

69. Appeal at 65 Spalding Road, Hartlepool (Assistant Director, Place Management)

The Planning Team Leader advised members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for raising of roofline with steeper pitch and roof lights to create loft room at 65 Spalding Road, Hartlepool. The appeal was dismissed.

Decision

That the report be noted.

70. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting was scheduled to be held on Wednesday 19 January 2022 commencing at 10.00 am in the Civic Centre.

The meeting concluded at 11.35 am.

CHAIR

No: 1.
Number: H/2021/0262
Applicant: FRUTAROM (UK) LTD ZINC WORKS ROAD
HARTLEPOOL TS25 5DT
Agent: MABBETT & ASSOCIATES LIMITED MRS SUSAN BELL
11 SANDYFORD PLACE GLASGOW G3 7NB
Date valid: 17/09/2021
Development: Construction of an amenity building and odour control unit
to service the existing Frutarom facility (part retrospective)
Location: FRUTAROM UK LTD ZINC WORKS ROAD
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 application;

H/TDC/0035/94 – Erection of a boiler house and stack – approved 09/03/1994.

H/TDC/0201/94 - Erection of a building to house service equipment – approved 11/05/1995.

H/ADV/0171/96 - Display of a double panel entrance sign – approved 24/06/1996.

H/FUL/0574/01 - Erection of a new boiler house including re-siting of fuel tank– approved 17/12/2001.

H/FUL/0820/03 – Erection of a new switch house- approved 08/12/2003.

H/2009/0492 - Alterations to height of roof to provide first and second floor area to accommodate a distillation unit and column – approved 04/11/2009.

PROPOSAL

1.3 Planning permission is sought for the construction of an amenity building and odour control unit to service the existing Frutarom facility (part retrospective). The amenities building has already been erected and is located near the current facility (which is in need of replacement) and the adjacent car park, located in the south east corner of the site. The supporting Planning Statement indicates that this would be required for “reducing the requirement for staff and visitors to drive to nearby locations for certain provisions”. The building measures approximately 34.3m in

length x 18.2m in width and 2.54m in height, occupying a built footprint of approximately 624.26sqm.

1.4 The amenity building comprises of open plan office, store, staff canteen, first aid room, toilet facilities and meeting room.

1.5 The application also includes the provision of an odour control 'unit' that consists of a 'vent stack' (approximately 12.6m high), 2no. 'caustic scrubbers' (approximately 7.8m high), a caustic and bleach storage unit (approximately 2.1m height), low level dosing cabinets, with the infrastructure sited on a parcel of land measuring approximately 16.5m x 8.2m. It is understood that the various elements are connected by ducting which in turn ties into other infrastructure on the site. The structures are located adjacent to 'building 2' to the north of the site (where the existing structure that is to be de-commissioned is understood to be located). Whilst the new odour control unit has also been erected, the applicant has verbally confirmed (on 06/01/2022) that it is not yet operational and that once the new unit is brought on line, the old unit will be de-commissioned and removed from site.

1.6 The application has been referred to Planning Committee at the request of a councillor in line with the Council's scheme of delegation.

SITE CONTEXT

1.7 The application site forms part of Frutarom UK Ltd which is an industrial facility understood to manufacture food flavourings. Land within the site comprises an area of previously developed amenity grassland, an 'upfilled' mound (approximately 1.5m-2m above ground level) and part of tarmacked road that provides access to the facility. Access to the site is taken from Zinc Works Road (a semi private off road), which is accessed from the A178, approximately 1km to the north west. The England Coast Path runs along the main access road and along the northern boundary of the site. The immediate area is characterised by industrial uses which include a waste site to the west, power station to the south, and North Gare to the north east. The development site is entirely contained within the existing site which is enclosed by approx. 2m high mesh fencing. There are a number of significant ecological sites in the immediate area, discussed in further detail below.

PUBLICITY

1.8 The application has been advertised by way of site notices and neighbour letters (4). To date, there have been 4 objections.

1.9 The concerns/objection raised can be summarised as follows:

- Emission of odours prevents adjacent users opening windows and doors;
- Emissions could affect health;
- Impact on property prices;
- Supporting documents more focused on animal and pond life, rather than human life on nearby housing estates;
- Need reassurance and monitoring that this factory does not negatively impact on the local area;

- There are already enough smells generated by this company and further expansion of the business is not supported.

1.10 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=146424>

1.11 The period for publicity has expired.

CONSULTATIONS

1.12 The following consultation replies have been received:

HBC Engineering - In response to your consultation on the above application we make the following comments.

Surface water management

Noting that the site lies within defended Flood Zone 3 and that flood warnings, evacuation procedures and emergency egress are available; and that development proposals are to use surface water discharge to the existing drainage system we have no objection to proposals. Please can you include our standard basic surface water condition on any permission issued for proposals.

The applicant is advised that, as identified in the submitted flood risk assessment, Seaton Snook is Main River so any discharge consents, land drainage consents or other works in connection with that watercourse (including any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river) will need to be reviewed with the Environment Agency.

Contaminated Land

We have no objection to proposals in principle. The Phase 1 site investigation report submitted with the application recommends further and intrusive site investigation to establish hazards and any necessary remedial measures, as such please include our standard non-residential contaminated land condition on any approval issued for proposals.

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

HBC Public Protection - I have no objection to this application.

They are no concerns relating to the retrospective Construction of the amenity building.

Regarding the odour control unit. I would have no objection providing the applicant effectively controls dust emissions from the site during the demolition stage of the old unit.

An environmental permit is required for all processes covered under the EP regulations 2016. An environmental permit details conditions that operators of certain businesses have to comply with in order to protect the environment. The

Environment Agency issues and regulates FRUTAROM UK LTD permit and as such would regulate any emissions to air under the permit.

Environment Agency - We have assessed this application and do not believe it to have any increase in on or off site flood risk, therefore we have no objection. We request that the LPA includes the provided Flood Risk Assessment and Outline Drainage Strategy, (16253/FRA/001, dated 16/03/2021) as an approved document within the decision notice.

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments: upgrading of the existing odour control facilities at the site is seen as a positive modification. However, in order to ensure the ongoing environmental performance and the correct monitoring of the installation, a permit variation will be required.

HBC Ecology – Based on the information submitted, including subsequent clarification from the applicant/agent, I am satisfied that the proposals have not resulted in significant ecological harm. Furthermore, I have screened the proposals as having no likely significant effect on the Teesmouth and Cleveland Coast SPA. Natural England has commented confirming they agree with this assessment. The reasoning for this assessment is presented in a separate Stage 1 HRA report (iteration 2 is the current version).

In summary I have no objection on a policy basis, and conclude that the proposals can be lawfully approved in relation to assessment provisions of the Conservation of Habitats and Species Regulations 2017.

Natural England (summarised) - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Tees Archaeology - Thank you for the consultation on this application. We have no objection to the proposed development.

Cleveland Emergency Planning Unit - Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals however would like to make the following comment:

The proposed application is within the consultation Distance/ Public Information Zone of the Conoco Philips Main Site, Lianhetech and Venators Control of Major Accident Hazard (COMAH) Regulation Top Tier Sites.

Information regarding the possible effects of incidents at this site and the actions to take in the event of an incident is included in the regulation 18 letters which can be provided if required.

The site also within the Nuclear Power Stations Detailed Emergency Planning Zone so should already have prior information about this and a store of stable iodine tablets. The main factor is making sure the workers involved in the construction are

aware of the site procedures relating to the station and that they have access to stable iodine tablets.

As a result of this I have no concerns or objections to the proposal.

Office for Nuclear Regulation - I have consulted with the emergency planners within Hartlepool Borough Council, which is responsible for the preparation of the Hartlepool off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

Health and Safety Executive (online planning advice tool) – Do not advise against.

Cleveland Fire Brigade - The amenities building will require a Building Regulations application and subsequent approval, further comments will be made on receipt of a building regulations consultation.

However Access and Water Supplies are to 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 1Section B5 Table 13.1. *AD B Vol 2 Section B5 Table 15.2.

Recommendations

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

HBC Countryside Access Officer - I have no concerns with regards to the proposals for Frutarom. The public rights of way or the England Coast Path are not affected by the proposition of development within the Frutarom site.

PLANNING POLICY

1.13 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

1.14 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
 EMP5: Safeguarded Land for New Nuclear Power Station
 LS1: Locational Strategy
 NE1: Natural Environment
 NE2: Green Infrastructure
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

1.15 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:

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
 PARA081: Building a strong, competitive economy
 PARA110: Considering development proposals
 PARA126: Achieving well-designed places
 PARA130: 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

PARA174: Conserving and enhancing the natural environment

PARA180: Habitats and biodiversity

PARA183: Habitats and biodiversity

PARA185: Habitats and biodiversity

1.16 HBC Planning Policy comments - Planning Policy have no concerns with regards to the proposal. The proposal is located within an area safeguarded for a new nuclear power station and development within this area should be mindful of the potential for a new power station and not impact upon the likelihood of the power station coming forward. Planning Policy see no reason why the proposals cannot go ahead as they are unlikely to impact upon the future delivery of the power station.

1.17 Planning Policy trust that the Council's ecologist has advised accordingly with regards to the impact upon the SPA. To the north lies an area allocated for outdoor sports (policy NE2), it is envisaged that the proposal can go ahead without impacting upon the function of the land to the north.

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, impact on the amenity of neighbouring properties, impact of the visual amenity of the area, highways, drainage, and contamination. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

1.19 The application site is located within an existing industrial area for general employment uses, as defined by policy EMP3 (General Employment Land).

1.20 Policy EMP5 identifies land that is safeguarded in the Zinc Works Road/North Gare/Seaton Snook/Able Seaton Port areas for a new nuclear power station. The Council's Planning Policy team has advised that the proposal is unlikely to impact upon the likelihood of a new power station coming forward.

1.21 The application site is also within the vicinity of several internationally, nationally and locally designated wildlife sites. No likely significant effect upon species or habitats has been identified, however, the Council's Planning Policy team has advised that the advice of the Council Ecologist should be sought to ensure compliance with the Habitats Regulations and relevant local and national planning policy, namely NE1 (Natural Environment) and section 15 of the NPPF. This is considered in further detail below.

1.22 Local Plan Policy QP6 (Technical Matters) is clear that proposals must ensure that the potential effects arising from proposed development including noise, vibration and dust, fumes, smell, air and water quality, must be fully investigated and addressed. The applicant has submitted information to demonstrate that, in respect of such matters, there would be an improvement to the site with the upgrading of the odour control facilities compared to the existing situation at the site.

1.23 In view of the above, the Council's Planning Policy team has raised no objections to the proposed development. The proposal is therefore considered to be acceptable in principle subject to the consideration of all other relevant material planning considerations, as set out below.

IMPACT ON THE VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

1.24 Policy QP4 (Layout and Design of Development) of the Local Plan requires that new development reflects its context in terms of layout, scale and form, and should not negatively impact upon the relationship with neighbouring land uses.

1.25 The application site is located within an established industrial/commercial location, close to other larger industrial uses including the adjacent Hartlepool Power Station.

1.26 The existing site is located a significant distance from the adopted highway and is accessed by a semi-private road which is taken from the A178. The site is considered to be screened from the main public highway by virtue of scrub land and the distance it is set from the adopted highway approximately 1 km.

1.27 The site is characterised by a number of buildings on the site which range from two storey to single storey office accommodation buildings and various industrial shed style buildings and structures. The erected welfare facility building is a single storey modular building that is utilitarian in design and is considered to be primarily screened by existing buildings and structures when viewed from the access road, England Coast Path and the main public highway of the A178.

1.28 With respect to the new odour control unit, this is considered to be a typical industrial structure with a maximum height of approximately 12.5m and would be viewed within the context and backdrop of existing buildings. It is not considered that it will appear out of character within the setting of the established application site or the immediate area. Whilst the odour control unit will be visible from the private access road and England Coast Path, given the established commercial and industrial location of the site and its surroundings, that the unit would be read from certain views against the backdrop of established buildings within the site, and that the Council's Countryside Access Officer has confirmed no objections to the development in respect of any impacts on the England Coast Path, it is considered that this element of the development would result in a significant adverse impact on the visual amenity or character and appearance of the surrounding area as to warrant a refusal of the application.

IMPACT ON THE AMENITY OF NEIGHBOURING LAND USERS

1.29 The application site is located within an existing industrial facility, which is fully enclosed by fencing and is close to other large industrial areas featuring a number of large hazardous sites and specialist industries. There are no sensitive land users in the surrounding area (i.e. residential), with the nearest residential properties located approximately in excess of 1.9km to the north west of the site at De Havilland Way.

1.30 Objections have been received from residential properties with regard to the omission from the site having an impact upon the residential properties in terms of the omission of odours and the impact upon health.

1.31 The day to day regulation of the site in terms of odours, rests with the Environment Agency (EA) through the permit procedure. The proposal for the odour control unit is to improve the facility and will require a variation of the existing permit which will ensure the ongoing environmental performance and the correct monitoring of the installation is maintained. The EA considers that the proposed changes and replacement of the odour control facility as a positive modification. The EA therefore raises no objection to the proposal subject to an informative on any decision should the application be approved with respect to the requirement for the permit variation. This can be secured accordingly.

1.32 The Council's Public Protection team have been consulted and raise no objection or concerns to the proposal including in terms of noise disturbance, subject to a condition to control dust emissions during the demolition stage of the existing odour control unit, which is currently operational and will effectively become decommissioned when the new odour control unit comes on line/into operation. Again, an appropriately worded planning condition can secure this requirement.

1.33 Subject to the above conditions and considerations, it is considered the proposal would not result in an adverse impact upon the amenity of neighbouring properties or land users including outlook, overlooking and odour nuisance.

HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

1.34 The proposals do not include any changes to the parking arrangements at the site, this provision will remain as existing. The Council's Highways, Traffic and Transport section has been consulted on the application and has confirmed that they have no highway or traffic concerns with the proposals. The application is therefore considered to be acceptable with respect to highway and pedestrian safety and car parking.

FLOOD RISK AND DRAINAGE

1.35 The application site is within Flood Zone 3 but is an area benefitting from flood defences. The application is supported by a Flood Risk Assessment.

1.36 As a "less vulnerable" use, the proposed development can be considered acceptable development in this location. The proposed development is therefore considered to be in accordance with Local Plan policy CC2 (Reducing and Mitigating Flood Risk).

1.37 The Council's Flood Risk Officer has been consulted on the application and has confirmed that he has no objections, subject to a surface water condition, which is secured accordingly with an appropriate timescale given the part retrospective nature of the application.

1.38 The Environment Agency (EA) has also been consulted and does not object to the proposal, however they have requested that any decision should include the development is carried out in line with the submitted Flood Risk Assessment and Outline Drainage Strategy. A suitably worded planning condition in line with the EA's comments is therefore recommended accordingly.

1.39 In view of the above, it is considered that the application is acceptable with respect to matters of flood risk and drainage, subject to the abovementioned planning condition.

ECOLOGY AND NATURE CONSERVATION

1.40 The application site is located in proximity to a number of nationally and internationally designated sites for nature conservation, including the Teesmouth and Cleveland Coast Ramsar site, Teesmouth and Cleveland Special Protection Area and the Teesmouth and Cleveland Site of Special Scientific Interest (SSSI).

1.41 In view of the above, the Council's Ecologist and Natural England have both been consulted on the application. The Council's Ecologist has confirmed that they have no ecology concerns or requirements with respect to the proposals.

1.42 Natural England has also confirmed that they have no objections to the application, advising that, based on the submitted plans, they consider that the proposed development will not have likely significant effects on the above Ramsar and SPA and will not damage or destroy the interest features for which the SSSI has been notified. Natural England also consider that the submitted HRA (Habitats Regulations Assessment) (dated 25/11/2021) provides sufficient evidence to demonstrate no 'Likely Significant Effect' on European Sites.

1.43 In view of the above, the application is considered to be acceptable with respect to matters of ecology and nature conservation.

OTHER PLANNING MATTERS

Land contamination

1.44 The Phase 1 site investigation report submitted with the application recommends further and intrusive site investigation to establish hazards and any necessary remedial measures. The Council's Flood Risk Officer has been consulted and has requested that the standard non-residential contaminated land condition be conditioned. The condition is appended accordingly with details to be submitted within an appropriate timescale given the part retrospective nature of the application

Health & Safety

1.45 Given the proximity of the site to a number of hazardous installations, the Health & Safety Executive (HSE) has been consulted and does not advise against on safety grounds.

1.46 The proposed development lies within the Hartlepool Detailed Emergency Planning Zone (DEPZ) for Hartlepool Power Station. Given the proximity of the site to Hartlepool Power Station, Hartlepool Power Station has been consulted directly however no comments or concerns have been received.

1.47 Cleveland Emergency Planning Unit has also been consulted and has confirmed that they have no objections to the application. Furthermore, the Office for Nuclear Regulation has confirmed that the proposed development does not present a significant external hazard to the safety of the nuclear site.

1.48 The application is therefore considered to be acceptable with respect to matters of health and safety.

RESIDUAL MATTERS

Cleveland Fire Brigade

1.49 Cleveland Fire Brigade has been consulted and have confirmed that they offer no representation regarding the development proposed however have advised the proposals will need to meet the requirements of the building regulations. They have also made comment in respect of the use of sprinklers/fire suppression methods. In response, the applicant has confirmed that these matters will be addressed through the appropriate Building Regulations application. The Council's Building Control section has confirmed a building regulations application will be required and as such these matters will be considered through that process. A suitable informative note is recommended to make the applicant aware of this.

1.50 Objectors have raised concerns regarding property devaluation. However this is not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.51 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.52 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.

1.53 There are no Section 17 implications.

REASON FOR DECISION

1.54 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 Location Plan Rev A, 42 BayCTX, Option 2, Rev 6 and AP6156-0-340 Rev C1 (General Arrangement Free Standing Stack (process Scrubber) and details received by the Local Planning Authority on 7 July 2021; 305564-003aGPansSTFigs AS-F3 Rev 1.2 (Block Plan) received by the Local Planning Authority on 26 July 2021; Elevation Drawing Rev 1 received by the Local Planning Authority on 27 July 2021; and Level 2 Flood Risk Assessment and Outline Drainage Strategy VO.9 162553/FRA/001 (dated 16/03/2021) received by the Local Planning Authority on 28 May 2021.
For the avoidance of doubt.

2. Within 3 months of the date of the decision notice, a scheme that includes the following components to deal with the risks associated with contamination of the site, as well as an associated timetable for implementation to address each component, shall be submitted to and agreed in writing to 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. archaeological 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 and the agreed timetable 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.

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.

3. Notwithstanding the submitted information and within 3 months from the date of the decision notice, a detailed scheme for the disposal of surface water from the development and timetable for implementation shall be submitted in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall take place in accordance with the approved details and timetable.

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

4. Prior to the demolition of the existing odour control unit, a scheme for dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interest of the amenity of neighbouring land users.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=146424>

1.56 Copies of the applications are available on-line:

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

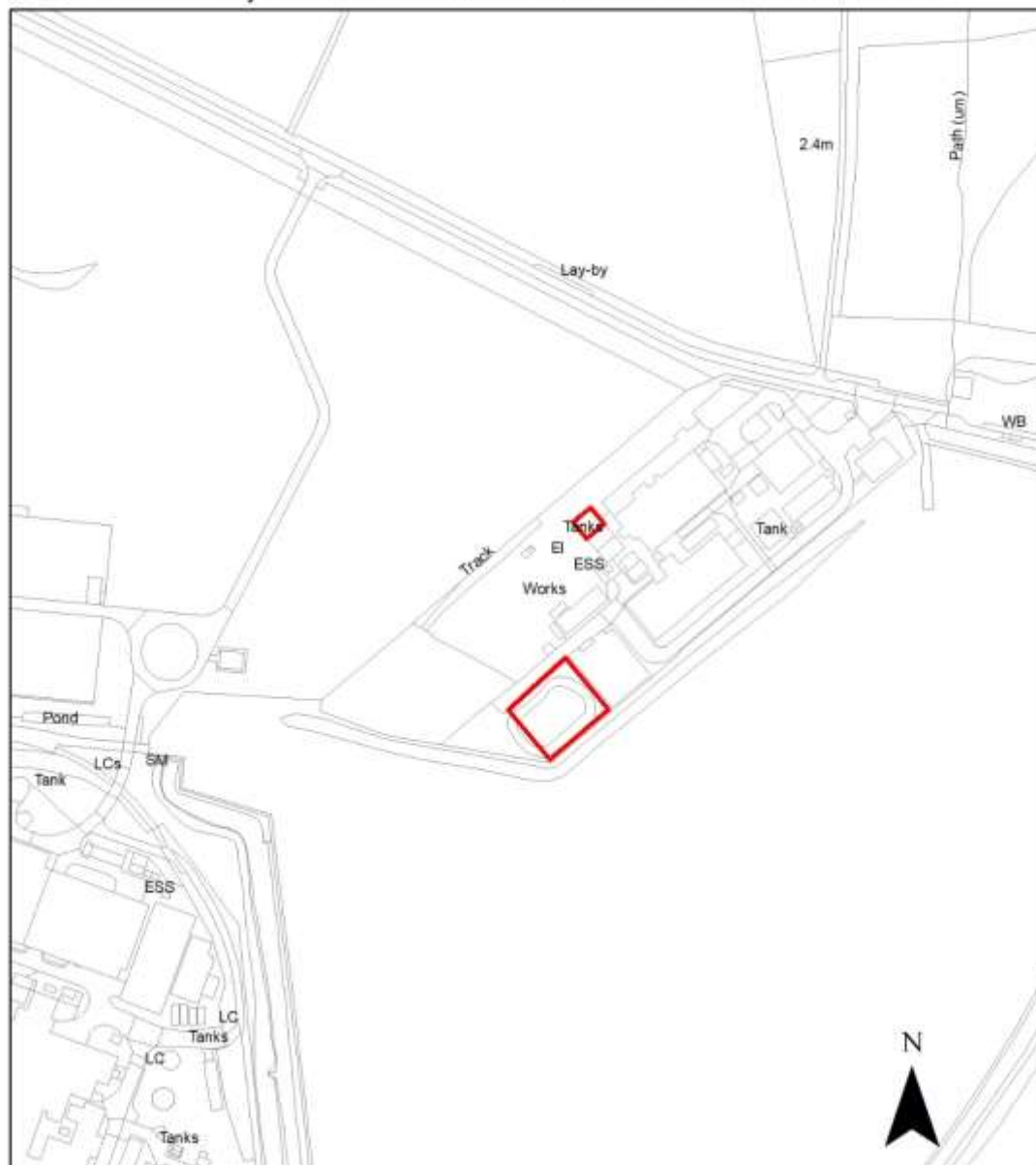
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FRUITAROM, ZINC WORKS ROAD HARTLEPOOL

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 06.01.2022
	SCALE 1:3,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0262	REV

No: 2.
Number: H/2021/0473
Applicant: MR T WASS NINTH AVENUE BURTON UPON TRENT
DE14 3JZ
Agent: FUSION BY DESIGN MR DAVID LOWE FABRIC
HOUSE, HOLLY PARK MILLS WOODHALL LANE
CALVERLEY LEEDS LS28 5QS
Date valid: 25/10/2021
Development: New covered pergola with heaters and festoon lights
within the existing beer garden
Location: TRAVELLERS REST 363 STOCKTON ROAD
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.

RELEVANT PLANNING HISTORY

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

H/1976/0170 – Bottle store and gents toilet extension. Approved 06/05/1976.

H/1977/0561 – Illuminated advertisement signs. Approved 13/10/1977.

H/1979/0257 – New dining room, kitchen and toilet extension and new entrance lobby and car park layout. Approved 02/07/1979.

H/1980/0035 – Revised car park layout and drainage details. Approved 11/02/1980.

H/1980/0390 – Illuminated and non-illuminated signs. Approved 23/06/1980.

H/1980/0505 – Construction of car park at rear. Approved 26/08/1980.

H/1982/0752 – Erection of flat wall mounted illuminated sign. Approved 06/01/1982.

HFUL/1991/0110 - Provision of beer garden, barbecue area and play facilities. Approved 11/04/1991.

HADV/1996/0393 - Display of non-illuminated post sign to forecourt, 3 illuminated fascia signs, 4 illuminated amenity boards, 1 no illuminated name board, wall mounted lanterns, 2 free standing lamp columns and 2 flag poles. Approved 24/10/1996.

HFUL/1996/0394 - External alterations and formation of patio drinking area to front. Approved 14/10/1996.

HFUL/1997/0029 – Formation of patio drinking area to front. Approved 26/03/1997.

HFUL/1997/0663 - External alterations including outside drinking area and new entrance porch. Approved 11/03/1998.

HADV/1999/0153 – Display of a free-standing illuminated display unit. Approved 11/05/1999.

H/2007/0259 – Erection of a steel framed shelter with timber cladding. Refused 21/05/2007.

H/2007/0624 – Installation of a retractable awning. Approved 05/10/2007.

H/2010/0657 - Provision of external drinking/dining area with pergola and associated lighting/heating to south entrance at front of building, ramped entrance and smoking shelter with heating/light to north entrance at front of building, new timber fencing/gate to north of the site and new catering extract system (replacement) and fencing to rear yard area. Approved 07/02/2011.

H/2011/0163 - Erection of covered canopy, steps and ramp to front elevation, fenced rear yard area to house chiller, covered walkway and bin store, bollards and chain and extract system. Approved 06/06/2011.

H/2011/0391 - Display of 2 externally illuminated signs, 2 internally illuminated signs, 5 non illuminated signs and 1 lantern. Approved 09/09/2011.

2.3 It was noted by the case officer during the site visit (on 20/12/2021) that the application site includes a number of structures that appear to have been erected/installed between the time of the last approved planning application H/2010/0657 (decision date 07/02/2011) at the site, and the case officer's site visit in respect of the current application. The works in question appear to include the installation of an area of astro-turf to the rear of the public house and to which the pergola (subject to the current application) is sited upon; the erection of a fence with a height of approximately 1m separating the beer garden area from the former car park to the northern side of the host public house; the installation of timber seating and benches throughout the beer garden area to the rear/east of the host public house building, and the provision of posts with low level festoon lighting throughout the beer garden area. The agent has advised that a planning application will be duly submitted in respect of such works where planning permission is required. There is no known planning history associated with these works and these have not been verified, and as such this application does not include any of these elements nor will they be considered as part of the assessment of this application.

PROPOSAL

2.4 Planning permission is sought for the erection of a timber framed pergola with heaters and the installation of festoon lighting. The timber pergola structure is sited

on top of the above mentioned section of astro turf within the existing beer garden space serving the Travellers Rest public house.

2.5 It was brought to the attention of the case officer that works pertaining to this application had commenced and this was confirmed by the case officer during a further site visit (on 20th December 2021). It was observed that such works included the erection of the proposed timber pergola structure and the installation of trellis boundaries and other fencing. As such, the application will be considered retrospective.

2.6 The erected timber pergola measures approximately 10.3m in length x approximately 8m in width, with a total height of approximately 2.7m and features an open timber framed structure. The pergola is sited to the rear of the existing rear lobby serving the public house (on the eastern side), and features 2no. fixed timber seats within (comprising 1no. along the eastern side measuring approx. 2m in length x 0.7m in width, and 1no. along the southern side measuring approx. 4.2m in length x 0.7m in width).

2.7 The application also includes the installation of perimeter trellis screening, comprising a section along the northern side of the proposed timber pergola (measuring approx. 8m in length x approx. 1.5m in height), as well as a section along the southern fixed seating (measuring approx. 1.5m in length x approx. 1.5m in height).

2.8 The proposals include the installation of festoon lighting around the perimeter of the erected pergola structure.

2.9 The proposals also include installation of heaters and the siting of individual seats and tables within the proposed pergola structure.

2.10 As noted above, between the planning approval H/2011/0657 and the current application, it is of note that additional paraphernalia including fencing, fixed timber tables and benches, posts and festoon lighting and a section of astro-turf have been installed at the application site. These are not included within the current application and will not be considered further in the report.

2.11 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.

SITE CONTEXT

2.12 The application site is the rear of the existing public house and beer garden of the Travellers Rest, in Hartlepool. The public house is situated on the east side of the main trunk road of the A689/Stockton Road and is sited to the east of a bend in the trunk road. To the rear, the application site is bounded by residential properties along Queensland Road (specifically Nos. 33-51 (odds)) to the east, whilst residential properties along Wyverne Court (specifically Nos. 1-11 (odds) and No. 24) abound the site to the southern side. At the front, the premises is bounded by the main trunk road of the A689/Stockton Road, with the junction of Brierton Lane abutting this highway to the west, and residential properties (along Brierton Lane and

Stockton Road) situated to the north and south of this junction (west of the application site). To the north lies an area of open/vacant land in use by a car park, with a car valeting commercial property beyond.

2.13 The rear of the application site comprises a large beer garden area which, as noted above, includes non-fixed timber tables and seating and rows of festoon lighting, as well as astro turf and fencing.

PUBLICITY

2.14 The proposed development has been advertised by way of a site notice and 17 neighbour notification letters. To date, four representations (2 of which confirm objection to the application) have been received in respect of the proposal raising a number of concerns and objections that can be summarised as follows;

- Noise pollution;
- Request that music is not played beyond 11pm;
- Anti-social behaviour;
- Broken fence;
- Height of the trees.

2.15 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=149327>

2.16 The period for publicity has expired.

CONSULTATIONS

2.17 The following consultation replies have been received:

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

HBC Public Protection: A light assessment is not necessary. No objections.

UPDATE 05/01/2022

The Public Protection Manager confirmed that an hours restriction on the use of the pergola to 9pm was appropriate and consistent with previous permissions for outdoor seating areas that have been approved through planning at the site.

HBC Landscape Architect: There are no landscape and visual issues with the proposed development.

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

HBC Economic Development: No comments from an Economic Growth perspective.

Cleveland Police: Police have no objections.

HBC Community Safety: No comments received.

HBC Estates: No comments received.

HBC Public Health: No comments received.

HBC Parks & Countryside: No comments received.

PLANNING POLICY

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

Local Policy

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

LS1: Locational Strategy

LT1: Leisure and Tourism

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC1: Retail and Commercial Centre Hierarchy

RC17: Late Night Uses Area

RC2: The Town Centre

RC3: Innovation and Skills Quarter

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

2.20 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:

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 130: Achieving well-designed places
 PARA 134: Achieving well-designed places
 PARA 185: Impacts on the natural environment
 PARA 192: Promoting healthy and safe communities
 PARA 218: Implementation

2.21 HBC Planning Policy comments: With regards to the proposal for the pergola, planning policy acknowledge that this type of development is not unusual for establishments such as pubs/bars/restaurants and we have no concerns with regards to the design elements, and the principle of development is acceptable. We would be supportive of this subject to the satisfaction of the Public protection team, as the pub is located within close proximity of residential dwellings and there should be no increased disturbance by noise/lights etc. towards these residents as a result of the development. If their team are satisfied, then we would have no objections.

PLANNING CONSIDERATIONS

2.22 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 principle of development, neighbour amenity, visual amenity, highway, pedestrian safety and traffic, and crime and anti-social behaviour. These and all other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.23 The development involves the erection of a timber pergola within an established outdoor beer garden area to the rear/east of the main public house establishment, as well as the installation of festoon lighting around the timber pergola structure. The Council's Planning Policy section has considered the information contained within the application and have no objections with regards to the appropriateness of the pergola structure and festoon lighting in this location. Subject to the application satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable in this instance.

NEIGHBOUR AMENITY

2.24 Objections and concerns have been received in relation to the application and the impact of the proposed erection of a heated outdoor seating area (timber pergola) in respect to noise.

2.25 Consideration is given to the remaining separation distances to the closest neighbouring properties that abound the site to the rear/east including a distance of approximately 31m to the rear elevations of Nos. 39 and 41 Queensland Road; approximately 32m to No. 43, approximately 35m to No. 45; approximately 38m to No. 47; approximately 33m to No. 37; approximately 41m to No. 35, approximately 44m to No. 33; and approximately 45m to the rear of Nos. 49 and 51 Queensland Road from the erected pergola structure including trellis fencing and heaters, and festoon lighting (with boundary fences between).

2.26 The following separation distances would remain between the erected timber pergola structure and festoon lighting (including the associated heaters and trellis fencing) and the closest neighbouring properties to the south (with boundary fences between); approximately 38m to the closest neighbouring property to the south at No. 7 Wyverne Court; approximately 41m to the rear of No. 5; approximately 42m to the rear of No. 9; approximately 45m to No. 3; approximately 40m to No. 1 (with the main public house building partially between) and approximately 45m to Nos. 11 and 24.

2.27 To the north, a separation distance of approximately 63m would remain between the pergola structure and festoon lighting and the commercial unit abounding the application site, whilst it is considered that the residential properties to the west would be screened from the pergola structure and festoon lighting (and associated development) by the main public house building itself.

2.28 In view of the above separation distances that would be maintained between the pergola structure and taking into account its modest scale and design with a framed structure and flat roof height, low level trellis fencing and modest scale heaters, it is considered that the development would not result in any adverse impacts on the amenity or privacy of neighbouring properties (including neighbouring properties on Queensland Road and Wyverne Close, as well as neighbouring properties along Stockton Road and Brierton Lane to the west) in terms of loss of light, loss of outlook, overbearing impression or overlooking.

2.29 As noted above, the development includes the installation of festoon lighting around the erected pergola structure to match existing festoon lighting present throughout the existing rear garden areas serving the public house (of which there is no known planning permission). Given the established relationship and orientation of the public house and associated curtilage to windows in the above noted nearby neighbouring properties (including Nos. 33-51 (odds) Queensland Road, Nos. 1-11 (odds) and No. 24 Wyverne Court), it is considered that the development would not adversely affect the amenity of existing and future occupiers of these neighbouring properties. Furthermore, no objections have been received from HBC Public Protection in respect of this matter and they have confirmed that a lighting assessment is not required in this instance.

2.30 It is acknowledged that objections have been received in relation to the application and the impact of development in regards to increased noise disturbance from the use of the pergola structure as a heated seating area for users of the

commercial premises, whilst a neighbour has requested that music should not be played later than 11pm.

2.31 In this respect, it is acknowledged that the nature and layout of the development has the potential to introduce an intensification of activity, particularly in the evenings, to the area of the application site immediately outside the rear lobby entrance/exit door. The application form does not indicate any proposed hours of opening. Notwithstanding this, it is noted that a previous planning approval in respect of outdoor areas to the front of the premises (approved by virtue of H/2011/0657, decision date 07/02/2011) included a planning condition restricting the use of the outdoor area to no later than 9pm, Mondays to Sundays (inclusive).

2.32 Given that the application site is located outside the Late Night area, and as stipulated with the provisions of Policy RC1 of the Hartlepool Local Plan (2018), it is considered necessary to apply a planning condition restricting the hours of use of the area where the proposed timber pergola structure is sited to within the hours of 7am and 9pm. The Council's Public Protection section support this view, and a planning condition is necessary to secure this. Subject to this planning condition, the Council's Public Protection section have confirmed no objections to the proposal. In addition, Cleveland Police have confirmed no objections to the proposal.

2.33 Taking the above considerations into account, including the separation distances to neighbouring properties and the potential for late night noise and disturbance to the rear garden area, it is also considered necessary to apply a planning condition restricting the hours that festoon lighting is turned on to the hours the public house is open to members of the public, consistent with a condition applied to a similar proposal for festoon lighting at another public house along the A689 (Stag and Monkey, approval reference H/2019/0529 (decision date 27/02/2020)). As noted above, no objections or requirements have been received from HBC Public Protection in respect of this element.

2.34 Subject to the above recommended planning conditions and taking into account the established siting of the public house (and associated curtilage) and remaining separation distances to surrounding properties, on balance, it is considered that the development would not result in an adverse loss of amenity in terms of noise disturbance, and the proposal is considered to accord with Policy QP4 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

2.35 Overall, in view of the above and given the established use of the host public house and curtilage, and remaining separation distances and relationships to residential properties to the east (Queensland Road) and south (Wyverne Court), and the siting of the timber pergola (including festoon lighting, trellis fencing and heaters), it is considered that the development would not result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions.

2.36 In view of the above and subject to the above conditions, the application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies LS1 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

VISUAL AMENITY

2.37 The erected timber pergola structure (including trellis fencing and heaters) and festoon lighting would be sited to the rear of the host public house. Given the layout of the application site which is on a prominent bend in the main trunk road of the A689/Stockton Road, whilst views of the erected structure (including associated trellis fencing and heaters) would be limited on approach along Brierton Lane (to the west) or when travelling northward along the A689, it is considered that the erected structure would be partially visible on approach from the north when travelling along this highway. However, it is noted that main two storey public house building is set back from the main public highway with a separation distance of approximately 30m remaining between the erected timber pergola and the closest section of the highway, and that the structure would be situated towards the rear of the unit and would be read in the context of the above described relationship and from certain vantage points against the backdrop of the established building situated around the host public house and curtilage.

2.38 Given the existing appearance of the host public house and the context in terms of surrounding paraphernalia within the external curtilage of the public house (including permitted external seating areas, existing fences, timber furniture and outbuildings) and taking into account the existing street scene along the A689/Stockton Road (including commercial properties abounding the application site to the north), it is considered that the development, including the lighting would not have a detrimental impact upon the existing host premises, street scene or the character of the surrounding area.

2.39 Furthermore, no objections have been received from the Council's Landscape Architect.

2.40 Notwithstanding this, as noted above, it is considered necessary to apply a planning condition restricting the hours that festoon lighting is turned on to within the hours that the public house is open to members of the public.

2.41 In view of the above, it is considered that the development is in accordance with the requirements of policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

2.42 It is noted that the host public house is served by a large car park which would remain unaltered by the erection of a timber pergola, associated structures and installation of festoon lighting. The Council's Highways, Traffic and Transport section have been consulted on the application and have no raised any objection to the application. The development is therefore considered to be acceptable in this regard.

CRIME AND ANTI-SOCIAL BEHAVIOUR

2.43 It is acknowledged that a neighbour representation has made reference to the prevalence of anti-social behaviour in the vicinity. Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF (2021) states “*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*”.

2.44 Cleveland Police have confirmed that they would have no objections to the proposal. HBC Community Safety have not offered any objections or comments in respect of the proposal. It is therefore considered acceptable in respect of crime and anti-social behaviour matters.

OTHER PLANNING MATTERS

2.45 No objections have been received from technical consultees in respect of drainage or contamination. The development is therefore considered to be acceptable in respect of these matters.

OTHER MATTERS

2.46 With reference to the objections received in respect of the height of the existing trees at the application site, and requesting that existing rear boundary fences are restored to an acceptable condition, whilst these comments are noted, it is of consideration that the current application can only consider matters related to the works proposed through the current application itself, and it would not be reasonable or proportionate to apply planning conditions requiring potential works in respect of other areas of the wider application site be undertaken, or to consider those complaints through this current application. Notwithstanding this, the concerns have been relayed to the applicant for their attention and consideration.

PLANNING BALANCE AND OVERALL CONCLUSION

2.47 Overall, it is considered that the principle of development in this location is acceptable in relation to Policy RC1 of the Hartlepool Local Plan (2018). It is further considered that the that the development would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the development is considered to be acceptable in respect of all other material considerations. The development is therefore considered to accord with policies QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

2.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the conditions below:

1. The development hereby permitted shall be carried out in accordance with the plans and details Site Location Plan (scale 1:1250), Drwg. No. 4143-PL03 Rev – 'Existing & Proposed Elevations', Drwg. No. 4143-PL02 'Proposed Part Ground Floor Plan & Beer Garden', Drwg. No. 4143-PL01 'Existing Part Ground Floor Plan & Beer Garden' received by the Local Planning Authority on 14th October 2021; and Drwg. No. 4143-PL04 'Existing & Proposed Block Plans' received by the Local Planning Authority on 25th October 2021.
For the avoidance of doubt.
2. The pergola structure (and associated covered area) hereby permitted and as detailed on plan Drwg. No. 4143-PL02 ('Proposed Part Ground Floor Plan & Beer Garden', date received by the Local Planning Authority on 14th October 2021) shall only be open to the public between the hours of 07.00 and 21.00 Mondays to Sundays inclusive (including Bank Holidays).
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the boundary fences or pergola structure at any time.
In order to protect the character and appearance of the area.
4. The festoon lighting hereby approved and as detailed on plan Drwg. No. 4143-PL02 ('Proposed Part Ground Floor Plan & Beer Garden', date received by the Local Planning Authority on 14th October 2021) shall only be switched on at times when the public house (that the application site relates to) is open to members of the public.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=149327>

2.53 Copies of the applications are available on-line:

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

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Traveller's Rest PH, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 06.01.2022
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0473	REV

No: 3.
Number: H/2021/0552
Applicant: MR JOHN KERRIDGE SEATON CAREW HARTLEPOOL TS25 1AS
Agent: MR JOHN KERRIDGE SEAVIEW 11 THE GREEN SEATON CAREW HARTLEPOOL TS25 1AS
Date valid: 07/12/2021
Development: Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts
Location: SEA VIEW GUEST HOUSE 11 THE GREEN SEATON CAREW 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 This application is associated with a recently refused application (H/2021/0387) for Listed Building Consent. The application was refused on 10th December 2021, for the following reason:

In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage asset of the Grade II Listed Building (and the Seaton Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the setting, character and appearance of the designated heritage asset(s). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2021).

PLANNING HISTORY

3.3 The following planning history is considered relevant to the application site:

HLBC/1996/0331 - Listed Building Consent for replacement of 3 windows to second floor front elevation. Refused 27/09/1996.

HLBC/1998/0370 - Listed Building Consent for provision of 2 lamps at front entrance. Approved 14/10/1998.

HLBC/1988/0398 - Listed building Consent for alterations to front elevation to incorporate name sign. Approved 29/09/1988.

HLBC/2003/0886 - Listed Building Consent for the provision of new sash windows to front of property. Approved 29/01/2004.

HADV/2004/0166 – Display of an illuminated name board. Approved 08/06/2004.

HLBC/2004/0193 – Listed Building Consent to display illuminated name board. Approved 08/06/2004.

H/2021/0387 - Replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts (listed building consent). Refused 10/12/2021.

PROPOSAL

3.4 The application seeks planning permission for the replacement of 10no. timber sliding sash window inserts with uPVC double glazed sliding sash window inserts in the front elevation of the application site known as Seaview Guest House, 11 The Green.

3.5 The proposed window inserts include 1no. bay window at ground floor level (comprising 3no. window panels), 1no. bay window (comprising 3no. window panels) and 1no. single pane window at first floor level, and 3no. windows at second floor level. The existing timber window frames would be retained.

3.6 As noted above, a separate application has been determined for Listed Building Consent in respect of the works. The application was refused under delegated powers on 10/12/2021 in line with the Council's scheme of delegation.

3.7 The application has been called in to be determined in the Planning Committee by a councillor in line with the Council's scheme of delegation.

SITE CONTEXT

3.8 The application site is a three storey, mid-terraced, Grade II listed building on the western side of The Green, in the Seaton Conservation Area. The host property is a guest house (C1 Use Class) and adjoins No. 12 The Green to the south and No. 10 The Green to the north, with its rear (west) boundary being shared with the rear garden of No. 123 Lawson Road. To the front, beyond the main highway is The Green, an open parcel of land. The host building benefits from a small private rear yard to the rear and a small front yard, delineated from the public footpath by a low level wall.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (3), site notice and press advert. To date, there has been one response, offering no objections to the application.

3.10 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=150565>

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Heritage and Countryside: This application is identical to a listed building consent application which was submitted for replacement windows at this property. The comments made in that instance are applicable in this case and are copied below.

The application site is a grade II listed building located in Seaton Carew Conservation Area, both of which are recognised as designated heritage assets. 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 199 and 200, 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 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

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

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

Traditional timber sash windows positively influence the appearance of the street scene in Seaton Carew Conservation Area contributing to the significance of the area. An Inspector considering a planning appeal regarding the retrospective installation of UPVC mock sash windows at 8 The Front in 2019 noted that, “Whilst some of the windows facing The Front have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the [conservation area’s] character and appearance.” Further it was also stated that even if windows in the property were beyond repair, “it would not justify their total replacement with unsympathetic materials.”

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

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

The proposal is the replacement of timber sliding sash windows with UPVC double glazed, sliding sash windows.

This property was the subject of a Heritage Economic Regeneration Scheme Grant in 2004 receiving £10,214 from the programme which was funded by English Heritage and ONE. Works included the replacement of windows that are proposed to be removed as part of this application. The owner at the time agreed to the conditions of the grant which stated, “After completion of the grant aided works, those items which have been specifically subject to repair or restoration, shall be retained and maintained to the same standard as specified by this grant offer letter, using the same materials as appropriate.”

If the timber windows had been maintained as specified above replacement would not be required. There is no evidence within the application to explain why it is considered the windows cannot be repaired and require wholesale replacement.

Historic England Advice Note 2, ‘Making Changes to Heritage Assets’ notes that, “Doors and windows are frequently key to the significance of a building.

Replacement is therefore generally advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail and material.”

Further to this on Historic England’s webpage providing advice on ‘Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures’, it is stated that, where windows have already been replaced with a window whose design follows historic patterns, as in this instance, “These usually make a positive contribution to the significance of listed buildings. When they do, they should therefore be retained and repaired where possible. If beyond repair they should be replaced with accurate copies.”

In addition, Historic England’s document, ‘Traditional Windows; Their Care, Repair and Upgrading’ states, UPVC windows, “are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows.” It further notes that the, “different appearance and character” of such windows in comparison to historic windows means they are, “unsuitable for older buildings, particularly those that are listed or in conservation areas.”

The information provided does not give details of the proposed windows to scale or explain how they will fit within the existing sash boxes. However it is considered that the installation of UPVC windows would cause less than substantial harm to the designated heritage assets (NPPF, 196), namely the listed and Seaton Carew Conservation Area. A UPVC window differs significantly in appearance both at the outset and critically as it ages from one constructed in wood. This is because UPVC has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance.

Further to this the finer detailing of a timber window cannot be replicated in UPVC. For example a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 202). No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

HBC Parks and Countryside: No comments received.

HBC Estates: No comments received.

Civic Society: No comments received.

PLANNING POLICY

3.13 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

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

HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 LS1: Locational Strategy
 LT3: Development of Seaton Carew
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

3.15 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: Determination of applications in accordance with development plan
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision making
 PARA 047: Determining applications
 PARA 130: Achieving well-designed places
 PARA 134: Achieving well-designed places
 PARA 194: Conserving and enhancing the historic environment
 PARA 200: Considering potential impacts

PARA 201: Considering potential impacts

PARA 202: Conserving and enhancing the historic environment

PARA 218: Implementation

3.16 HBC Planning Policy comments: With regards to the proposed development, one of the main considerations in policy terms is the impact which the development may have on the Seaton Carew conservation area, which is a heritage asset and falls within the remit of policy HE3 of the Local Plan. This policy seeks to protect the borough's conservation areas from unnecessary development in order to ensure that the distinctive character of these areas are conserved or enhanced. In determining applications within conservation areas, regard will be given to:

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

3.17 We are not opposed in principle to improvements within conservation areas or to heritage assets in general and understand the requirement for replacement features, however it is of vital importance that the materials and finishes which are proposed are complementary to the traditional features that would be expected within a conservation area and on the listed building. We have concerns regarding the proposed use of UPVC which is not a traditional material and may have the potential to negatively impact upon the character and setting of the conservation area. Notwithstanding this, since the property itself is a Grade II listed building, there is a reinforced importance of ensuring traditional materials are used, to retain the character and appearance of the asset. Policy HE4 specifically details that in the case of listed buildings, proposals should use traditional materials that are in keeping with the character and special interest of the property. Therefore we have concerns with regards to the proposal and consider it to cause less than substantial harm to the listed building and wider conservation area.

3.18 It is thought that the comments of the Heritage and Countryside manager will provide more detailed comments, and planning policy seek to support such views. National policy states that there must be a demonstrated public benefit to a development if it is thought to cause less than substantial harm to a heritage asset, and this is a requirement of the applicant if it is considered that this development will cause such harm. We do not believe that the heritage statement provides sufficient information to detail this benefit and do not consider the replacement to be justifiable.

3.19 It is noted that the proposal is considered to cause less than substantial harm to the heritage assets (the conservation area and listed building), that this proposal would therefore be contrary to both national and local policies.

PLANNING CONSIDERATIONS

3.20 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 character and appearance of the existing building

and surrounding area (including listed building, its setting and any features of special architectural or historic interest which it possesses), and impact on neighbour amenity and privacy. These and any other planning and none planning matters are considered in detail below.

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

3.21 The application site consists of a Grade II listed building that lies within the Seaton Conservation Area, whereby a number of other properties are also listed buildings. Traditional timber sash windows are considered to positively influence the appearance of the street scene in Seaton Carew Conservation Area contributing to the significance of the area.

3.22 When considering applications for listed buildings, Section 66 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 198 and 199, NPPF).

3.23 The Council’s Local Plan policies HE1, HE3, HE4 and HE7 are relevant in the determination of this application, to ensure that the design of proposals and materials used in developments do not affect the historic significance of listed buildings, their setting or the conservation area to which the proposal is set, and should take account of the character of those neighbouring conservation areas.

3.24 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Policy HE4 of the local plan states the Borough Council will seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their reuse and restoration.

3.25 In this context, the Council’s Heritage and Countryside Manager considers that the proposed replacement of timber sliding sash window inserts with uPVC double glazed window inserts in the principal elevation of the host listed building would cause less than substantial harm to the significance of the listed building and the Seaton Conservation Area. The Council’s Planning Policy section supports this view.

3.26 Policy HE1 of the Hartlepool Local Plan (2018) states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets, whilst policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach.

3.27 Policy HE4 of the local plan states the Borough Council will seek to conserve or enhance the towns listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their reuse and restoration.

3.28 As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

3.29 In view of this, it is considered that the host listed building makes an important contribution to the heritage of the area.

3.30 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

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

3.32 The Hartlepool Local Plan (2018) policy HE3 criterion 3 encourages the retention of the historic fabric and the original features of special architectural interest in conservation areas. uPVC is considered to be an alien material to historic properties and areas, that cannot match timber in terms of detailing and authenticity. Details are rarely produced to the same fine dimensions and finish as could be achieved with timber; and the glazing bars, meeting rails and frames tend to not replicate the proportions of timber windows.

3.33 The proposed replacement windows are uPVC sliding sash window inserts. In the above context, the width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. In addition a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in uPVC windows are unlike the putty beads and tenoned corner joints of a timber window.

3.34 Further to this, uPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between uPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change. A uPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

3.35 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a listed building and a conservation area.

3.36 In dismissing a planning appeal regarding the retrospective installation of UPVC mock sash windows at 8 The Front, Seaton Carew (appeal reference: APP/H0724/2/19/3238154, appeal date 08/01/2020), the Inspector noted that, “whilst some of the windows facing The Front have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the [conservation area’s] character and appearance.” Furthermore, it was also stated by the Inspector that even if windows in the property were beyond repair, “it would not justify their total replacement with unsympathetic materials.”

3.37 The applicant has stated that a reason for the proposal is due to the condition of the existing windows. Whilst this may justify the replacement of the existing windows, it is considered that this would not justify their replacement material being uPVC rather than timber. The Council’s Heritage and Countryside Manager also notes that this property was the subject of a Heritage Economic Regeneration Scheme Grant in 2004, whereby the owner at the time agreed to the conditions of the grant which stated “After completion of the grant aided works, those items which have been specifically subject to repair or restoration, shall be retained and maintained to the same standard as specified by this grant offer letter, using the same materials as appropriate.”

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

3.39 The Council’s Heritage and Countryside Manager and Planning Policy section consider that the proposal would cause less than substantial harm to the designated heritage assets and that no information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

3.40 Overall, it is considered that the proposal would conflict with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and within the Historic Environment policies within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021). This would therefore warrant refusal of the application in this instance.

AMENITY OF NEIGHBOURING LAND USERS

3.41 The host building adjoins No. 10 The Green to the north (which is a guest house), and No. 12 The Green to the south (a residential dwelling). To the rear, the host property abounds No. 123 Lawson Road, a residential dwelling. To the front, beyond the main highway of The Green is a large parcel of open green space.

3.42 It is noted that the proposal does not intend to introduce any additional windows nor extend the property or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties.

3.43 As the host property is a mid-terraced property, there are no windows in either side elevation facing adjoining neighbours at Nos. 10 and 12 The Green, and therefore it is considered that no direct overlooking toward any neighbouring residents could be achieved.

3.44 To the west, the relationship between the host building and the adjacent property at No. 123 Lawson Road is such that the no direct views can be achieved toward the rear windows or rear yard space of this neighbour by virtue of the position of the host property itself (as the proposed replacement windows are to the front), and therefore it is considered there would be no adverse impact on the privacy of No. 123 Lawson Road.

3.45 To the front, given that there are no sensitive land users such as residential properties, it is considered that there would not be any adverse overlooking toward these neighbours as a result of the proposal.

3.46 Owing to the above identified relationships between the proposal and neighbouring land users (including the positioning of windows and doors which would remain as per the existing relationship), on balance, it is not considered that the proposed use would give rise to any adverse impacts on the amenity and privacy of any neighbouring property.

CONCLUSION

3.47 With regard to the above planning considerations including the requirements set out in section 66 of the Town and Country Planning Act (1990), policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 198, 199, 202 and 206 of the NPPF (2021), the proposal is considered to result in less than substantial harm to the designated heritage assets (the listed building and conservation area) and that there is no information to indicate that the identified harm would be outweighed by any public benefits of the proposal, and it is therefore recommended that the application is refused for the reasons below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the proposal would cause less than substantial harm to the designated heritage assets of the Grade II Listed Building and the Seaton Conservation Area by virtue of the design, detailing and use of materials. It is considered that the works would detract from the setting, character and appearance of the designated heritage asset(s). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to Policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 126, 130, 131, 185, 190, 192, 193, 196 and 200 of the NPPF (2021).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150565>

3.53 Copies of the applications are available on-line:

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

CONTACT OFFICER

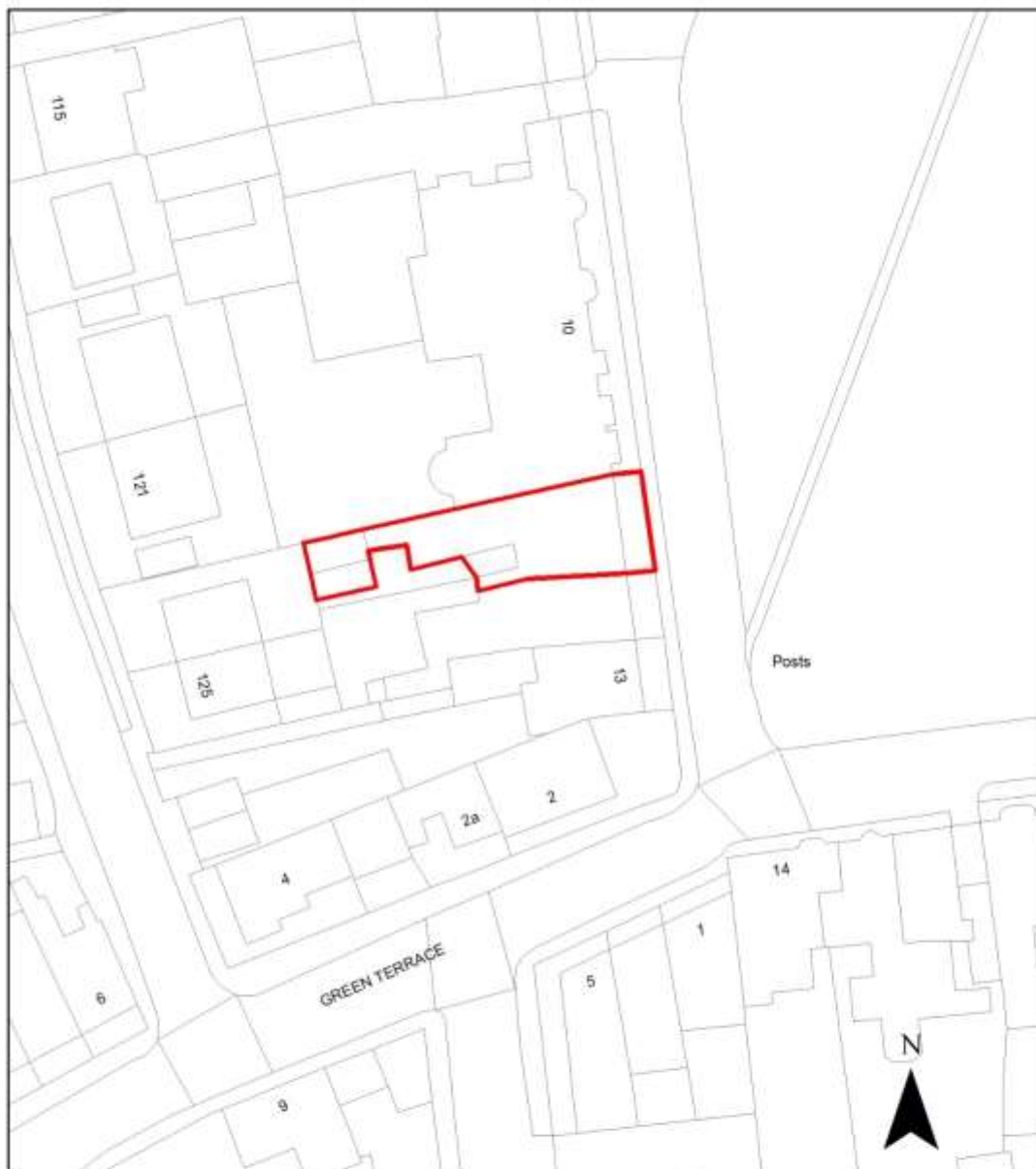
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 1.2.2022
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0552	REV

No: 4.
Number: H/2021/0139
Applicant: MR JOSEPH FRANKS DUNSTON ROAD
HARTLEPOOL TS26 0EN
Agent: MR JOSEPH FRANKS 4 DUNSTON ROAD
HARTLEPOOL TS26 0EN
Date valid: 08/12/2021
Development: Change of use of main premises from restaurant (use class E, formerly A3) to restaurant and drinking establishment (Sui Generis use class) and erection of a container (stack) measuring approximately 20ft x 8ft to serve food and drinks (also Sui Generis use class)
Location: 1 SEATON REACH CORONATION DRIVE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The application has been referred to planning committee in line with the Council's constitution as an elected member has declared a professional/business interest in the host business. The submitted planning application forms have since been updated to reflect this and published on the council's public access page.

PROPOSAL

4.3 This application seeks planning permission for the retrospective change of use of Unit 1, Seaton Reach from a restaurant (formerly A3 Use Class) to a restaurant and drinking establishment (Sui Generis Use Class). This element is retrospective.

4.4 The application also includes the proposed siting of a 'stack' (a converted shipping container) to serve food and drinks. The proposed converted container 'stack' structure would feature a main covered kitchen/food preparation area with a serving hatch sited on the western side, with a raised external seating area, access ramps, as well as steps to access a roof terrace area above the container.

4.5 The raised external seating area and access ramps to serve the proposed 'stack' container would be sited approximately 3.7m from the south east corner of the side/front of the host unit, whilst the main 'stack' container would be sited approximately 12.2m from the side/front corner of the host unit, approximately 3.4m to the eastern boundary, and approximately 6.5m from the southern boundary of the application site. The proposed stack container would be positioned on an existing

parcel of grass and within the defined curtilage of Seaton Reach (delineated by the existing boundary fence).

4.6 The main element of the proposed 'stack' would measure approximately 6.1m in length by approximately 2.5m in width and would feature the kitchen/food preparation internally (at ground floor), with a serving hatch and a roof terrace element above. The height of the proposed structure would be approximately 2.7m (excluding the railings above and as detailed below). The proposed 'stack' container would feature 1no. door in the northern elevation and 1no. door in the southern elevation, as well as the 'hatch' serving opening in the western side elevation.

4.7 The raised external area serving the proposed 'stack' would be raised by approximately 60cm from the ground level and would be accessed via a set of steps and the entrance to a ramp on the western side. The ramp would measure approximately 4.3m along the western side, approximately 5.5m along the northern side, and approximately 4.2m along the eastern side to enter the raised external area on its eastern side. The proposed external seating area would therefore measure approximately 4.6m in length by approximately 3.4m in width.

4.8 The proposed roof terrace would be accessed via an external staircase sited to the southern end of the 'stack'. This would measure approximately 3m in depth by approximately 1.2m in width and would be adjoined to the terrace area by a platform with a length of approximately 90cm (by approximately 1.2m in width). The submitted 'Planning Application Supporting Statement' indicates that the roof terrace would be served by a lift, however this has not been shown on the plans and is not included in the consideration.

4.9 The proposed raised external platform area, access ramps and steps, and proposed roof terrace and external staircase would feature a railing balustrade with a height of approximately 1m extending along these elements.

4.10 The submitted plans and details indicate that external materials to convert the 'stack' container include cladding on the fascias of the main structure, the installation of a timber platform, and the erection of railings around the roof terrace element.

4.11 There are no external alterations proposed to facilitate the change of use of the main premises to a restaurant/drinking establishment (Sui Generis Use Class) although it is noted that a number of associated adverts have been erected, some of which are likely to require a separate application for Advertisement Consent.

4.12 The submitted application form proposes that the main unit would be open from 7am until 2.30am Monday to Friday, 7am until 11.30pm Saturday and from 7am until 10.30pm Sundays and bank holidays, whilst the submitted 'Planning Application Supporting Statement' indicates that the proposed 'stack' container would be open between 8am and 11.30pm on Mondays to Sundays inclusive.

4.13 The submitted plans and details include the provision of proposed signage. This requires separate advertisement consent and will not form the consideration of this report.

SITE CONTEXT

4.14 The application site comprises a unit known as 'The Open Jar', situated on the southern end of a small parade of commercial units (3no. in total that include a pub and a fish and chip restaurant), at Seaton Reach, off Coronation Drive, Seaton. The host unit adjoins an additional commercial unit to the north. The application site lies adjacent to the esplanade and public footpath that runs to the east of the site. Beyond the footpath is the beach which forms part of the Teesmouth Flats and Marshes and is part of the Durham Coast Site of Special Scientific Interest (SSSI).

4.15 The row of units at Seaton Reach include an area of external space, delineated by a railing between the application site and the main promenade which runs along the east of the site (which forms part of the England Coast Path National Trail), the grassy/open space area to the south and north, and is served by a car parking area to the western side. Access to the application site (and car park/rear of the host unit) is from the A178 trunk road to the west. To the east there is an additional access gate from the promenade. The application site (where the container is to be located) is predominantly flat.

PUBLICITY

4.16 The application has been advertised by way of neighbour letters (14) and a site notice. To date, there have been two objections received from members of the public.

4.17 The first objection raises concerns that an elected member is listed as a self-employed consultant with the host business and at the time of receiving this, had not been declared in the application form.

4.18 An additional objection received states that the proposed 'stack' container would be two storey in design and in the future the applicant may extend the structure to contain the first floor, and thereafter extend the main building to two storey in design.

4.19 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=144864>

4.20 The period for publicity is outstanding at the time of writing (expires 07/02/2022) in respect of consultations and awaited comments from Natural England (following the request from the Council's Ecologist to do so) and the Environment Agency (given the proximity to the adjacent Flood Zones 2 and 3). The officer report and recommendation below reflects this. Should any comments be received before the committee meeting date, these will be duly considered and Members will be verbally updated at the meeting.

CONSULTATIONS

4.21 The following consultation replies have been received:

HBC Ecology: Natural England is a statutory consultee for development of this nature in this location, which is the case for all development in this location except householder applications. Natural England should therefore be consulted. While proposals of this nature may affect existing patterns of visitor behaviour within the near vicinity, due to the modest scale of the proposals I do not anticipate a likely significant effect on the Teesmouth and Cleveland Coast SPA as a result of the proposals. Similarly, as the proposals are located within the curtilage of the existing development I do not anticipate any effects on land functionally connected to the SPA.

Subject to Natural England raising no objection, I have no objection to the proposals.

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

HBC Heritage and Countryside Manager: The application site is not located on or adjacent to any listed buildings, locally listed buildings or conservation areas therefore I would have no objections to the proposal.

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.

However the England Coast Path National Trail (ECP) does run in a north-south alignment, to the east and just outside the eastern boundary fence of this property.

At no time can any materials, equipment, machinery or vehicles be allowed to obstruct or be placed upon the ECP before, during or after the proposed development is commenced and completed.

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

HBC Economic Growth and Regeneration: We have considered the application and from an Economic Development perspective would support this proposal. It would add some resilience to the business in uncertain times and offer potential job creation opportunities.

We would insist that the look and feel of the 'stack container' is of a high quality as it will be very visible.

HBC Building Control: Proposals require a Building Control application, this may not be straightforward due to the first floor seating area.

HBC Landscape Architect: Full details of all proposed hard and soft landscape details associated with the development should be provided in due course.

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

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

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

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

Recommendations

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

HBC Estates: The site was formerly owned by the Council. I understand that there are covenants restricting nits use to restaurants, bars and children play areas.

Tees Archaeology: Thank you for the consultation on this application. I have checked the HER and can confirm that the proposed development should not have a significant impact on any known heritage assets.

HBC Public Protection: I would have no objection to this application providing the following conditions were met:

1. I would require an hours restriction on its use - 07:30 to 23:30 would be acceptable and in line with Local policy.
2. This unit will require food registration
3. Staff and customers will require access to a toilet. A Statement needs to be submitted if the toilets in the adjacent unit are to be used and if this is the case it is to be noted that this can only be acceptable if both units are under same ownership.
4. The picture shows tables and chairs on top of the unit, so needs a Safe Working Load establishing for future use.
5. The provision of this unit would also require a new licence under the Licensing Act.

HBC Parks and Countryside: No comments received.

HBC Community Safety: No comments received.

HBC Waste Management: No comments received.

Natural England: as above, the consultation is outstanding at the time of writing.

Environment Agency: as above, the consultation is outstanding at the time of writing.

Cleveland Police: no comments received.

PLANNING POLICY

4.22 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

4.23 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

LS1: Locational Strategy

LT1: Leisure and Tourism

LT3: Development of Seaton Carew

NE2: Green Infrastructure

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

RC1: Retail and Commercial Centre Hierarchy

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

4.24 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:

PARA 002: Determination of applications in accordance with development plan

PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision making
 PARA 047: Determining applications
 PARA 130: Achieving well-designed places
 PARA 134: Achieving well-designed places
 PARA 174: Enhancing natural and local environment
 PARA 183: Impacts on the natural environment
 PARA 185: Impacts on the natural environment
 PARA 192: Promoting healthy and safe communities
 PARA 218: Implementation

4.25 HBC Planning Policy comments: The proposed uses are acceptable in this location. Drinking establishments can, at times, give rise to anti-social behaviour however given that the facility is some distance from residential properties it is unlikely that the use will have a detrimental impact upon residents or upon this tourist location.

4.26 Planning Policy trust that the operational hours will be conditioned to ensure the business does not operate beyond 11.30pm or before 7am.

PLANNING CONSIDERATIONS

4.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, impact on character and appearance of host building and surrounding area, impact on neighbour amenity, highway and pedestrian safety, ecology, surface water drainage and contaminated land. These and any other planning and residual matters are detailed in full in the paragraphs below.

PRINCIPLE OF DEVELOPMENT

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

4.29 The proposal includes the change of use from a retail unit (Use Class E(a), formerly Class A1) to a mixed use “restaurant and drinking establishment” (defined as Use Class ‘Sui Generis’). The application site is located within the self-contained commercial building at Seaton Reach, which hosts three commercial units (including the host unit on the southern section of this block). Policy RC1 of the Hartlepool Local Plan (2018) sets out the hierarchy for acceptable uses. The Council’s Planning

Policy section has considered the information contained within the application and are satisfied that in this instance, the proposed unit is an acceptable location for such a change of use as it is within close proximity to other commercial units. As such, HBC Planning Policy have no objections with regards to the appropriateness of the location.

4.30 The proposal includes the siting of a 'stack' container to serve customers of the main host unit and that would serve as an ancillary element to the primary use of the host business, which would fall within a Sui Generis Use Class along with the main host building. Due to the modest scale of the development and its siting within an existing and established curtilage to the south of the host unit, it is considered that the principle for this type of use is acceptable subject to the consideration of other material considerations including the requirement for the 'stack' element of the application being limited to a temporary planning permission (3 years) given its design, scale and siting as the permanent retention of the unit is unlikely to be acceptable at this stage. This is considered in further detail below.

4.31 The Council's Planning Policy and Economic Growth and Regeneration sections have confirmed that they support the proposal (subject to the proposal meeting other requirements as set out in the sections below), as it is considered it would improve the viability of the existing commercial business. They have however stressed the need for high quality materials to be used given the prominence of the proposed structure.

4.32 Therefore, in view of the above, the principle of development of the change of use of the commercial unit and siting of the proposed 'stack' container to the south east of the host business is considered to be acceptable subject to the proposal satisfying the main planning considerations of this application.

VISUAL AMENITY

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

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

4.35 The proposed 'stack' container would be sited to the southern side of the host unit. The overall site context includes the main brick built building with lawn/grass and paved areas to the front (east) as well as northern and southern sides, with boundary treatment in the form of a 2m high railing around the application site. To the rear/west is a hard standing entrance road and car park, with access gates from the A178 trunk road. The building of commercial units is served by a bin store which

is sited on the southern side of the building and finished in timber. Due to the open design of the railings and the overall scale and siting of the 'stack', it is noted that the proposed structure would be readily visible when walking along the coastal promenade (to the east), from the south toward the north of the sea front, as well as on approach along the main A178 trunk road from the south.

4.36 Notwithstanding this, consideration is given to the modest overall height of the proposed 'stack' container (of approximately 2.7m, approximately 3.7m including the balustrades), which would, from certain vantage points, be read in the context of the main host building and existing timber bin store structure along this elevation, its peripheral railing boundaries, and other paraphernalia in the immediate surrounding area (along this stretch between the A178 trunk road and the promenade) which includes the siting of children's play park to the northern side.

4.37 It is of further consideration that during pre-application discussions with the applicant, concerns were expressed by the case officer with regard to the original intended siting of the then proposed 'stack' structure, which was at a more oblique relationship between the host unit and the promenade, and the case officer requested that the structure be rotated to be parallel with the promenade to reduce the profile of the structure to the gable ends of it when viewed from the north and south. It is welcomed that the proposed siting of the structure is now parallel with the promenade (as per the request through the pre-application advice), which is considered to assist in reducing any significant adverse impact on the visual amenity of the area, particularly when viewed along the promenade.

4.38 Paragraph 14 (Use of Planning Conditions) of the government's online National Planning Practice Guidance advises that that the Local Planning Authority has the power to grant planning permission for a specified temporary period in circumstances where a temporary permission may be appropriate and where a 'trial run' is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances may change in a particular way at the end of that period.

4.39 Given the siting, scale and choice of materials for the proposed 'stack' container, and in view of the above guidance, it is considered prudent to restrict the proposed container to a temporary period of 3 years in order to ensure that the proposed 'stack' container remains acceptable primarily in terms of any visual impact or other matters such as flooding or ecology. At the point of expiration of the permission for the stack, the applicant would need to remove the stack and restore the land to its previous condition or if they wanted to retain the stack, a further planning application would need to be submitted and duly considered. An appropriate planning condition can secure this.

4.40 It is further considered necessary for details of the final external finishing materials (including colour) to be submitted to and agreed with the Local Planning Authority and a planning condition can secure this requirement.

4.41 Furthermore, it is considered that should any flue and extraction equipment be required to facilitate the proposed use of the 'stack' container, it would be necessary to obtain details to ensure it is fit for purpose and would not result in any adverse

visual impact, and is considered necessary to secure this by planning condition in this instance. Subject to this condition, and in view of the above, it is considered that the proposed scale and design of the 'stack' structure would not result in such an unacceptable adverse impact on the character and appearance of the host unit (within its setting as a stand-alone set of commercial units) or surrounding area (including the area of open space to the south, the coastal area including promenade and the trunk road of the A178 to the west) as to warrant a reason to refuse the application.

4.42 In terms of the proposed change of use of the main unit from a restaurant to a restaurant and drinking establishment (Sui Generis Use Class), it is noted that there are no external alterations proposed to facilitate this change of use (other than the erected signage which is likely to require a separate Advertisement Consent application and to which an informative can be appended to any decision notice for the applicant's attention). Given the existing appearance of the unit and the context in terms of surrounding units, it is considered that the proposal would not have a detrimental impact upon the existing street scene or the character of the area.

4.43 In view of the above and subject to necessary planning conditions, it is considered that the proposal is in accordance with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

NEIGHBOUR AMENITY

4.44 The proposed structure would be sited with a separation distance of approximately 3.5m remaining from the coastal promenade to the east, being approximately 7m from the main coast/beach areas, and approximately 30m from the main trunk road of the A178/Coronation Drive. As noted above, the proposed structure would be approximately 3.5m to the south east of the front/side corner of the host unit and approximately 28m from the front of the adjoining commercial unit to the north (in the main Seaton Reach building).

4.45 Consideration is given to the remaining separation distances to the closest residential neighbouring properties including a distance of approximately 85m to the closest properties to the south (including Nos. 1-11 (odd) Hornby Close); approximately 250m to properties to the west (including Nos. 30-33 (inclusive) Gala Close); and approximately 275m to properties to the north west (including 19 and 20 Wainwright Walk and 65 and 67 Lithgo Close).

4.46 Given the satisfactory separation distances to sensitive users such as residential properties, and intervening main highway (A178 trunk road/Coronation Drive) and/or expanse of open grassland, and taking into account the modest scale of the proposed 'stack' structure it is considered that the siting of the proposed 'stack' structure would not result in any adverse impacts on the amenity or privacy of any neighbouring properties (or users of the adjacent footpath) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

4.47 In terms of the proposed change of use of the host unit, consideration is given to the unit being an established commercial unit within the main building whilst no external alterations are proposed to facilitate the change of use to a restaurant and drinking establishment (Sui Generis Use Class). In view of this, it is considered that the proposed change of use of the main unit would not result in any adverse impacts on the amenity or privacy of neighbouring properties (including neighbouring properties on Gala Close, Wainwright Walk, Lithgo Close and Hornby Close or other units of Seaton Reach) in terms of loss of light, loss of outlook, overbearing impression or overlooking.

Noise

4.48 Paragraph 185a of the NPPF (2021) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

4.49 It is acknowledged that the nature and layout of the proposed siting of a stand-alone ‘stack’ container, together with the change of use of the host building to a restaurant and drinking establishment has the potential to introduce an intensification of activity, particularly in the evenings to areas outside the main commercial business than the current approved use as a restaurant (E Use Class, formerly A3 Use Class). The application form indicates the intention to open between 11am and 2.30am, albeit the provisions of Policy RC1 of the Hartlepool Local Plan (2018) for local proposed establishments outside the Late Night area precludes permitted uses operating between 11.30pm and 7am. The Council’s Planning Policy section and the Council’s Public Protection section have advised that it is necessary to restrict the use of the host unit to within the permitted hours of Policy RC1 and a planning condition is necessary to secure this.

4.50 Subject to the above recommended planning condition and taking into account the established siting and remaining separation distances to surrounding properties, it is considered that the proposal would not result in an adverse loss of amenity in terms of noise disturbance, and the proposal is considered to accord with policy RC1 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

Odour

4.51 As noted above, it is considered that in the event that any flue and extraction equipment be required to facilitate the proposed use of the ‘stack’ container, it would be necessary to obtain details to ensure it is fit for purpose and would not result in any adverse impact on the amenity of neighbouring occupants (including users of the adjacent promenade footpath), and is considered necessary to apply a planning condition in this instance. It is therefore considered that subject to the necessary planning condition that the proposal would not result in a significant impact on the

amenity of neighbouring residential land users in terms of odour nuisance. The proposal is therefore considered, on balance, to be acceptable in this respect.

Amenity summary

4.52 Overall, in view of the above and given the established footprint of the building (which does not include any new openings) and remaining separation distances and relationships to the closest residential properties (Gala Close, Wainwright Walk, Lithgo Close and Hornby Close), the existing/approved commercial use of the host unit and adjoining units in Seaton Reach, it is considered that the proposed change of use of the host building and siting of the proposed 'stack' container (which would be limited to a temporary permission) would not result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions.

4.53 In view of the above and subject to the above conditions, the application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies LS1 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

4.54 It is noted that the main host unit is situated at the southern end of a number of commercial units, together being served by a car park which would remain unaltered by the proposed change of use of one unit from Class E(b) (formerly A3 Use Class) to the proposed use as a restaurant / drinking establishment (Sui Generis Use Class, formerly A3/A4), and the erection of a 'stack' container to serve the proprietors of the host business. The Council's Highways, Traffic and Transport section have been consulted on the application and have no raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

4.55 In terms of public footpaths, the Council's Countryside Access Officer has been consulted in respect of the application and has confirmed that there is no impact upon any public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

4.56 However, the Council's Countryside Access Officer has advised that the England Coast Path National Trail (ECP) runs in a north-south alignment, to the east and just outside the eastern boundary fence of this property. Therefore, the officer has advised that at no time can any materials, equipment, machinery or vehicles be allowed to obstruct or be placed upon the ECP before, during or after the proposed development is commenced and completed. An informative can be secured to relay this information to the applicant.

4.57 In view of the above, it is considered that the proposal would not result in an adverse impact on car parking, highway and pedestrian safety.

ECOLOGY

4.58 The application site is in the vicinity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and as such, the Council's Ecologist has advised that Natural England needs to be consulted on the application as a statutory consultee. At the time of writing (03/02/2022), no comments have been received from Natural England but Members will be verbally updated at the meeting.

4.59 The Council's Ecologist has been consulted on the application and has confirmed that whilst proposals such as the proposed siting of the 'stack' container in this location may affect existing patterns of visitor behaviour within the near vicinity, due to the modest scale of the proposals it is unlikely that they would result in any significant adverse impact on the Teesmouth and Cleveland Coast SPA. Given that the proposals are located within the curtilage of the existing development, the Council's Ecologist has confirmed that the proposal would be unlikely to result in any significant adverse impacts on land functionally connected to the SPA. The Council's Ecologist concludes that he has no ecology objections, subject to no objections being received from Natural England.

4.60 Subject to consideration of the Natural England's comments (and them raising no objections or additional requirements), the proposal is considered to be acceptable in this regard. The officer recommendation is reflective of this.

SURFACE WATER DRAINAGE & CONTAMINATED LAND

4.61 As a result of the re-siting of the 'stack' (as referenced above), the proposed stack would be situated in an area identified by the Environment Agency's Flood Map for Planning as being in Flood Zone 1 (low risk of flooding), albeit it lies immediately adjacent to an area identified as Flood Zone 2 and 3. In this respect, the Environment Agency has been consulted on the application.

4.62 The Council's Flood Risk Officer has been consulted on the proposals and has confirmed no objection to proposals in respect of surface water management or contaminated land.

4.63 Subject to consideration of the Environment Agency's comments (and them raising no objections or additional requirements), the proposal is considered to be acceptable in this regard. The officer recommendation is reflective of this.

OTHER PLANNING MATTERS

4.64 The Council's Landscape Architect has considered the application and requested details of soft and hard landscaping. In response, the applicant has confirmed that there is no intention for such landscaping works. In view of the above considerations to which the 'stack' is considered to be acceptable for a temporary period, it is not considered necessary in this instance to request further landscaping details.

4.65 The Council's Heritage and Countryside Manager and the Tees Archaeology have been consulted on the proposals and have confirmed that the proposal would

not give rise to any adverse impacts on any heritage assets. The proposal is considered to be acceptable in these respects.

4.66 Cleveland Police and the Council's Community Safety section have both been consulted on the proposal and no comments or objections have been received from either consultee. The proposal is considered to be acceptable in this respect.

4.67 It is noted that existing provision is made for refuse storage at the northern side of the host unit, with access to this directly from the rear of the host unit. No objections have been received from HBC Waste Management or HBC Public Protection in respect of waste facilities, and therefore the proposal is considered acceptable.

4.68 With reference to the objection that the applicant has not consulted neighbouring properties, this is not a formal requirement of the applicant for this type of planning application. As stated above, the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and by way of a site notice.

4.69 An objection makes reference to potential future development by the applicant. The current application can only consider matters as submitted and any further amendments are likely to require planning permission. Notwithstanding this, a planning condition is to be secured to prevent any alterations or extensions to the stack structure hereby approved.

OTHER MATTERS

4.70 The Council's Public Protection section have commented (comments detailed in full above) in respect of licensing and food registration. This is a matter under the Licensing regime and beyond the scope of the planning application. The Council's Public Protection have also advised that staff and customers using the proposed 'stack' container will require access to W.C. facilities (which may be in the host unit provided this is within the same ownership), to which the applicant indicates in the submitted Planning Statement that this would be the case. These matters can be secured by an informative to relay this information to the applicant.

4.71 The Council's Public Protection section have advised that a Safe Working Load report is required in respect of the provision of a terrace/balcony should be established. This is a matter for the Building Regulations regime, and an informative can be secured to relay this information to the applicant.

4.72 Cleveland Fire Brigade have offered no objections to the proposals but have recommended the use of sprinklers as means of fire suppression. Ultimately this would need to be considered and addressed through the requisite building regulations legislation and is not a material planning consideration.

CONCLUSION

4.73 Overall, it is considered that the principle of development in this location is acceptable in relation to Policy RC1, LT1 and LT3 of the Hartlepool Local Plan

(2018). It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and the proposal is considered to be acceptable in respect of all other material considerations. Notwithstanding this, for the reasons detailed above, it is considered necessary to limit the lifetime of the permission for the 'stack' structure. Subject to the identified conditions, the proposal is considered to accord with policies QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

4.74 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.75 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.

4.76 There are no Section 17 implications.

REASON FOR DECISION

4.77 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 – Subject to the consideration of any comments received from Natural England and the Environment Agency in respect of consultations outstanding at the time of writing, the recommendation is to **APPROVE**, subject to the conditions below and any other condition(s) which might arise from responses to the outstanding consultations:

1. The 'stack' container (and associated seating areas, steps and railings) hereby approved shall be removed from the site in its entirety, the use shall cease and the land restored to its former condition on or before 16.02.2025 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.
The use hereby approved is not considered suitable as a permanent form of development to safeguard the future regeneration aspirations of the area, having regard to Policies LT1, LT3 and QP4 of the Hartlepool Local Plan 2018.
2. The development hereby permitted shall be carried out in accordance with the plans and details Dwg. No. 2116.P.03 'Location Plan' (scale 1:1250) and 'Proposed Block Plan' (scale 1:500), Dwg. No. 2116.P.04 'Existing Plans and Elevations' (including Proposed Block Plan With Flood Risk Areas', Dwg. No. 2116.P.02 Rev A 'Proposed Plans and Elevations', Dwg. No. 2116.P.01 Rev C 'Existing Plans & Elevations inc Proposed Block Plan with Flood Risk Areas' received by the Local Planning Authority on 8th December 2021, document JF Pub

Group LTD 'Planning Application Supporting Statement / March 2021' received by the Local Planning Authority on 19th January 2022.
For the avoidance of doubt.

3. Prior to above ground construction, details of all external finishing materials for the 'stack' container (and associated seating areas, steps and railings) hereby approved as detailed on Dwg. No. 2116.P.02 Rev A 'Proposed Plans and Elevations' (received by the Local Planning Authority on 8th December 2021) shall be first submitted to and approved by the Local Planning Authority, samples 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.
4. Notwithstanding the submitted information and prior to the first use of the 'stack' container (and associated seating areas, steps and railings) hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter and prior to the first use of the development, the approved scheme shall be implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food requiring ventilation, filtration and fume extraction is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. The premises (including the 'stack' container and associated seating areas, steps and railings) hereby approved shall only be open to the public between the hours of 7.00 and 23.30 Mondays to Sundays inclusive.
In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC1 of the Local Plan.
6. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises at Unit 1, Seaton Reach (and the 'stack' container) shall be used as a restaurant and drinking establishment (Use Class 'Sui Generis') as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use.
To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC1 of the Hartlepool Local Plan (2018).
7. 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 'stack' container (and associated seating areas, steps and railings) hereby approved shall not be extended or 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 the amenities of the occupants of the adjacent residential property.

8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the glazed screens at any time without the prior written approval of the Local Planning Authority.

In order to protect the character and appearance of the area.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=144864>

4.79 Copies of the applications are available on-line:

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

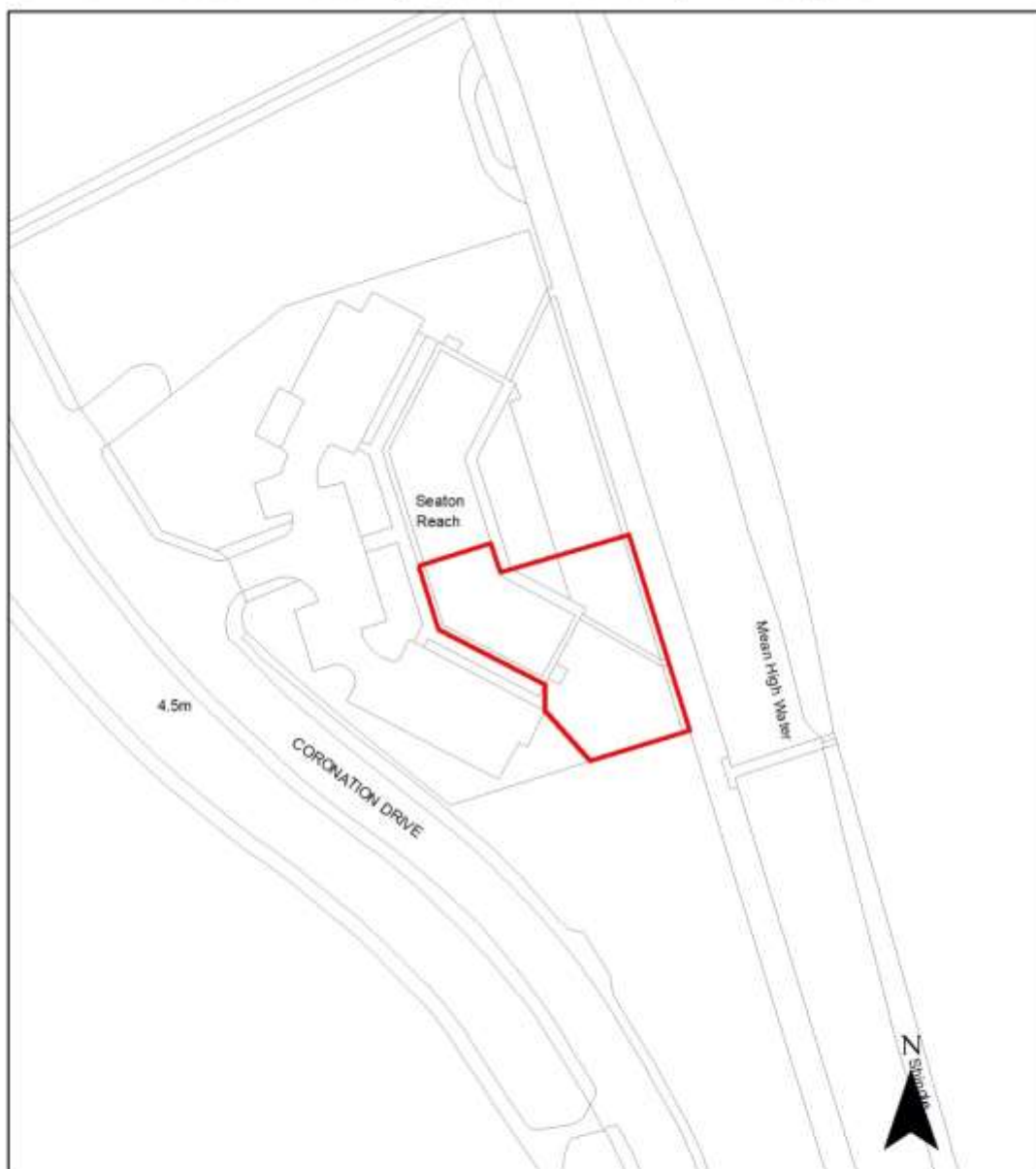
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 1.2.2022
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0139	REV

No: 5.
Number: H/2021/0498
Applicant: KEEPMOAT HOMES MONKTON BUSINESS PARK
 SOUTH KOPPERS WAY HEBBURN NE31 2EX
Agent: HEDLEY PLANNING SERVICES MISS HANNAH
 CHAPMAN 3B EVOLUTION WYNYARD BUSINESS
 PARK WYNYARD TS22 5TB
Date valid: 11/11/2021
Development: Demolition of all existing buildings and erection of 234no.
 new dwellings and associated infrastructure and
 landscaping
Location: LAND EAST OF BRENDA ROAD AND SOUTH OF
 SEATON LANE (FORMER EWART PARSONS SITE)
 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 relevant to the current application;

H/2014/0177 - Outline application with access (all other matters reserved) for the demolition of buildings on the site and redevelopment to provide a residential care home (70 beds - Use Class C2), 300 residential apartments with care for persons aged 55 and over (Use Class C2), 50 residential apartments (Use Class C3) 80 key worker apartments (Use Class C3), 80 houses (use class C3), community centre (Use Class D1), retail (Use Class A1), workshops and offices (Use Class B1) 641 parking spaces, bandstand and associated works.

5.3 The application was refused by Members (contrary to officer recommendation) and the decision was issued on 05/11/2014. This application was subsequently allowed at appeal 21st March 2016 (appeal reference APP/H0724/W/15/3005751) subject to a number of conditions and a S106 legal agreement. Due to the shortened timescale, the requisite reserved matters application(s) were never submitted in time and the permisison lapsed. The applicant chose to submit a further application;

H/2016/0532 - Outline application with access (all other matters reserved) for the demolition of buildings on the site and redevelopment to provide a 70 bed care home (C2 Use Class) 50 one bed apartments for persons aged over 55 (C2 Use Class), 250 two bed apartments for persons aged over 55 (C2 Use Class); 70 one bed apartments (Use Class C3), 60 two bedroom apartments (Use Class C3), 80 townhouses (Use Class C3), 930 sqm community centre (use class D1), 200 sqm

retail (use A1), 3095 sqm workshop and offices (use B1), a bandstand and 641 parking spaces and associated works.

5.4 The application was approved, subject to the signing of a section 106 legal agreement however this was never completed. Due to the length of time the application was dormant, and in line with Article 40(13) of the General Development Procedure Order 201, the application was 'finally disposed of' and this application was removed from the planning register on 22/03/2021.

H/2021/0497 - EIA Screening Opinion Request for the erection of 234no. residential dwellings with associated infrastructure and landscaping. In accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority adopted an opinion that the development (to which the current planning application H/2021/0498 relates) would not constitute Environmental Impact Assessment Development requiring an Environmental Statement.

PROPOSAL

5.5 The proposed development is for the demolition of all existing buildings on the site and for the erection of 234 new dwellings with associated access, infrastructure and landscaping as well as the demolition of a number of substantial commercial buildings on site.

5.6 The proposed scheme will incorporate 14 different house types and will comprise a mix of 2, 3 and 4 bed house types, which includes bungalows (28), terraced, semi-detached, town houses and detached dwellinghouses. The proposed dwellings are traditional in design, featuring a mixed palette of materials which includes a mix of facing brick (Antique and Gold), mix of roof tiles (Dark Grey and Terracotta Red) with contrasting brickwork heads and cills to front elevations, window frame/patio door and canopy in white, front doors in black with obscure glazing, with rear utility door to be white with clear glazing, garage doors to be colour black, with black gutter and downpipes used throughout, with white facias, soffits and meter boxes.

5.7 84no. of the dwellings are proposed to be affordable housing (36%). It is understood that Hartlepool Borough Council would take ownership of these units and thereafter managed by the Council. The tenure/type of affordable housing is still to be confirmed (it is not a requirement for the purposes of this report as discussed in more detail below).

5.8 A proposed single vehicle access to the site will be taken directly off Brenda Road, utilising the existing vehicle access which served the previous commercial development on the site. There are three pedestrian access points to the development, one being between 31 and 41 Seaton Lane to the north (a formal footpath is to be formed), the second being created at the north east corner linking into the Seaton Walkway and the third will be taken from Brenda Road adjacent the proposed vehicle access into the site.

5.9 The proposed dwellings will accommodate off-street (in-curtilage) car parking spaces, which will range in the number of spaces dependent on house type, some of

this provision includes garage parking as a designated space. All properties will have private amenity space, with enclosed rear gardens and some properties have grassed areas to the front.

5.10 The proposals include the provision of green open space and soft landscaping throughout the centre of the site, which will include a mix of shrub planting and trees. Tree planting is also proposed along the site frontage on Brenda Road. The application is accompanied by a comprehensive landscaping scheme.

5.11 As noted in the background, the application has been ‘screened’ to which the LPA issued an opinion to confirm that the proposal was not Environmental Impact Assessment development.

5.12 The application has been referred to Planning Committee owing to the number of objections received (more than 2) in line with the Council’s scheme of delegation.

SITE CONTEXT

5.13 The proposed development site is situated to the east of Brenda Road and south of Seaton Lane. The proposed development site is ‘white land’ in the Hartlepool Local Plan 2018 and has no specific designation. The overall site measures approximately 6.99ha in area. There are a number of substantial commercial buildings on the site along with associated hardstanding areas. The site is currently accessed from the west off Brenda Road.

5.14 Groups of mature tree planting form part of the perimeter of the site to the east. The site has a row of scrubland trees running along the northern boundary with the occasional mature sycamore tree. A large grassed area makes up the eastern parcel of the application site.

5.15 Directly north of the development site are the existing residential properties both along Seaton Lane (that back onto the site) and within the cul de sacs of Ripon Close and Bedale Close. Beyond the landscaping and eastern boundary to the site is Seaton Carew train station and associated railway line (that runs north to south), with residential development beyond, including an allotment site.

5.16 Beyond the southern boundary of the site are commercial and industrial uses which are understood to include ‘Kinnersley’s towbar and trailer centre’ which primarily extends along the full length of the southern boundary. A construction training academy is present further south along Brenda Road. Beyond the highway of Brenda Road to the north west is Golden Flats Primary School with commercial units to the south west. Tata Steel is present to the south west of the application site with its site entrance approximately 250m to the south of the application site boundary.

PUBLICITY

5.17 The application has been advertised by site notice (3), press notice and neighbour letters (120). To date, there have been 7 letters of objection and 2 letters of support.

5.18 The concerns/objections raised can be summarised as follows:

- Footpath between 31 and 41 Seaton Lane will create anti-social behaviour.
- No amenities accessed by the footpath.
- Do not want buildings too close to our property that will affect privacy and light.
- Tree and bushes at the back of our property that need to remain as it reduces noise and keeps our property private, they also provide habitat to birds.
- Flooding to properties
- Existing drains should be upgraded as they approximately 100 years old.
- This will result in complaints against the operation of Tata Steel.
- Privacy will be effected by the development.
- Properties will hinder flight path of birds.
- Air pollution during demolition works.
- This is a flood plain and should not be built on.

5.19 There have also been concerns raised by a ward councillor in respect to the provision of only one road entry point into the development as well as concerns with residential dwellings being closer to industry with resultant smells that could lead to complaints.

5.20 The 2no. letters of support can be summarised as follows;

- Positive for the town and good use of brownfield land
- The proposal should be granted planning permission

5.21 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=149664>

5.22 The period for neighbour consultation letters, site notice and press advert has expired however consultations with a number of technical consultees remains outstanding at the time of writing as detailed below. Given the technical nature of the matters in question and the updated technical reports received, no further public consultation was undertaken on these matters which is considered to be proportionate and reasonable.

CONSULTATIONS

5.23 At the time of writing (03.02.2022), consultation responses are awaited from both the Environment Agency and Northumbrian Water in respect to an updated Flood Risk Assessment (Rev C) received 2nd February 2022. The 14-day consultation period is due to expire on 15/02/2022. Any comments received will be duly considered and Members will be updated at the meeting. The officer recommendation below is reflective of this.

5.24 An updated Transport Assessment was also submitted to seek to address the concerns of Network Rail and to which a further response is awaited. The consultation period is due to expire on 10/02/2022. Any comments received will be

duly considered and Members will be updated at the meeting. The officer recommendation below is reflective of this.

5.25 The following consultation responses have been received at the time of writing:

HBC Arboricultural Officer - The site has a row of scrubland trees running along the northern boundary with the occasional mature sycamore tree adding height to the thicket. This is likely to be causing issues with existing residents as is common elsewhere in the town. A biodiversity net gain assessment has been carried out by OS Ecology together with an ecological impact assessment that addresses these scrub areas in more detail however the visual amenity is limited from outside the site and would not merit tree preservation order status. That said the developer has provided planting plans to offset any loss and these provide appropriate tree and shrub planting which will enhance this development. It also addresses Planning Policy NE7 Landscaping along main corridor routes with beech hedging and appropriate tree planting which is welcome. No objection.

HBC Building Control - I can confirm that a Building Regulation application will be required for the development.

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. A Construction Management Plan (CMP) shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and Communication with local residents.

3. No open burning

I am satisfied with the noise assessment and would have no objection providing.

1. The result of the noise model recommends a 1.8m high fence close boarded with no gaps and the fence should be designed to have a minimum mass of 15kg/m² around the gardens of the proposed dwellings full details should be submitted to this department for approval.

2. Drawing NT15197-008 (daytime) and NT15197-009 (night-time) represents the mitigation requirements set out in the assessment for noise sensitive rooms. The mitigation requirements laid out in the noise assessment must be met regarding glazing, trickle vents mechanical ventilation and mechanical cooling.

UPDATE 01/12/2021: Can you amend the acoustic fence condition. I had noticed after that they have submitted details regarding the fence. So just a condition stating it needs to be implemented please. They have submitted plans for a 2.0M fence. The result of the noise model recommends a 1.8m high fence close boarded with no gaps and the fence should be around the gardens of the proposed dwellings. Details of the fence have been submitted for a 2.0m high fence close boarded with no gaps. I have no objection providing the acoustic fence is in line with the plans submitted.

UPDATE 03/12/2021: Happy with submitted CMP

HBC Countryside Access Officer - The overall plan of the site shows the required pedestrian access onto Seaton Lane and Seaton Walkway. Both these access points are welcome as they provide a wider range of opportunities for access to services, Schools and employment for residents and recreational access for residents and visitors.

I am satisfied that the pedestrian access to and from this proposed site more than satisfies the needs of the site and the number of houses being proposed to be built.

HBC Traffic and Transport - Please see Highway comments below, I have been unable to check drive lengths as I cannot get a scale plan, however my rough measurements indicate that the drives are ok. I have left on a general comment that the drives should be a minimum 6 metre.

The developer should fund the provision of a light controlled crossing on Brenda Road in the vicinity of the school.

The 30mph speed limit on Brenda Road should be extended so that it covers the site access and its required sight lines.

Parking should be provided at a rate of 2 spaces for 3 bed and 3 spaces for a 4 bed and above, a garage can be counted as a parking space so long as it is a minimum 6 x 3 metres. There are a number of instances that this level of parking as not been provided (plots 7,8,56,63,70,88,90,109,115,117,130 -131,143- 146,149-152,174,217,119 -220) in the case of bungalow developments we do allow one parking space per property. Drives should be a minimum 6 metres in length.

A right turn lane ghost island will be required into the site as per plan QD1728-00-2192

Plots 88 to 103, the front entrance comes out onto Brenda Road. There is a highway verge between the footway on Brenda Road and the boundary of these properties. I have concerns that this layout would encourage residents to park on Brenda Road which would obstruct the existing advisory cycle lane. The developer should provide funding to implement parking restrictions in this location to prevent parking. Plots 62 – 64 the access should be perpendicular to the highway. This layout will result in poor sight lines and encourage vehicles to access the drives at inappropriate speeds

The vehicle access to the parking bays between plots 100 to 104 should be perpendicular to the carriageway.

The pedestrian link to the houses within the court yard areas is substandard and would not be considered for adoption.

Conditions

- 1) The developer should provide a Puffin Crossing on Brenda Road in the vicinity of the school prior to first occupation.
- 2) The developer should arrange with the Highway Authority to extend the 30mph speed limit on Brenda Road to cover the extent of the site access and its required sight lines. This should be carried out at the developers expense and be implemented prior to 1st occupation.
- 3) The developer should arrange with the Highway Authority to implement parking restrictions on Brenda Road between plots 88 - 103. This should be carried out at the developers expense and be implemented prior to 1st occupation.
- 4) The developer should provide a site access with right turn ghost island as per plan QD1728-00-2192 prior to first occupation.
- 5) Prior to the development commencing the developer should submit a construction management plan, which details the routing of site traffic, management of workforce related parking and the management of mud on the adjacent highway network. This should include for wheel wash facilities on site and measures to cleanse the highway.

UPDATE 02.12.2021

The CMP is acceptable and address all my requirements.

UPDATE 02.02.2022

I can confirm that the amended layout is acceptable and developer as now provided parking as per the Design Guide and specification requirements.

The following requirements are required as conditions.

The implementation of a segregated right turn lane into the site on Brenda Road. This is required prior to first occupation.

The existing 30 mph speed limit on Brenda Road would need extending to cover the site access, this would be required prior to first occupation. This will require the Councils Highway's section to carry out a Traffic Regulation Order, the Council would require a minimum 3 months' notice to implement the TRO.

The developer has already implemented a construction management plan which is acceptable, however I would like this to be conditioned.

Section 106

The developer should provide a contribution of £34,902 for the implementation of a Toucan Crossing on Brenda Road in the vicinity of Golden Flatts School.

HBC Ecology – Thank you for consulting HBC Ecology.

I have commented on the main biodiversity policy areas in turn below.

Significant Ecological Harm

The following statement, which is taken from CIEEM's Guidelines for Ecological Impact Assessment in the UK and Ireland, is relevant to how potential significant harm is identified and the weighting it should be given in determining an application. *Significance is a concept related to the weight that should be attached to effects when decisions are made. For the purpose of EclA [Ecological Impact Assessment], 'significant effect' is an effect that either supports or undermines biodiversity conservation objectives for 'important ecological features'... or for biodiversity in general.*

The same document also contains guidance on how important ecological features are defined. Although the supporting ecological information does not explicitly identify important ecological features, based on the information provided I have identified the following ecological features as important.

- Grassland – the large area of grassland at the east of the site, although not considered a Priority Habitat or to qualify for designation under the Guidelines for the Selection of Local Wildlife Sites in the Tees Valley, is sufficiently diverse and extensive to be considered important at a local scale.
- Open Mosaic Habitats on Previously Developed Land (Priority Habitat) – the EclA identifies and describes an area of brownfield habitat, which has been classified as supporting Ephemeral /Short perennial vegetation using the Phase 1 habitat classification. The EclA classifies this separately as Other Neutral Grassland (g3c) using the UK Hab classification. However, use of the UK Hab field key and reference to the UK Hab Habitat Definitions demonstrates a better fit with Open Mosaic Habitats on Previously Developed Land. This habitat parcel does not qualify for designation under the Guidelines for the Selection of Local Wildlife Sites in the Tees Valley. However, as a Priority habitat this area is an important ecological feature, which is considered important at a local scale due to relative abundance of this habitat type in Tees Valley.
- Bird populations – there is potential for birds to nest on site and therefore potential for breaches of legislation, as such, and in accordance with CIEEM guidance, bird populations are considered important ecological features. The survey information suggests that the red listed species herring gull and house sparrow breed within the site, consequently the bird population is considered important at a local scale.
- Priority butterfly species – specific butterfly survey recorded the presence of 13 species including the Priority species small heath and wall. Due to the size of the populations recorded the butterfly assemblage within the site is considered important at a local scale.

The proposals would require the total loss of important habitat features and the loss of all habitats that currently support important species assemblages. In the absence

of mitigation this represents significant ecological harm at a local scale in respect of each important feature identified, i.e. habitats, birds and butterflies.

The avoidance of works within the bird breeding season is proposed as a measure to mitigation effects on bird populations. The proposals also include installation of nesting boxes within new dwellings. Where this includes adequate provision for the species recorded, including house sparrow, this will function as compensation for identified effects. Subject to further details being provided, I am satisfied that residual harm to birds is not significant. Conditions are required to secure these measures.

The revised landscape proposals, N1104-ONE-ZZ-XX-DR-L-0201 through -0203 (Rev. P06), include proposed species rich grassland within the central POS. This is a positive amendment, however the current landscape proposals do not provide sufficient compensation to outweigh the significant harm resulting from loss of the Priority habitats and other important habitat features. Similarly, there is currently no mitigation proposed for harm to the butterfly assemblage, which should be a consideration within the landscape design. Further information is needed to demonstrate that the proposals will not result in significant ecological harm in respect of loss of important habitat features and habitats that support the important butterfly assemblage.

Ecological Enhancement

Ecological enhancement is distinct from Biodiversity Net Gain (BNG). The proposal to incorporate bat roosting provision in 10% of dwellings is sufficient to provide an ecological enhancement. This will need to be secured via condition.

Biodiversity Net Gain

A revised BNG assessment has been submitted, which indicates that the previously predicted loss of 84.14% has been reduced to a net loss of 72.79%. However, it has since been identified that some habitat parcels have been misclassified, which will have a bearing on the predicted net change.

Further amendments to the BNG assessment are required to accurately reflect the baseline value of the site. These amendments should also incorporate any compensation required in respect of loss of Priority habitats (see comments on Significant Ecological Harm above).

Through previous discussions with the applicant a commuted sum of £30,000 has been offered in order to secure offsite ecological enhancements on Council owned land. While this does not provide compensation sufficient to demonstrate no net loss of biodiversity value, ecological enhancements secured in this way may be considered within the wider planning balance in conjunction with other benefits of the scheme.

Habitat Regulations Assessment

A Stage 1 and Stage 2 HRA of the proposals has been undertaken. Stage 2 concludes that a financial contribution of £58,500 towards the Hartlepool Local Plan HRA Mitigation Strategy can provide mitigation for the likely increase in coastal recreational pressure in order to ensure no adverse effects on integrity of the Teesmouth and Cleveland Coast SPA. This conclusion is however subject to agreement with Natural England.

Overall Conclusion

I am not currently able to support the proposals due to the predicted significant ecological harm resulting from loss of important habitats, including Priority habitats, and loss of the important butterfly assemblage. Compensation will be required in respect of these effects, however I see no reason why this cannot be achieved within the proposed layout through appropriate landscaping measures.

The biodiversity net gain assessment and metric calculation tool will also need to be updated to reflect presence of Open Mosaic Habitats on Previously Developed Land. Assuming the above can be addressed, conditions will be required to secure the ecological measures, as set out above. It is likely to be appropriate to condition much of the finer detail on habitat compensation measures, subject to broad principles being indicated within landscape proposals at this stage.

A Habitat Regulations Assessment has been undertaken and concluded no adverse effect on integrity subject to a financial contribution to the Hartlepool Local Plan HRA Mitigation Strategy. However, this conclusion is draft only pending representations from Natural England. Until comments are received from Natural England the LPA cannot lawfully approve the application.

UPDATE 16/12/2021:

Following submission of amended landscape information and updated BNG information, my further comments are as follows.

Significant Ecological Harm

The landscape proposals (drawing numbers: N1104-ONE-ZZ-XX-DR-L-0201, -0202 and -0203 Rev. P09), together with the BNG assessment, show species rich grassland within the POS area as well as areas of open mosaic habitat surrounding the substation and pumping station. While these areas are not sufficient to fully compensate for the harm resulting from loss of existing habitats, and the butterfly assemblage these habitats support, I am satisfied that this harm would no longer be considered significant. Conditions are required to secure implementation of the landscape scheme, as well as details and implementation of the management of created habitats.

There is also potential for significant harm resulting from impacts to house sparrow, particularly if vegetation clearance is undertaken during the breeding bird season. Impacts can be avoided and compensated for by securing scrub clearance outside of the breeding bird season, and securing installation of house sparrow nest features in 10 % of new dwellings.

Ecological enhancement can be secured by a condition requiring installation of bat boxes in 10 % of new dwellings.

Biodiversity Net Gain

A revised BNG assessment has been submitted, which indicates a net loss of 73.56 %. I am satisfied that this is an accurate reflection of the impact of the proposals. A commuted sum of £30,000 has been agreed with the applicant in order to secure offsite ecological enhancements on Council owned land. While this does not provide

compensation sufficient to demonstrate no net loss of biodiversity value, ecological enhancements secured in this way may be considered within the wider planning balance in conjunction with other benefits of the scheme.

In order for the financial contribution to be considered in the planning balance this will need to be secured via obligation. In addition to this, as set out above, the current landscape proposals (drawing numbers: N1104-ONE-ZZ-XX-DR-L-0201, -0202 and -0203 Rev. P09) will need to be secured together with a management plan.

HBC Engineering Consultancy - Contaminated land - We have no objection to proposals in principle in this respect. The Geoenvironmental Appraisal submitted with the application finds risk from ground gas and elevated concentrations of lead in soils and recommends further site investigation. As such please include our standard residential contaminated land condition on any permission issued for proposals to allow these and any other contamination risks to be addressed. The report also finds a risk from unexploded ordnance (UXO) and recommends a detailed UXO study to confirm the UXO hazard on site, please can you make this a pre-development requirement for any permission issued for proposals along with a requirement to address any UXO risk identified.

Surface water management - We have no objection to proposals in principle in this respect. Please include our surface water condition as shown below on any permission issued for proposals:

Notwithstanding the submitted information, 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, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. 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 the 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 02/02/2022

In response to your consultation on the above amended application we have nothing to add to our comments of 24/11/21.

HBC Estates - A considerable part of the site was formerly owned by the Council and is understood to have covenants restricting its use. The matter should be discussed with the Strategic Asset Management Section.

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

HBC Landscape Architect – No comments received.

HBC Economic Development - We have reviewed the application and would raise the proximity to businesses as a concern for any noise issues that may arise from surrounding businesses especially the pipe mills opposite.

HBC Community Safety and engagement – No comments received.

HBC Housing – No comments received.

HBC Waste Management – No comments received.

Tees Archaeology - Thank you for the consultation on this application. We note the inclusion of an archaeological desk-based assessment and a geophysical survey. These have demonstrated that the site is of a low archaeological potential and that no further archaeological work is necessary.

Hartlepool Water – No comments received.

Northumbrian Water - We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Flood Risk Assessment And Drainage Strategy”. In this document it states the foul flows shall discharge to the existing combined sewers at manhole 5401, 5301 and downstream of manhole 1301. The surface water flows shall all discharge directly to the watercourse.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment And Drainage Strategy”. The drainage scheme shall ensure that foul flows discharge to the combined sewers at manholes 5401, 5301 and downstream of manhole 1301. The surface water shall discharge to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. Our comments simply reflect the ability of our network

to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

Environment Agency - We have reviewed the additional information. In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- consider how a range of flooding events (including extreme events) will affect people and property
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
- provide evidence the development can pass the exception test
- take the impacts of climate change into account
- There is no assessment of the impact of climate change using appropriate climate change allowances. Please use the central allowance as outlined in 'Flood risk assessments: climate change allowances
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels increased by the central climate change allowance.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Ramblers Association – No comments received.

National Highways – No objection.

Network Rail - Thank you for your recent correspondence relating to the above application.

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

Following assessment of the details provided to support the above application, Network Rail has concerns about the potential impact of this development upon the

safety of a nearby railway level crossing and must place a holding objection on this scheme pending receipt of further information required to enable us to fully assess the proposals. Seaton Carew Public Footpath No 5 Level Crossing: The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over any proposals that may increase the usage and risk of a railway crossing. In this instance, the proposed development includes a link to the public footpath adjacent to Seaton Carew station. The footpath in turn runs south to the Public Footpath No 5 level crossing, a footpath crossing over the railway (see attached plans). We believe that such a large housing development that provides a link to the nearby crossing, including providing a walking route to local shops, will inevitably result in an increase in usership which will adversely impact on the crossing risk. In order that we may fully assess the impact of the scheme upon the operational safety of the railway crossing, we require that the developer provide a section in their Transport Assessment that specifically studies the impact of the scheme upon the number and type of crossing users (ie pedestrians, cyclist, vulnerable users etc). Upon receipt of this information, we will be able to review the proposed scheme more comprehensively and provide a full response to this consultation.

Cleveland Police - In relation to crime prevention and community I have the following comments in relation to footpaths I would have preferred for no footpaths to rear of properties if these are unavoidable the access footpath to the rear of properties needs to be protected by secure gate fitted to the entrance of the footpath the entrance requires to well lit Such footpaths include footpath between plots 73/74,81/82,158/159,163/164 along with footpaths to the side of plots 46,53,77,84,175.

I have some concern re the proposed footpaths which link to Seaton Lane such segregated footpaths can generate incidents of crime and disorder particular when located to side of properties. If footpaths are deemed necessary to the front of plot 201 would provide better natural surveillance from front properties 201 and 202 but with the proposed path entrance close to front garden area of plot 201 this has the potential to cause conflict I would advisable to move the footpath entrance further away from this plot.

I would expect street lighting to all roads and footpath along with parking to be well lit lighting conforming to BS5489 2020 would provided this. Dusk/Dawn light to entrance doors is recommended.

I am not aware of the detail regard boundary treatments but rear of properties need to be protected with a suitable boundary of min height of 1.8m rear boundaries that back onto to open ground can be particularly vulnerable and 2.0m with defensive planting would be advisable. Boundaries to front of premises should provide clear demarcation between public footpaths and front garden areas particular on corner plots this could be through planting or low wall fence max 1metre.

In relation to physical security doors and accessible windows certified to PAS24 2016 would provided a good level of security. Fitting of garage defenders to up and over garages would improve the security to garages which can be vulnerable to attack.

Cleveland Fire Brigade - Cleveland Fire Brigade offers the following representation regarding the development as proposed. It should be confirmed that the 'shared driveways' meet the minimum carrying capacity requirements as per Section B5, Table 13.1 of ADB V1: 2019 (incorporating 2020 amendments). The site plans for the development indicate that there are shared drives which give access to plots 19-20, 47-53, 78-84, 123-124 and 153-164. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5tonnes, which is greater than the specified weight highlighted in Section B5, Table 13.1 of ADB V1 2019 (incorporating 2020 amendments). Access and Water Supplies should meet the requirements as set out in Section B5 of ADB V1: 2019 (incorporating 2020 amendments). Further comments may be made through the building regulation consultation process as required.

Emergency Planning Unit – No objection.

Northern Power Grid - No objection. (Advice given)

Northern Gas – No objection. (Advice given)

HSE –The site is not lie within the consultation distance of a major hazard site or major accident hazard pipeline therefore HSE have no interest with the site.

Natural England - As submitted, the application could have potential significant effects on:

- Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site
- Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An agreed financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan to mitigate and offset adverse impacts caused by increased recreational disturbance on internationally and nationally designated sites.
- A Habitat Regulations Assessment.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

UPDATE 15/12/2021:

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site

<https://designatedsites.naturalengland.org.uk/>.

- damage or destroy the interest features for which the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- A financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan, as set out in the Habitats Regulations Assessment Stage 2 (Appropriate Assessment).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

NHS Tees Valley Clinical Commissioning Group - Request S106 funds

I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers. In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation. We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement. This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved. Should you have any queries in relation to this information, please let me know.

Item	Response
LA Planning References	H/2021/0498
GP Practices affected	Seaton Surgery McKenzie Medical Group
Local intelligence	These practices fall within the Hartlepool Network and Hartlepool Health Primary Care Networks and are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients
Number of Houses proposed	234
Housing impact calculation	2.3
Patient Impact (increase)	538
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	37.674 m²
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£113,022

PLANNING POLICY

5.26 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

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

CC1: Minimising and adapting to climate change
 CC2: Reducing and Mitigating Flood Risk
 HSG1: New Housing Provision
 HSG2: Overall Housing Mix
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 NE1: Natural Environment
 NE2: Green Infrastructure
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

5.28 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
 PARA034: Development contributions
 PARA038: Decision making
 PARA047: Determining applications
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA057: Planning conditions and obligations
 PARA060: Delivering a sufficient supply of homes
 PARA065: Delivering a sufficient supply of homes
 PARA092: Promoting healthy and safe communities
 PARA093: Promoting healthy and safe communities
 PARA095: Promoting healthy and safe communities
 PARA098: Open space and recreation
 PARA100: Open space and recreation
 PARA104: Promoting sustainable transport
 PARA105: Promoting sustainable transport
 PARA110: Considering development proposals
 PARA112: Considering development proposals
 PARA113: Considering development proposals
 PARA119: Making effective use of land
 PARA120: Making effective use of land
 PARA121: Making effective use of land
 PARA124: Achieving appropriate densities
 PARA126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA131: 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
 PARA159: Planning and flood risk
 PARA169: Planning and flood risk
 PARA174: Conserving and enhancing the natural environment
 PARA179: Habitats and biodiversity
 PARA183: Habitats and biodiversity
 PARA185: Habitats and biodiversity

5.29 HBC Planning Policy comments - The principle of residential development is acceptable in this location. Planning Policy note the findings of the EVA and consider that the developer is operating at a lower than average profit margin (9.9% approx.). Planning Policy welcome 36% affordable housing, which is greater than the 18% required via policy HSG 9 (Affordable Housing), Planning Policy note that energy efficiency standards are to be at an enhanced level and PP trust that the application can be conditioned to ensure this materialises. Planning Policy also note that a significant sum will be directed towards ecological mitigation. Planning Policy accept that due to viability reasons it is not possible to provide other financial obligations such as GI, play, built sports etc. and that renewable energy and electric charging

points cannot be provided. Overall Planning Policy finds the proposal positive as it will bring much needed housing and affordable housing to the borough in a sustainable location

PLANNING CONSIDERATIONS

5.30 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development and planning obligations, the impact on the amenity and privacy of neighbouring land users and future occupiers, the visual amenity of the application site and the character and appearance of the surrounding area, landscaping and landscape features, ecology and nature conservation, highway and pedestrian safety, flood risk and drainage, and land contamination. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

5.31 The application site is located on unallocated 'white land' within the development limits of Hartlepool, as set out in the Hartlepool Local Plan Policies Map (the site was previously designated as employment land, but was de-allocated through the Employment Land Review). The site is located within walking distance and close proximity to adjacent residential areas, shops and services and public transport. The site's connectivity would be enhanced by the footpath connections proposed to the north. In this context the application site is overall considered to be a sustainable location. It is of further consideration that the site has benefited from planning permission as well as a 'minded to approve' decision for residential development on this site and whilst these have since lapsed (or the application file closed), they do remain material planning considerations.

5.32 In view of the above matters, it is considered that the principle of residential development is acceptable in this instance subject to the scheme satisfying other material planning considerations as set out below.

5.33 It is acknowledged that the Council's Economic Growth and Regeneration Team raise concerns with the proposal in relation to the proximity of the residential development to surrounding businesses (which was the case with the previous applications that were approved or 'minded to approve' for residential development on this site), in particular the Tata Steel pipe mill to the south west of the application site boundary. The concerns raised by Economic Growth and Regeneration are echoed in the submitted objection from Tata Steel themselves. These are largely based on concerns that future occupiers of this proposed development may lodge noise complaints with a potential to affect and/or restrict the operation of its business operation.

5.34 As noted above and in the background, planning permission was granted on appeal in 2016 (LPA reference H/2014/0177, appeal reference APP/H0724/W/15/3005751) for development on the application site which included residential dwellings. In considering the appeal, the Inspector acknowledged the presence of the steel mill and potential associated noise. However the Inspector gave great weight to the associated noise assessment that accompanied the appeal

and was able to satisfactorily concluded that “*whilst in a limited number of cases it may be necessary to upgrade glazing and introduce mechanical ventilation to noise sensitive rooms, I am satisfied that at the detailed stage a layout could be achieved in which, with additional mitigation measures, in some instances, acceptable living conditions could be achieved for all future residents at this site*”.

5.35 In respect to the current application, the submitted application is accompanied by a Noise Assessment with proposed mitigation measures including the provision of acoustic fencing and mechanical ventilation to an identified number of dwellings. The Council's Public Protection Team have been consulted and raise no objection to the proposal, but request that measures that are within the submitted Noise Assessment are secured through appropriate conditions. In light of the above, it is considered that the proposal would not result in such a significant harm as to warrant a refusal of the application.

Affordable Housing Provision and Housing Mix

5.36 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.

5.37 As above, the proposals consist of any array of house types including;

- 2 bedroom terraced bungalows (28)
- 2, 3 and 4 bedroom two storey detached, semi-detached and terraced dwellings; and
- 3 and 4 bedroom three storey detached and semi detached dwellings.

5.38 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 application or proposals for C3 residential developments that consist of a gross addition of 15 dwellings or more.

5.39 An affordable housing target of 18% will be sought on all sites above the 15 dwelling threshold. In this instance, as a result of the Council purchasing 84no. dwellings for affordable housing purposes, the proposed development would in effect deliver 84 units of affordable housing on site. This equates to 36% affordable housing contribution as part of this development (albeit it cannot be secured in the S106 legal agreement as a planning contribution/obligation through this planning application for viability reasons).

5.40 The Council's Planning Policy have not raised any concerns with respect to the proposed housing mix and are supportive of the affordable housing provision as 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

5.41 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan Policy QP1 (Planning Obligations), the adopted Planning Obligations SPD, and the requirements of consultees, the following developer contributions will be required based on the current submission, as set out below;

- 18% affordable Housing (42 dwellings) and financial contribution of £6427.34.
- Green Infrastructure – A contribution of £250 per dwelling (£58,500).
- Play Facilities – A contribution of £250 per dwelling (£58,500).
- Built Sport Facilities – A contribution of £250 per dwelling (£58,500).
- Playing Pitches - A contribution of £233.29 per dwelling (£54,589.86).
- Tennis Courts – A contribution of £57.02 of per dwelling (£13,342.68)
- Bowling Greens – A contribution of £4.97 per dwelling (£1,162.98)
- 10% on site renewable energy
- Electric charging points
- Energy efficient homes
- Ecological Mitigation in respect to the special Protection Area's) as identified through the Habitats Regulations Assessment HRA £250 per dwelling (£58,500)
- Biodiversity Net Gain contribution (discussed further below)
- Requirement for a pedestrian crossing on Brenda Road (discussed further below)
- provision, maintenance and long-term management of on-site open spaces, footpath connections and landscaping (including ecological mitigation/enhancement areas
- management and maintenance of surface water drainage system (SuDS), provision

5.42 In this instance, the applicant has submitted an Economic Viability Assessment setting out the economic viability of the proposed development, and have ultimately concluded that the above development 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 assessment with regards to anticipated build cost and revenues.

5.43 Whilst it is confirmed that the scheme could not viably pay the full contributions as detailed above (including affordable housing), the applicant has confirmed that they are able to contribute £30,000 towards requisite off-site ecological mitigation, and a contribution towards a toucan crossing on Brenda Road (£34,902). There also remains the statutory requirement to pay a Coastal Mitigation contribution of £58,500 (as identified through the Habitat Regulations Assessment. There will also remain the requirement for the maintenance and management of various elements such as landscaping, open space, footpath connections and drainage. As noted above, the Council is to purchase 84 dwellings for affordable housing (albeit it cannot be secured in the s106 legal agreement a planning contribution/obligation through this planning application for viability reasons).

5.44 The NHS Tees Valley Clinical Commissioning Group (CCG) have requested that a financial contribution be made towards NHS services within the borough be secured, however given the viability issues, and the positive benefits of the scheme in providing a significant number of affordable homes and regenerating a vacant and un-kept site which is in a state of disrepair, the council's Planning Policy section consider that to insist on this payment would render the scheme as being unviable.

5.45 In view of the above, the Council's Planning Policy section consider that not all the obligations can be secured in this instance, as to insist upon them would likely render the scheme unviable. The Council's Planning Policy section consider the proposed scheme will bring much needed housing and affordable housing to the borough in a sustainable location.

Renewable Energy and Energy Efficiency

5.46 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.

5.47 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.

5.48 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.

5.49 The application is supported by a Sustainability 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.

5.50 Furthermore, it is noted that the applicant seeks to maximise energy efficiency of the dwellings through a fabric first approach, an approach which is supported by the Council's Planning Policy section, who have requested that this be secured accordingly. It is noted that the Sustainability Statement illustrates a reduction of only 2.6% which is significantly below the requirement of policy CC1 where a reduction of 10% is expected in this type of development, therefore a condition requesting final details of energy efficiency measures be applied to ensure the scheme can be compliant with policy CC1. This has subsequently been agreed with the applicant.

5.51 It is noted that due to viability reasons it is not possible to provide renewable energy and electric charging points, whilst this is disappointing the benefits of the scheme would outweigh this requirement, as providing these measures could render the scheme unviable.

5.52 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).

Principle of Development Summary

5.53 In view of the abovementioned site allocations and considerations, and subject to the identified planning conditions and obligations, it is considered that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

5.54 Objectors have raised concerns with regard to the loss of privacy and outlook for existing properties that bound the site, or that are in close proximity of the site.

5.55 Paragraph 130 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

5.56 Policy QP4 (Layout and Design of Development) 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.

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

5.58 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.

5.59 Initial concerns were raised by officers with regard to reduced separation distances between properties, particularly within the proposed development site and

there were some reduced separation to the existing residential development to the north of the site within Ripon Close and Bedale Close. An amended layout was subsequently received which provides the requisite separation distances and in some instances exceeded that required by Policy QP4 and the Residential Design SPD. In view of the proposal achieving the requisite distances, it is considered that the development would not result in an adverse loss of amenity and privacy for existing and future occupiers of existing dwellings and future dwellings in terms of outlook, overbearing and overshadowing, and overlooking.

5.60 The properties on the western boundary of the site are set back from the adopted highway (Brenda Road) approximately 10m and are separated by front garden areas. These properties will have hedging to the front garden areas and a number of trees will also be planted as part of the landscaping scheme. The properties on this boundary will also incorporate noise attenuation measures as detailed within the submitted Noise Assessment, which include glazing, trickle vents mechanical ventilation and mechanical cooling, which will be controlled by an appropriate condition.

5.61 The properties on the southern boundary which are adjacent to commercial premises have a separation distance of approximately 7m-10m from the proposed boundary fencing, which is to consist of a 2m high acoustic fence. These properties will also incorporate noise attenuation measure which will include glazing, trickle vents mechanical ventilation and mechanical cooling as detailed within the submitted Noise Report. As noted above, a large/two storey commercial building is present beyond the southern boundary with its gable end (approximately 20m long) adjacent primarily to the rear boundaries of plots 107, 108 and 109. A distance of approximately 15.5m (minimum) to 16.5m (maximum) would be achieved which would accord with the general provisions of QP4 and the SPD (which requires 10m between habitable rooms and blank gable ends or those with non-habitable room windows which would apply here given that the windows in the north elevation of the adjacent commercial building are not understood to serve habitable rooms). In view of the above and in the context of the planning balance for the overall proposal, it is considered that the proposals would not result in a significant unacceptable loss of amenity and privacy for future occupiers of the proposed dwellings (or that of the neighbouring business) in terms of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

5.62 The properties on the north boundary will be adjacent to existing residential properties with Ripon Close, Bedale Close and Seaton Lane, a number of properties towards the north west of the site will include noise attenuation measures, in a similar form to those properties on the southern, northern and eastern boundaries.

5.63 The properties which are on the eastern boundary will incorporate noise attenuation measures which are consistent with the other properties within the site and are adjacent to boundaries which are in close proximity to commercial users, roads and railway tracks. These measures can be secured by appropriate conditions.

5.64 Paragraph 185a of the NPPF (2021) states that *“Planning policies and decisions should also ensure that new development is appropriate for its location*

taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

5.65 As detailed above, an objection has been received from a neighbouring business (Tata Steel). No objections have been received from HBC Public Protection, subject to a suitably worded conditions relating to the submitted Construction Management Plan (CMP), construction working hours and a noise attenuation scheme being provided in accordance with the Noise Assessment submitted in support of the application. These measure have been secured accordingly.

5.66 For the reasons detailed above, including the findings of the Planning Inspector’s decision on a previously allowed appeal decision for development on the application site, and subject to the appropriate mitigation measures being secured by planning conditions, it is considered that the proposal would not adversely affect the amenity of future occupiers of the operation of the adjacent businesses as to warrant a refusal of the application.

5.67 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of adjoining properties or future occupiers of the site.

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

5.68 NPPF paragraph 130 stipulates that planning policies and decisions should ensure that developments;

- 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, amongst other requirements.

5.69 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.

5.70 As detailed above, the scheme comprises a mix of 2 bed terraced bungalows; 2 and 3 bed semi-detached and terraced dwellinghouses, 3 and 4 bed detached

dwellinghouse (which include 24 town houses) which are to be constructed in a mixed palette of materials, this will provide a modest contrasting effect within the development. The proposed house types have a variety of architectural variety which use features such as canopies, bay windows elevate the design of the house types. The immediate area is a mix of 2 storey, 2.5 storey dwellings, bungalows and flats.

5.71 The development area is split into two halves and separated by an area of open space and sun ponds which will have a number of trees and shrubs incorporated into the development. Each of the properties will have private amenity space, with gardens to the front and rear, some of the amenity space to the front is to provide off street parking.

5.72 Overall, it is considered that the appearance, layout, scale and density of the development is acceptable and is reflective of the surrounding area. It is considered that the development would not have a detrimental impact on the character and appearance of the area and that the proposal accords with the general provisions of the relevant saved local plan policies and the NPPF.

LANDSCAPING, OPEN SPACE AND LANDSCAPE FEATURES

5.73 NPPF paragraphs 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

5.74 The application has been accompanied by an Arboricultural Survey consisting of an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan which details an assessment of the trees and hedges on site. There will be a loss of a small group trees to accommodate the development. The loss of these trees can be offset with new planting, which has been indicated within proposed landscaping plans.

5.75 The Council's Arboricultural Officer has been consulted and raises no objection to the development. The site has a row of scrubland trees running along the northern boundary with the occasional mature sycamore tree adding height to the thicket. The proposal includes the removal of these trees, however the visual amenity is limited from outside the site and would not merit tree preservation order status. Landscaping plans have been provided which offsets any loss and these provide appropriate tree and shrub planting which will enhance this development. In line with policy NE7 (Landscaping along main transport corridors) the proposals include the provision of beech hedging and appropriate tree planting along the frontage of Brenda Road. As discussed below, the proposed landscaping scheme as agreed will also provide ecological mitigation and enhancement.

5.76 Subject to an appropriate planning conditions to secure maintenance and management of landscaping, open space and footpath connections (which will also be secured as a planning obligation), and a condition for tree protection during construction, the application is considered to be acceptable with respect to matters of landscaping and tree protection, subject to the identified planning conditions.

ECOLOGY AND NATURE CONSERVATION

5.77 Objections have been received raising concerns that the proposal will have a detrimental impact on wildlife habitats and ecology.

5.78 The NPPF and Local Plan Policy NE1 indicate that harm to biodiversity should be avoided. Where a negative impact is unavoidable, mitigation or compensatory measures should be provided. The application has been considered in detail by the Council's Ecologist. Advice has also been provided by Natural England.

The application is accompanied by supporting ecological information in the form of an Ecological Impact Assessment, Biodiversity Net Gain Assessment (BNG) and Biodiversity Metric Calculations (MBC).

5.79 Paragraph 170 of the National Planning Policy Framework 2019 (NPPF) requires development to secure measurable net gains for biodiversity. Paragraph 22 of the planning practice guidance on the natural environment confirms the definition of biodiversity net gain as an approach that “delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development”. Paragraph 25 of the same guidance also identifies the use of a biodiversity metric as a pragmatic way to calculate changes in biodiversity value.

5.80 The Council's Ecologist has therefore assessed the proposals against the Biodiversity Metric 2.0 calculation to identify how a net gain can be achieved. Following discussions with the developer and update BNG assessment was submitted, which indicates a net loss of 73.56%. In order to off-set this loss the developer has agreed to a commuted sum of £30,000 to offsite ecological enhancements on Council owned land. Whilst it is acknowledged that this does not provide compensation sufficient to demonstrate no net loss of biodiversity value, ecological enhancements secured in this way may be considered with the wider planning balance in conjunction with the other benefits of the scheme.

5.81 Further ecological compensation, mitigation and ecological enhancement will be secured through the requirement for 10% sparrow roosting boxes, 10% bat boxes, as well as the agreed soft landscaping scheme.

5.82 Natural England has also been consulted and has advised that they have no objections subject to appropriate mitigation, in line with the Council's Coastal Mitigation Strategy, to address the potential impacts of the proposal on the Teesmouth & Cleveland Coast Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and a Ramsar site through increased recreational disturbance.

5.83 A Habitats Regulations Assessment (HRA) stage 1 and 2 has been produced for this development. The Council's Ecologist has confirmed the mitigation and conclusions of the HRA to which the findings of the HRA are that as well as the securing of the commuted sum for biodiversity net gain, a financial payment of £250 per dwelling is required to mitigate against the indirect adverse impact on SPA caused by recreational disturbance. A sum of £58,500 is therefore required to be paid towards the established coastal warden scheme in line with the Hartlepool Local

Plan Mitigation Strategy and the applicant has confirmed their agreement to this. This will be secured within the section 106 legal agreement.

5.84 In view of the above and subject to the identified obligations, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

HIGHWAY AND PEDESTRIAN SAFETY

5.85 Following initial concerns raised by HBC Traffic and Transport with regard to the layout and parking provision amended plans were submitted which addressed these concerns.

5.86 A ward councillor raised a concern with regard to the development only providing a single access point from Brenda Road. The application is supported by a Transport Assessment, which has been assessed by the Council's Traffic and Transport section who considered the proposals to be acceptable subject to mitigation measures on Brenda Road being provided. This will include a segregated right hand turn into the site, which will be secured by appropriate condition, and the provision of a Toucan crossing being provided on Brenda Road in the vicinity of Golden Flatts Primary School. Due to viability issues which are detailed above, the developer has agreed to a contribution of £34,902 towards the cost of the Toucan Crossing, this will be secured by a section 106 legal agreement.

5.87 In view of the above and subject to the identified mitigation measures in the form of planning conditions and planning contributions, the proposal is acceptable in respect of highway safety.

5.88 In respect of pedestrian safety and the proposed footpath links, the proposal includes the provision of a pedestrian access which will link into an existing permissive path (Seaton Walkway) adjacent to Seaton Carew station, this path in turn runs south to the Public Footpath No.5 level crossing over the railway. An objection has been received from Network Rail with regard to this access over concerns that the development would increase the use of this footpath. Following this objection, an updated Transport Assessment has been submitted, and at the time of writing further comments are awaited from Network Rail. Members will be updated at the meeting.

5.89 Notwithstanding this, the Council's Countryside and Access Officer has assessed the proposal and raises no objection or concerns. Furthermore, following the objection from Network Rail, the Council's Countryside and Access Officer has commented that there are some potential inaccuracies within their objection. Firstly, Network Rail state that the proposed development includes a link to the public footpath adjacent to Seaton Carew station. In response, the Countryside and Access Officer advises that the public footpath is not a public right of way but a permissive path, namely Seaton Walkway, Permissive Bridleway and has advised that pedestrians, cyclists and occasional equestrians use it.

5.90 The Council's Countryside and Access Officer has advised that it does link to Public Footpath No.5, Seaton Parish, which does cross the railway via a pedestrian level crossing point. The only users of this crossing and this section of the public footpath that crosses the railway are pedestrians. To reach the level crossing the walker has to go down a flight of steps, c/w handrail. Those who rely on mobility scooters, or wheelchairs would not be able to access this level crossing. He has further advised that cyclists have not been known to use this level crossing, as there is a bridge south west of this crossing that provides full access for cyclists and those with mobility issues. He ultimately concludes with no objections or concerns to the proposal subject to the maintenance and management of footpath links being secured (that will be secured by a planning obligation in the s106 legal agreement). Subject to the consideration of any comments (and additional planning conditions) received from Network Rail (and subject to them withdrawing their objection), the proposal would be considered acceptable in this respect. As detailed above, Members will be updated at the meeting on this matter.

FLOOD RISK AND DRAINAGE

5.91 Objections have been received citing that the area suffers from extensive flooding. Objections have also been received raising concerns regarding the ability of the existing drainage systems being able to support the development, and the potential increase in flood risk.

5.92 The site is identified as being within Flood Zone 3. The Flood Risk Assessment (FRA) report for the site indicates that the site currently falls within Flood Zone 3a and that the site has a high probability of flooding from the Stell watercourse which runs directly underneath the site.

5.93 It is proposed to discharge foul flows to the existing combined sewer network to the east and west of the site. Northumbrian Water have been consulted and raise no objection to the proposal but have requested that the foul discharge be condition to the details provided. This is recommended accordingly.

5.94 The Environment Agency has however objected to the proposal as the submitted FRA was considered not to comply with the requirements for site-specific flood risk assessments, as set out in Planning Practise Guidance. Extensive discussions have taken place between the developer and the Environment Agency. These discussions resulted in an updated FRA (Rev C) being produced and a modelling solution and these are currently with the Environment Agency (and Northumbrian Water) for consideration.

5.95 The Council's Flood Risk Officer has been consulted and raises no objection to the proposal (or the submitted updated FRA), subject to a surface water condition being secured, which is applied accordingly. Long term maintenance and management would also be secured by a planning obligation in the s106 legal agreement.

5.96 No comments have been received from Hartlepool Water.

5.97 In view of the above, and subject to the consideration of any comments (and additional planning conditions) received from the Environment Agency (and them withdrawing their objection), the proposal would be considered acceptable in respect of flooding and drainage. As detailed above, Members will be updated at the meeting on this matter.

LAND CONTAMINATION

5.98 The application is accompanied by a Phase 1 Geo-Environmental Site Assessment. The Council's Engineers have been consulted and have not raised any concerns with respect to land contamination however have requested a standard unexpected contaminated land condition to deal with any land contamination on site, and this is recommended accordingly. No comments or objections have been received from the Environment Agency.

5.99 The application is therefore considered to be acceptable in this respect, subject to the identified condition, and in accordance with the relevant policies of the development plan and the relevant paragraphs of the NPPF.

OTHER PLANNING MATTERS

Health and Safety Executive

5.100 The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore the Health and Safety Executive have no comments to make.

Archaeology + Heritage

5.101 Tees Archaeology have been consulted and confirmed that the submitted desk-based archaeological assessment and geophysical survey submitted in support of the application demonstrates that the site is of a low archaeological potential. There is no requirement for any further archaeological work in relation to this development. No objection or concerns were received from the Council's Heritage and Countryside Manager. The proposal is therefore considered to be acceptable in respect to these matters.

Waste Management

5.102 It is considered that the proposed development provides adequate in curtilage bin storage. The Council's Waste Management section has been consulted and have not provided any comments or objections. The application is therefore considered to be acceptable in this respect.

Crime and Fear of Crime

5.103 An objection has been received citing concerns that the proposed development will lead to antisocial behaviour. The Council's Community Safety team has been consulted and no objections or comments have been received.

5.104 Cleveland Police have also been consulted and provided advice on a number of Secured By Design matters to improve safety and security for future occupants. A suitable informative note to this effect is therefore recommended accordingly. They have also raised some concerns with regard to the positioning of some of the footpaths. Whilst these comments are noted, it is considered that the proposed layout has been designed to ensure natural surveillance is provided with an orientation overlooking the proposed footpaths and is broadly acceptable. It is considered that these concerns would not warrant a refusal of the application.

5.105 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, including no objections or comments from HBC Community Safety, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to Local Plan Policy QP5 and would accord with the guidance in the NPPF, in this respect.

RESIDUAL MATTERS

Fire Safety & Access

5.106 Cleveland Fire Brigade has been consulted and has provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note is recommended to make the applicant aware of this advice, however these are principally Building Regulations matters and therefore this will be dealt with through the Building Regulations process accordingly.

Utilities

5.107 Northern Gas Networks has confirmed that they have 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, Northern Gas Networks require the applicant to contact them directly to discuss their requirements in detail. This information has been forwarded to the applicant and an informative note is recommended accordingly.

5.108 No comments or objection have been received by Northern Electric or National Grid.

Other Non-material Objections

5.109 Additional concerns have been raised by a number of objectors that are non-material to this application and therefore cannot be taken into account (i.e they do not relate to planning, they are not material considerations or they are subject to separate legislative control), namely;

- Increase in pollution
- Health and safety concerns during construction
- Alternative sites should be considered (empty properties in other areas)

- Property values
- Loss of views

OVERALL CONCLUSION

5.110 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 obligations set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.111 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.112 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.

5.113 There are no Section 17 implications.

REASON FOR DECISION

5.114 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 comments, additional planning conditions (and the removal of objections) from the Environment Agency and Network Rail and any further comments received from Northumbrian Water in respect of consultations outstanding at the time of writing (Members to be updated at the meeting); the following planning obligations and financial contributions being secured in a section 106 legal agreement consisting of a HRA ecological financial mitigation (£58,500) for indirect adverse impact of SPA feature birds through recreational disturbance, £30,000 towards off-site ecological enhancement in respect of biodiversity net gain, £34,902 towards the provision of a toucan crossing, provision, maintenance and long-term management of on-site open spaces, footpath connections and landscaping (including ecological mitigation/enhancement areas), provision, maintenance and of surface water drainage system (SuDS), 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;

Flood Risk Assessment and Drainage Strategy Rev C (August 2021),
12572044-GHD-XX-XX-T-W-1001-S5-P01-Hydraulic Modelling Report Rev 02
Hydraulic Modelling Report (Keepmoat Homes 1 February 2022),
Received by the Local Planning Authority on the 02/02/2022;

FEASIBILITY QD1728-00-01 Rev D Engineering Layout,
FEASIBILITY QD1728-00-02 Rev D External Levels sheet 1,
FEASIBILITY QD1728-00-03 Rev D External Levels sheet 2,
Received by the Local Planning Authority 25/01/2022;

P1569_20220120_Brenda Road, Seaton Carew– Transport Assessment Rev
3,
Received by the Local Planning authority 20/01/2022;

N1104-ONE-ZZ-XX-DR-L-0201 Rev P09 Detailed Planting Proposals (1 of 3),
N1104-ONE-ZZ-XX-DR-L-0202 Rev P09 Detailed Planting Proposals (2 of 3),
N1104-ONE-ZZ-XX-DR-L-0203 Rev P09 Detailed Planting Proposals (3 of 3),
Received by the Local Planning Authority 16/12/2021;

Biodiversity Net Gain Assessment V3 (20204 BNG V3 December 2021),
Received by the Local Planning Authority 15/12/2021;

DWG NO:1297-KEE SD-10.02 Rev G Materials Plan,
Noise Assessment NT15197 V2 Date Issued December 2021,
Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method
Statement, Tree Protection Plan Ref: ARB/AE/2556 Dated December 2021,
Received by the Local Planning Authority 07/12/2021;

DWG NO:1297-KEE SD-10.01 Rev R Proposed Site Plan,
Received by the Local Planning Authority 06/12/2021

DWG NO: 201 18CORE 9070 Rev 1 Detached Double Garage (6x3)
Received by the Local Planning Authority 30/11/2021;

Ecological Impact Assessment 20204 V4,
DWG NO: N1104-ONE-ZZ-XX-DR-L-0101 Rev P04 Overall Site Layout,
Received by the Local Planning Authority 26/11/2021;

DWG NO:1297-KEE SD-00.02 Site Plan as Existing,
DWG NO:1297-KEE SD-00.01 Rev B Site Location Plan,
DWG NO:1297-KEE SD-10.02 Rev F Materials Plan,
Received by the Local Planning Authority 11/11/2021;

Keepmoat Homes Construction Environmental Management Plan Doc Ref:
HSS-PL-001-CEMP Rev 1 (Document Dated 11/06/2020),
Received by the Local Planning Authority 04/11/2021;

DWG NO: SD/5001 Knee Rail 600-900mm,
DWG NO: SD/5002 Railings – Hoop Top 900-1200mm,
DWG NO: SD/5008 Post and Rail Fence 900mm,

DWG NO: SD/5009 Post and Rail Fence 1200mm,
 DWG NO: SD/5013 1.8 Fence, 1.8m Timber Lap Fence,
 DWG NO: DF/5019 2.0m Fence Acoustic Fence,
 DWG NO: SD/5100 1.8m Fence/Wall Brick Pier with Timber Panel,
 18CORE 1200 Rev 4 201 The Bamburgh Working Drawing Pack,
 18CORE 1110 Rev 4 201 The Caddington Working Drawing Pack,
 18CORE 5030 Rev 3 201 The Carlton Working Drawing Pack,
 18CORE 1410 Rev 4 201 The Claremont Working Drawing Pack,
 18CORE 5010 Rev 5 201 The Elton Working Drawing Pack,
 18CORE 1260 Rev 4 201 The Hardwick Working Drawing Pack,
 18CORE 1420 Rev 4 201 The Juniper Working Drawing Pack,
 18CORE 5360 Rev 4 201 The Kelham Working Drawing Pack,
 18CORE 1070 Rev 4 201 The Kendal Working Drawing Pack,
 18CORE 5074 Rev 1 201 The Kenton Working Drawing Pack,
 18CORE 2010 Rev 3 201 The Lawton Working Drawing Pack,
 18CORE 1040 Rev 4 201 The Leven Working Drawing Pack,
 18CORE 2030 Rev 4 201 The Marlow Working Drawing Pack,
 18CORE 5170 Rev 5 201 The Preston Working Drawing Pack,
 18CORE 1140 Rev 3 201 The Windsor Working Drawing Pack,
 18CORE 9060 Rev 1 201 Single Attached Garage (6x3),
 18CORE 9050 Rev 1 201 Single Attached Garage (6x3),
 DWG NO: QD1728-00-2192 Ghost Island Central Treatment,
 Archaeological Desk-Based Assessment Report 5594 Dated July 2021
 Received by the Local Planning Authority 28/10/2021
 For the avoidance of doubt.

3. Notwithstanding the submitted information and 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 (within and outwith the site) and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information and the requirements of condition 5, no development (excluding any demolition) 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, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. 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 the 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.

5. Notwithstanding the requirements of condition no.4, development shall be implemented in line with the drainage scheme contained within the submitted documents entitled “Flood Risk Assessment and Drainage Strategy Rev C” (date received by the Local Planning Authority 02/02/2022). The drainage scheme shall ensure that foul flows discharge to the combined sewers at manhole 5401, 5301 and downstream of manhole 1301 and ensure that surface water discharges to the existing watercourse.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. No development (excluding 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;
 - g. a detailed unexploded ordnance (UXO) study to confirm the UXO hazard on site;
 - (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.

7. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the provision of 23no. house sparrow nest features and 23no. bat boxes to be installed integral 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 sparrow and bat features have been installed. The sparrow nest features and bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.
To provide ecological mitigation and enhancement in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.
8. Prior to the occupation of the dwellings hereby approved, the 2m high acoustic fencing as shown on Dwg No: 1297-KEE SD-10.02 Rev F Materials Plan (date received 11/11/2021 by the Local Planning Authority) and Dwg No: DF/5019 2m Acoustic Fence Plan (date received 28/10/2021 by the Local Planning Authority) and as detailed within the submitted Noise Assessment NT 15197 V2 date issued December 2021 (date received by the Local Planning Authority 07/12/2021) shall be implemented in accordance with the agreed details (including the requirement to be designed to have a minimum mass of 15kg/m²). The acoustic fencing shall be stained a dark oak colour unless an alternative similar colour is agreed in writing with the Local Planning Authority. The agreed scheme shall remain in place for the lifetime of the development.
In the interests of visual amenity and the amenity of future occupiers.
9. 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.
10. 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 including the created habitats, 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; N1104-ONE-ZZ-XX-DR-L-0201 Rev P09 Detailed Planting Proposals (1 of 3), N1104-ONE-

ZZ-XX-DR-L-0202 Rev P09 Detailed Planting Proposal (2 of 3), N1104-ONE-ZZ-XX-DR-L-0203 Rev P09 Detailed Planting Proposals (3 of 3), all date received 16th December 2021 by the Local Planning Authority, and the Biodiversity Net Gain Assessment V3 (20204 BNG V3 December 2021), date received 15th December 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 biodiversity enhancement, visual amenity and to compensate for those trees lost to the development.

11. Notwithstanding the submitted information, prior to the commencement of development hereby approved (excluding any demolition), a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO₂ emissions (measured by the Dwellings Emission Rate (DER)) across the whole of the site will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. The agreed final scheme shall be implemented thereafter. In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
12. No dwellinghouse hereby approved shall be occupied until the existing 30mph speed limit on Brenda Road, in accordance with a scheme first submitted to and agreed in writing by the Local Planning Authority, has been extended along Brenda Road to cover the extent of the site access. To enable the Local Planning Authority to control details and in the interests of highway safety.
13. No dwellinghouse hereby approved shall be occupied until the completion a segregated right turn lane (ghost island) from Brenda Road into the site detailed in drawing QD1728-00-2192 (date received by the Local Planning Authority 28/10/2021). To enable the Local Planning Authority to control details and in the interests of highway safety.
14. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been completed. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

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

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

16. Prior to the commencement of development (excluding demolition) hereby approved, details of any proposed surface water lifting station or pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The station(s) shall thereafter be carried out in accordance with the details so approved.

In the interests of visual amenity.

17. The development hereby approved shall be carried out in accordance with the submitted Noise Assessment NT15197 V2 Date Issued December 2021 and associated Drawing No(s) NT15197-008 (daytime) and NT15197-009 (night-time) (all date received by the Local Planning Authority 07/12/2021) and which detail the required mitigation measures to be applied to the identified dwellings hereby approved (including the application of glazing, trickle vents, mechanical ventilation and mechanical cooling). Prior to the occupation of the identified dwellings (where such mitigation measures are required) hereby approved, a verification report to confirm that the requisite measures have been implemented shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the measures shall be retained for the lifetime of the development hereby approved.

For the avoidance of doubt and in the interests of the amenity of future occupiers.

18. The boundary enclosures hereby approved shall be installed in accordance with the following plans and details; DWG NO: SD/5001 Knee Rail 600-900mm, DWG NO: SD/5002 Railings – Hoop Top 900-1200mm, DWG NO: SD/5008 Post and Rail Fence 900mm, DWG NO: SD/5009 Post and Rail Fence 1200mm, DWG NO: SD/5013 1.8m Fence, 1.8m Timber Lap Fence, DWG NO: DF/5019 2.0m Fence Acoustic Fence and DWG NO: SD/5100 1.8m Fence/Wall Brick Pier with Timber Panel received by the Local Planning Authority on 28th October 2021, 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.

19. The construction of the development hereby approved shall be solely carried out in accordance with the agreed 'Keepmoat Homes Construction

Environmental Management Plan' (doc reference HSS-PL-001-CEMP), date received 04/11/2021 by the Local Planning Authority.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

20. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (Reference ARB/AE/2556, document dated December 2021), date received 7th December 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, hedges and other planting that are worthy of protection and in the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

21. 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) including garages 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.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), other than the approved boundary enclosures shown on plan Dwg No: 1297-KEE SD-10.02 Rev F Materials Plan (date received 11/11/2021 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.

23. 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.

24. 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.

25. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

In the interests of the ecology of the area.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=149664>

5.116 Copies of the applications are available on-line:

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

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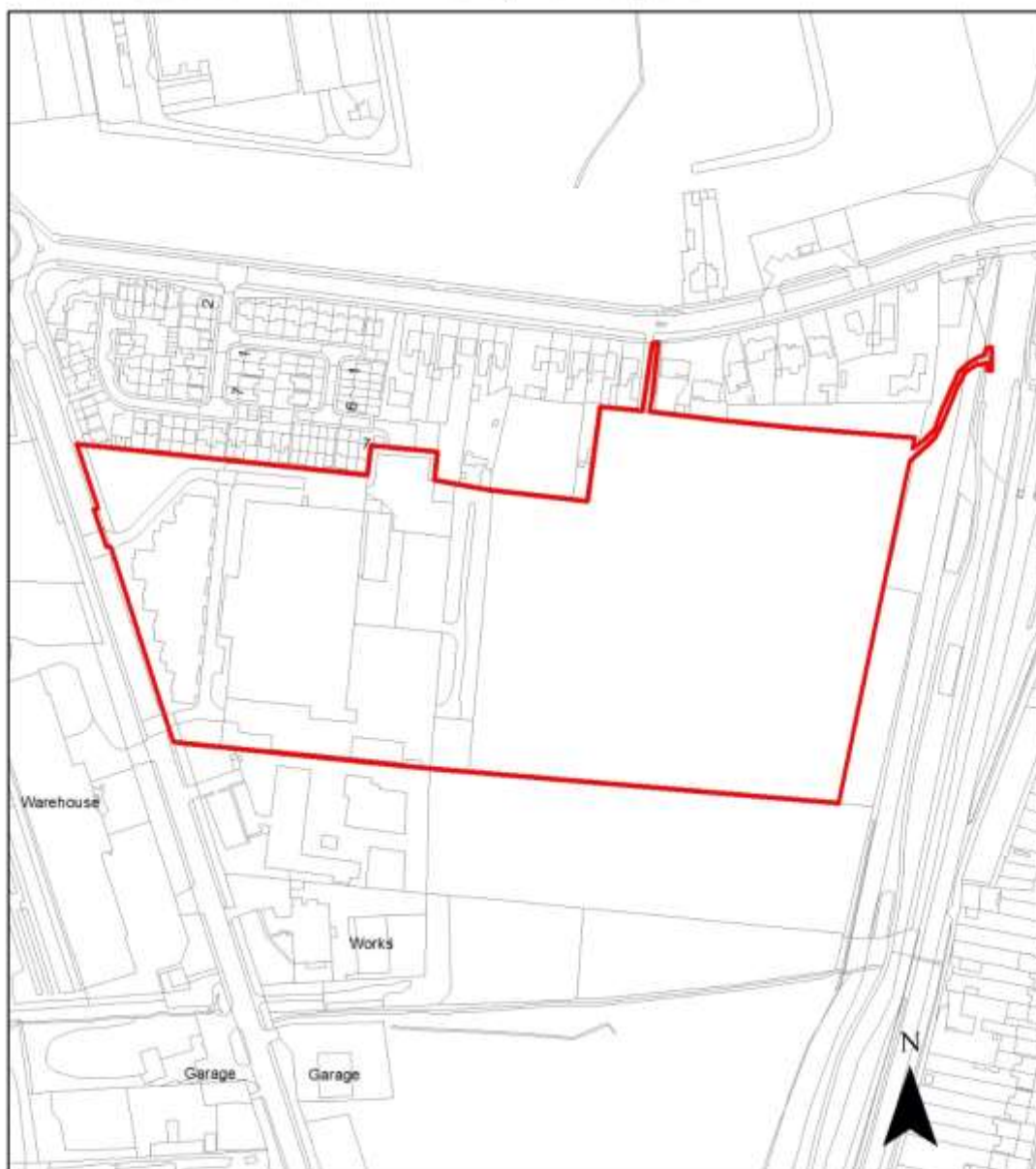
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Land east of Brenda Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 1.2.2022
	SCALE 1:3,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0498	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

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

MINERALS & WASTE DPD 2011

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

16 February 2022



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 covered pergola with heaters and festoon lights within the beer garden at a licensed premises in Stockton Road.
2. Non-compliance with an archaeological condition at a householder development site on Hart Lane.
3. The erection of high fencing and a gate at the front of a residential property in West View Road.
4. Non-compliance with a landscaping condition at a residential development at Musgrave Garden Lane.
5. Non-compliance with the approved plans (relates to the location of dwellings) at a residential development on Hartville Road.
6. The change of use to a waste transfer station at a commercial premises on Bertha Street.
7. The removal of a front boundary wall at a residential property in Wilton Avenue.
8. Running a car valet business at a residential property in Burn Valley Road.
9. Change of use to a hot food takeaway and café at a commercial premises on Owton Manor Lane.
10. The erection of a sign at the entrance to an industrial premises on Brenda Road.

11. The display of advanced advertising signs approaching the entrance to a retail park on land off Brenda Road.
12. The erection of a high timber fence at the front of a residential property in Marine Drive.

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

1. Non-compliance with conditions at a holiday cottages site on Dalton Piercy Road. The outstanding conditions have now been discharged.
2. Non-compliance with conditions and the terms of a legal agreement at a former residential care home in Hutton Avenue. A retrospective minor material amendment application seeking to regularise the development has since been approved.
3. The change of use from offices to shops at a former office building on Victoria Road. Offices and shops are now within the same use class, and therefore the change of use does not constitute development.
4. Non-compliance with a condition relating to the provision of hard standing at a householder development in Totnes Close. The outstanding condition has now been discharged.
5. Non-compliance with a condition requiring the installation of obscure glazing at a residential development site on Worset Lane. The obscure glazing has now been installed.
6. Non-compliance with the approved construction management plan at a residential development site at land off Hanzard Drive, Wynyard. The site is now operating in accordance with the approved construction management plan.
7. An overgrown hedge on the side boundary at the front of a residential property on Coatham Drive. The complaint was re-directed to the Council's highways section.
8. The waterlogging of residential gardens adjacent to a residential development site at land at Hill View, Greatham. There is no breach of planning control in this case.
9. The erection of a single storey extension at the rear of a residential property in Primrose Road. A retrospective planning application seeking to regularise the development has since been approved.

10. The change of use to a hotel of a residential property in Rugby Street. The use of the property has not been changed to that of a hotel. There is no breach of planning control in this instance.
11. The use of a residential property in Lime Crescent as a site office. The use of the property as a site office has now ceased.
12. Running a wood items manufacturing business at a residential property in Sharp Crescent. It was found that the activity is hobby based and domestic in scale, and does not lead to a material change of use requiring planning permission.
13. The felling of a tree at a residential development site at land off Elwick Road. The removal of the tree formed part of the approved arboricultural impact assessment for the site. There is no breach of planning control in this instance.
14. Running a hot and cold food takeaway at a residential property in Drayton Road. It was found that the activity is domestic and low-level in scale, and does not lead to a material change of use requiring planning permission.
15. Non-compliance with conditions relating to finishing materials, bat boxes, landscaping, and window opening restriction at a residential development on Elwick Road. The outstanding conditions have since been discharged.
16. The erection of an extension at the side of a residential property in Snowdrop Road. Permitted development rights apply in this case.
17. The removal of render from the front of a commercial premises in Church Street. There is no breach of planning control in this instance.
18. The demolition of a conservatory and erection of an extension at the rear of a residential property in Fieldfare Road. Permitted development rights apply in this case.
19. The change of use from light industrial to children's play at a commercial premises on Usworth Road. Light industrial uses and children's play/recreational uses are now within the same use class, therefore the change does not constitute development.
20. Alterations to windows at a residential property in St. Bega's Glade. Permitted development rights apply in this case.
21. Running a hot food takeaway at a residential property in Wynnstay Gardens. It was found that the activity is domestic and low-level in scale, and did not lead to a material change of use requiring planning permission. Nonetheless, it is understood that the activity at the property has now ceased.

22. The installation of a chimney/flue at the rear of a residential property in Stockton Road. Permitted development rights apply in this case.
23. The installation of a timber gate at the side of a residential property in Bolton Grove. Permitted development rights apply in this case.
24. Non-compliance with construction management plans (relates to mud transfer to roads) at various development sites in the area of Buttercup Avenue. It was found that the roads around Buttercup Avenue are in an acceptable condition due to effective measures to address mud transfer being in place.

2. RECOMMENDATION

- 2.1 That Members note this report.

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PLANNING COMMITTEE

16th February 2022



Report of: Assistant Director - Place Management

Subject: APPEAL AT 58 GRANGE ROAD, HARTLEPOOL
TS26 8JF
APPEAL REF: APP/H0724/C/21/3281453
Part retrospective application for painting of front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and proposed replacement of timber ground floor bay window with uPVC bay window. (H/2020/0379)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an enforcement notice being served following the refusal of planning permission for the part retrospective application for painting of front façade and replacement of 4no. windows in the front elevation with uPVC windows, proposed erection of 1.6m high boundary treatment to front/side boundaries, proposed erection of replacement rear boundary fencing (at the same height as existing), proposed installation of security cameras to both front and rear elevations, and proposed replacement of timber ground floor bay window with uPVC bay window at 58 Grange Road.
- 1.2 The appeal was dismissed, planning permission refused and the enforcement notice upheld. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/H0724/C/21/3281453

58 Grange Road, Hartlepool TS26 8JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Tariq Zia against an enforcement notice issued by Hartlepool Borough Council.
 - The enforcement notice was issued on 19 July 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the painting of the front elevation of the property.
 - The requirements of the notice are (i) Remove the paint from the front elevation of the property. (ii) Remove any debris associated with step (i).
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed, the deemed planning permission is refused, and the enforcement notice is upheld.

Ground (a) and the deemed planning application

Main issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Grange Conservation Area.

Reasons

3. The Grange Conservation Area (CA) is a predominantly residential area located to the west of the town centre. Much of the area is characterised by larger Victorian properties in generous gardens, giving the area a spacious feel. Although the houses are not uniform in design, the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous appearance. A small row of commercial properties on Victoria Road links this residential area to the main town centre.
4. Immediately to the west of Victoria Road is Grange Road, a main thoroughfare into the town. In contrast to the more spacious plots to the south, Grange Road is characterised by tightly developed terraces of townhouses. On my visit, I saw that the road comprises a number of different styles of housing. The appeal site, No 58, is one of a row of very similar two storey townhouses with attic floors, built of pale brick with slate roofs. Their frontages are

characterised by prominent ground floor bay windows adjacent to arched front doorways. Other features include traditional window openings at first floor level, and half dormers at eaves level. Where they are not painted over, the decorative brickwork of the door surrounds and the cornicing are particularly striking.

5. The general uniformity of the facades creates a strong visual rhythm along this side of the street. Despite alterations, No 58 remains typical of the overall form and appearance of the neighbouring dwellings. It makes a positive contribution to the terrace and wider street scene, and in turn to the overall significance of the CA.
6. The brick frontage of the building has been painted grey, and the other details have been painted in a contrasting white. In his heritage statement, the appellant explains that the mortar of the brickwork was starting to crumble, letting water into the fabric. I note that, in his appeal statement, reference is also made to the need for a render system or some sort of waterproofing of the external face of the house. However, he decided to paint the elevation as a protective measure, on the advice of a builder.
7. The distinctive colouring of the grey paint work applied to the front elevation is at odds with the mellow buff brickwork that characterises the row. It serves to individualise the appeal site to the extent that it harms the generally uniform character of the terrace. Furthermore, the painting over the decorative detailing of the eaves and door surround in white detracts markedly from the original design intent, and further erodes the contribution of No 58 to the significance of the CA.
8. On my visit, I saw a small number of examples where brick fronts had been painted and/or pebble dashed, but these were the exception. From my observations, I therefore conclude that unpainted brickwork remains the predominant material in the locality. In support of his case, the appellant also refers to other instances of painted houses. However, this has not led me to a different conclusion on the merits of this particular appeal.
9. Taking these factors in combination, I conclude that the development unacceptably harms the character and appearance of the appeal site, and in turn, the significance of the wider CA. Accordingly, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight. In addition, the scheme fails to comply with Policy HE1 of the Hartlepool Local Plan, which seeks to preserve, protect and positively enhance all heritage assets.
10. Although serious, the harm in this case is less than substantial, within the meaning of the term in paragraph 199 of the National Planning Policy Framework (NPPF). Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
11. Whilst water ingress to the property is clearly of concern, I have little doubt that this matter could have been addressed in a less visually intrusive manner, for example, by repointing the areas of failed mortar. If the painting has

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brought any benefits in terms of the upkeep of the fabric, these are private benefits, and therefore do not count in favour of the scheme.

12. The appellant says he was told by the Council that planning permission was not needed for any works to the front of the property, and on that basis, he went ahead with the work. Even if it is the case that the wrong advice was given, this circumstance does not justify the harm to the appeal building and the CA that I have identified.
13. In summation, I find that insufficient public benefits have been identified that would outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. The appeal on ground (a) therefore fails.

Conclusion

15. For the reasons above, the appeal is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR

PLANNING COMMITTEE

16th February 2022



Report of: Assistant Director Place Management

Subject: APPEAL AT 33B THE CLIFF, HARTLEPOOL
APPEAL REF: APP/H0724/W/21/3277432
REPLACE EXISTING NATURAL SLATE ROOF
WITH ETERNIT SLATE ROOF (H/2021/0015)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for replacement of existing natural slate roof with eternit slate roof at 33B The Cliff, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appeal Decision

Site visit made on 3 December 2021

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 13/12/2021

Appeal Ref: APP/H0724/W/21/3277432

33b The Cliff, Hartlepool TS25 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Elisha Robson against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0015, dated 11 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is described by the appellant as '1. Strip off full roof to main house and back extension; 2. Remove all rubbish; 3. Felt and Latt full roof with breathable membrane; 4. Fit binding gutters to both side of roof; 5. Slate full roof with eternitis slate; 6. Fit dry ridge tiles to full roof and extension at back; 7. Clean and seal gutters'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the significance of the locally listed building and the character and appearance of the Seaton Carew Conservation Area.

Reasons

3. The appeal site lies within Seaton Carew Conservation Area (CA). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The appeal site is a three storey residential property, in use as apartments. It lies in the centre of a residential terrace of similar buildings. The terrace is situated in a prominent location on the back edge of the footpath and facing the sea front. The 2009 Seaton Carew Conservation Area Visual Assessment (CAVA) considers the CA in two distinct parts, divided by Station Lane, which forms the end of the terrace in which the appeal site is located.
5. The part of the CA in which the appeal site lies is primarily residential with a range of attractive two and three storey Victorian and Edwardian buildings faced in brick or pale coloured render. The vast majority of buildings in this part of the CA have slate roofs. This use of materials forms an important part of its significance.

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6. The southern end of the Conservation Area contains a preponderance of commercial uses including amusement centres, shops and a range of food and drink uses. Inappropriate repairs, alterations and advertisements are specifically noted in the CAVA as reducing the quality of the CA. The CA is identified as being at risk by Historic England, although I acknowledge that the concerns primarily apply to the area south of Station Lane.
7. The terrace is formally identified by the Council as being locally listed¹. The design of the terrace differs from many of the other properties north of Station Lane and around The Green. It is more decorative, being part brick and part rendered with timber panelling details and gabled slate roofs. The host property has been altered in the past, including replacement windows and painting of the timber panelling. The existing slate roof is visible from a number of viewpoints due to long-range views along the seafront, and is made more prominent by the projecting roof gables.
8. The tiles with which the appellant proposes to utilise in re-roofing the building differ from the existing natural slates in a number of ways. They comprise a modern alternative which is manufactured from fibre cement and coated to achieve a slate colour. The finish is smoother, shinier and more uniform than natural slate, and the size of the individual tiles larger. The existing natural slates form an important part of the significance of the appeal building as a non-designated heritage asset. Alone, I find the scale of harm arising from the replacement roof tiles would be moderate. However when viewed in the context of the entire terrace, its wider effects would be more pronounced.
9. The majority of the dwellings within the terrace retain their natural slates, including those immediately adjoining the host property. As no.33 is situated central within the terrace, the proposed tiles would disrupt the remaining roofscape of the terrace and appear discordant in the street scene. Consequently, this would result in harm to the significance and to the character and appearance of the Conservation Area as a whole.
10. 2 Station Lane at the end of the terrace has been re-roofed in similar modern tiles. I noted on site that whilst it is in a prominent location, the character of the area changes markedly at Station Lane, and the Conservation Area boundary ends immediately behind it. I also noted a number of other properties in the Conservation Area where similar roof alterations have been made. Whilst many of the alterations would have been carried out under permitted development rights, such actions do not justify unsympathetic additions where there is control.
11. There would be harm to the significance of the designated heritage asset, and I find this to be less than substantial. This is as a consequence of the long range views of the roofscape of the terrace which are available and the disruption to the continuity of use of traditional materials which would occur. In concluding this I give great weight to the at risk status of the Conservation Area, notwithstanding that this primarily applies to the area south of Station Lane.
12. In accordance with paragraph 202 of the National Planning Policy Framework (the Framework), the harm should be weighed against the public benefits of the proposal. I do not doubt that the roof is in need of repair work, and to do so would prevent further water ingress and associated damage to the top floor

¹ Seaton Carew Locally Listed Buildings: 31-34 The Cliff and 2 Station Lane

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apartment. Repairs would also prevent any slipped slates from endangering the public on the footpath below. These are public benefits to which I give moderate weight.

13. However, there is a lack of evidence before me to suggest that the required repairs cannot be carried out by re-using and, where necessary, supplementing the existing natural slates. It has not been demonstrated that natural slates are the least durable option in the local climate, indeed I find that the material is successfully used on numerous other seafront properties.
14. In conclusion, the less than substantial harm to the significance of both the non-designated and designated heritage assets that I have identified is not outweighed by the public benefits of the proposed development. The proposed development is contrary to Policies HE1 and HE3 of the Hartlepool Local Plan (2018) which seek to preserve and/or enhance the special character, distinctiveness and setting of heritage assets. In turn, it also conflicts with national policy on heritage matters set out in section 15 of the Framework.

Conclusion

15. For the reasons set out above, the appeal is dismissed.

Susan Hunt

Inspector

PLANNING COMMITTEE

16th February 2022



Report of: Assistant Director - Place Management

Subject: APPEAL AT 2 CHAUCER AVENUE, HARTLEPOOL
TS25 5PY
APPEAL REF: APP/H0724/D/21/3287391
Erection of a two storey side extension, single storey rear extension, 1m high retaining wall to rear and roll along gate and new vehicle access to side.
(H/2021/0267)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the refusal of planning permission for the erection of a two storey side extension, single storey rear extension, 1m high retaining wall to rear and roll along gate and new vehicle access to side at 2 Chaucer Avenue.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. **(Appendix 1)**

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

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Appendix 1.



The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/H0724/D/21/3287391

2 Chaucer Avenue, Hartlepool TS25 5PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Phillip Batty against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0267, dated 31 May 2021, was refused by notice dated 16 September 2021.
 - The development proposed is 2 storey side extension, single storey rear extension, 2m boundary wall and fence to part of the side and rear with new opening to low existing wall and new drive pavement crossing and dropped kerb.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the Council decision notice. The original description adequately describes the proposals and I have considered the appeal on this basis. I acknowledge that the scheme has been amended and now proposes the retention of the existing boundary wall.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The proposal relates to a modest yet well-proportioned two storey semi-detached dwelling, which along with the neighbouring property immediately to the south incorporates a hipped roof.
 5. The property sits on a well sized plot and substantial space is available within the site to the north elevation of the dwelling. It sits in a prominent position, set back behind the wide grass verge of Chaucer Avenue.
 6. The provision of a driveway access from Browning Avenue to the north by way of a wide driveway across the verge would result in the loss of some of the verge. However, this would not be to the significant detriment of the area given that large, grassed areas would remain both within that verge and fronting Chaucer Close, protecting the character of the area in this particular respect.
 7. Given the space that is available to the northern side elevation, the significant width of the two-storey side extension, which would not be as wide as the host
-

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dwelling, could be accommodated. The same would be the case for the single storey rear extension.

8. Both hip and gable roofs are common features on residential properties within the immediate area. However, the inclusion of both roof types on one property is not common. The proposed design, however, seeks to do so and as a result, the resultant roof would take on a rather bulky, uncomfortable, and unbalanced appearance considering that the property as existing and that adjoining incorporate hipped roofs.
9. Further, owing to the proposed inclusion of a garage within the front part of the side extension with vehicular access from Browning Avenue, only a high level, obscure glazed window is included to the front elevation of the extension at ground floor level. In contrast to the well balanced and well-proportioned openings on the existing front elevation this would leave the front elevation of the property with a rather awkward and un-resolved appearance.
10. I accept that the proposals have undergone revisions and that matching materials are proposed. However, also taking account of the somewhat awkward step-in to the frontage of the ground floor on the corner of the garage, the design of the two-storey extension is uncomfortable and unresolved.
11. The extension would therefore be unsympathetic to the host dwelling and would have an adverse impact on the character and appearance of the area given its degree of visibility from Chaucer Avenue and Browning Avenue.
12. The proposal would subsequently conflict with Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) which amongst other things require extensions and alterations to existing dwellings to be of a high design quality and to be sympathetic to the existing dwelling while not adversely affecting the character of the area.

Other Matters

13. I accept that there are some large extensions in the area including that at No.7 Browning Avenue. However, no extension has been brought to my attention that would have the same design and I therefore afford limited weight to their presence in terms of justification for this proposal.
14. The scheme would provide enlarged family accommodation at the site, however there is nothing to indicate that this could not also be achieved through an alternative design. I also therefore afford this matter limited weight.
15. The evidence indicates that the proposal would not harm the living conditions of nearby occupiers, but this is a pre-requisite of such development and this is therefore a neutral matter.

Conclusion

16. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

TJ Burnham

INSPECTOR

characterised by prominent ground floor bay windows adjacent to arched front doorways. Other features include traditional window openings at first floor level, and half dormers at eaves level. Where they are not painted over, the decorative brickwork of the door surrounds and the cornicing are particularly striking.

5. The general uniformity of the facades creates a strong visual rhythm along this side of the street. Despite alterations, No 58 remains typical of the overall form and appearance of the neighbouring dwellings. It makes a positive contribution to the terrace and wider street scene, and in turn to the overall significance of the CA.
6. The brick frontage of the building has been painted grey, and the other details have been painted in a contrasting white. In his heritage statement, the appellant explains that the mortar of the brickwork was starting to crumble, letting water into the fabric. I note that, in his appeal statement, reference is also made to the need for a render system or some sort of waterproofing of the external face of the house. However, he decided to paint the elevation as a protective measure, on the advice of a builder.
7. The distinctive colouring of the grey paint work applied to the front elevation is at odds with the mellow buff brickwork that characterises the row. It serves to individualise the appeal site to the extent that it harms the generally uniform character of the terrace. Furthermore, the painting over the decorative detailing of the eaves and door surround in white detracts markedly from the original design intent, and further erodes the contribution of No 58 to the significance of the CA.
8. On my visit, I saw a small number of examples where brick fronts had been painted and/or pebble dashed, but these were the exception. From my observations, I therefore conclude that unpainted brickwork remains the predominant material in the locality. In support of his case, the appellant also refers to other instances of painted houses. However, this has not led me to a different conclusion on the merits of this particular appeal.
9. Taking these factors in combination, I conclude that the development unacceptably harms the character and appearance of the appeal site, and in turn, the significance of the wider CA. Accordingly, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight. In addition, the scheme fails to comply with Policy HE1 of the Hartlepool Local Plan, which seeks to preserve, protect and positively enhance all heritage assets.
10. Although serious, the harm in this case is less than substantial, within the meaning of the term in paragraph 199 of the National Planning Policy Framework (NPPF). Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
11. Whilst water ingress to the property is clearly of concern, I have little doubt that this matter could have been addressed in a less visually intrusive manner, for example, by repointing the areas of failed mortar. If the painting has

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brought any benefits in terms of the upkeep of the fabric, these are private benefits, and therefore do not count in favour of the scheme.

12. The appellant says he was told by the Council that planning permission was not needed for any works to the front of the property, and on that basis, he went ahead with the work. Even if it is the case that the wrong advice was given, this circumstance does not justify the harm to the appeal building and the CA that I have identified.
13. In summation, I find that insufficient public benefits have been identified that would outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. The appeal on ground (a) therefore fails.

Conclusion

15. For the reasons above, the appeal is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR

PLANNING COMMITTEE

16 February 2022



Report of: Assistant Director – Place Management

Subject: ENFORCEMENT NOTICE APPEAL AT 170 PARK ROAD, HARTLEPOOL,
APPEAL REF: APP/H0724/C/21/3288190
Erection of outbuildings and high fencing at the rear and installation of hard surfacing and roller shutter garage door at the front.

1. PURPOSE OF REPORT

- 1.1 To advise members of an enforcement notice appeal that has been submitted against the Council's decision to issue an Enforcement Notice in respect of the unauthorised development comprising the erection of outbuildings and high fencing at the rear and the installation of hard surfacing and roller shutter garage door at the front of 170 Park Road. An Enforcement Notice in respect of the unauthorised development was authorised by Members at the committee meeting date of 14/07/2021.
- 1.2 It was considered that the developments result in less than substantial harm to the significance of the conservation area and that there is no information available to suggest that this harm is outweighed by the public benefits of the work. Furthermore, the developments are considered to be contrary to policies HE1 and HE3 of the Hartlepool Local Plan and paragraphs 185, 197 and 200 of the National Planning Policy Framework (NPPF).
- 1.3 An Enforcement Notice was issued to the occupant, with the following requirements:
- (i) Remove the roller shutter garage door in its entirety and restore the garage door to its condition before the breach took place.
 - (ii) Remove the resin bound surfacing in the front garden and restore the surface to its condition before the breach took place.
 - (iii) Reduce the height of the timber fencing on the rear boundaries so that it does not exceed 2m in height.
 - (iv) Remove the outbuilding at the rear in its entirety and restore the land to its condition before the breach took place, or reduce the height of the outbuilding in the rear garden so that it does not exceed 2.5m in height.

- 1.4 A period of 3 months from the date that the notice takes effect was given for compliance with the steps specified.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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PLANNING COMMITTEE

16 February 2022



Report of: Assistant Director – Place Management

Subject: ENFORCEMENT NOTICE APPEAL AT 115 BRIERTON LANE, HARTLEPOOL, APPEAL REF: APP/H0724/C/21/3287891 (& linked case APP/H0724/C/21/3287892)
Running a plant and machinery sales business at a residential property.

1. PURPOSE OF REPORT

- 1.1 To advise members of an enforcement notice appeal that has been submitted against the Council decision to issue an Enforcement Notice in respect of the unauthorised development comprising the operation of running a plant and machinery sales business at a residential property at 115 Brierton Lane. An Enforcement Notice in respect of the unauthorised development was authorised by Members at the committee meeting date of 23/06/2021.
- 1.2 It was considered that a breach of planning control whereby an unauthorised change of use to a mixed use residential property with plant and machinery hire and sales has occurred. Furthermore, the developments are considered to be contrary to policies QP3, RC20 and RC21 of the Hartlepool Local Plan and paragraphs 47, 119 & 185 of the National Planning Policy Framework (NPPF).
- 1.3 An Enforcement Notice was issued to the occupant, with the following requirements:
 - (i) Remove all commercial vehicles, plant and machinery from the property.
 - (ii) Cease the use of the property for plant and machinery hire and sales.
- 1.4 A period of 1 month from the date that the notice takes effect was given for compliance with the steps specified.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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