

# PLANNING COMMITTEE

## AGENDA



**Wednesday 22<sup>nd</sup> June 2022**

**at 10.00am**

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

Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 21<sup>st</sup> June and name and address details will be taken.

You should not attend the meeting if you 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, Feeney, Harrison, Little, Loynes, Moore, Morley, V Nicholson, Reeve 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 16<sup>th</sup> March 2022
- 3.2 To confirm the minutes of the meeting held on 6<sup>th</sup> April 2022

#### 4. ITEMS REQUIRING DECISION

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

- 1. H/2022/009 Old Yacht Club (page 1-30)
- 2. H/2222/0080 Waverley Allotments (page 31-44)
- 3. H/2022/0060 Neptune House (page 45-59)
- 4. H/2022/0062 12 Goldfinch Road (page 60-70)
- 5. H/2022/0061 73 The Front (page 71-82)
- 6. H/2021/0509 73 The Front (page 83-92)

### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

**5. ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints (*Assistant Director, Place Management*)
- 5.2 Appeal at Three Oaks, Brierton Lane, Hartlepool, TS22 5PP  
Appeal Ref: App/H0724/W/21/3286775 (*Assistant Director, Place Management*)
- 5.3 Enforcement Notice Appeal at 170 Park Road, Hartlepool,  
Appeal Ref: APP/H0724/C/21/3288190 (*Assistant Director, Place Management*)
- 5.4 Householder Planning Appeal At 2 Mill Court, Greatham, Hartlepool, Appeal  
Ref: App/H0724/D/22/3298987

**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*
- 8.5 Enforcement Notice (*paras 5 and 6*) – *Assistant Director, Place Management*
- 8.6 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 13<sup>th</sup> July



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **16<sup>th</sup> March 2022**

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.

In accordance with Council Procedure Rule 4.2 Councillor Shane Moore was in attendance as substitute for Councillor Tim Fleming and Councillor Veronica Nicholson was in attendance as substitute for Councillor Denis Loynes.

Officers: Tony Hanson, Director of Neighbourhood and Regulatory Services  
Kieran Bostock, Assistant Director (Place Management)  
Sylvia Pinkney, Assistant Director (Regulatory Services)  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Jim Ferguson, Planning and Development Manager  
Aidan Dobinson Booth, Principal Planning Officer  
Stephanie Bell, Senior Planning Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Robin Daniels, Housing Advice Officer  
Stuart Edwards, Flood Risk Officer  
Chris Scaife, Countryside Access Officer  
Alex Strickland, Legal Advisor  
Jo Stubbs, Democratic Services Officer

#### **86. Apologies for Absence**

Apologies were submitted by Councillors Tim Fleming and Denis Loynes.

#### **87. Declarations of interest by members**

None

#### **88. Confirmation of the minutes of the meeting held on 16<sup>th</sup> February 2022**

Minutes approved.

**89. Planning Applications** *(Assistant Director (Place Management))*

<b>Number:</b>	H/2020/0307
<b>Applicant:</b>	ROBERTSON HOMES LTD BALTIC PLACE SOUTH SHORE ROAD GATESHEAD
<b>Agent:</b>	ROBERTSON HOMES LTD MR STEVEN BURN LEVEL 6 BALTIC PLACE SOUTH SHORE ROAD GATESHEAD
<b>Date received:</b>	27/08/2020
<b>Development:</b>	Topsoiling works to existing land
<b>Location:</b>	DEER RUN LAND OFF COPPICE LANE WYNYARD

This retrospective application had previously been deferred by the Committee in February 2021 to allow for further investigation by Planning Officers. This led to an investigation by the Environment Agency who determined that the previous work would be acceptable provided a number of conditions were adhered to. The applicant had subsequently resubmitted their application taking into account these conditions.

A member asked how they could be certain that the required conditions would be adhered to. The Principal Planning Officer advised that physical checks would be regularly carried out and should the works not be carried out as required enforcement action could be taken such as a breach of condition notice.

The Applicant was in attendance and assured members that the conditions would be adhered to. He noted an objection around the waterlogging of the garden and confirmed that a drainage ditch would be installed to alleviate this. He noted that he had a vested interest in these works being completed correctly as they would help improve the area for new and existing residents. Members asked that provision of a drainage ditch be include as an additional condition.

A recorded vote was taken to approve this application as per officer recommendations.

Those for: - Councillors Moss Boddy, Paddy Brown, Rob Cook, Jennifer Elliott, Brenda Harrison, Sue Little, Shane Moore, Veronica Nicholson, Cameron Stokell and Mike Young.

Those abstaining: - None.

Those against: - None.

**Decision:** **Planning Permission Approved with additional condition relating to drainage.**

## CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;  
 Drawing No. 2103-RHL-XX-DR-A-DR5 (Site Location Plan)  
 Drawing No. 2103-RHL-XX-DR-A-RD1 (Levels at Onset of Development (End of 2018))  
 Drawing No. 2103-RHL-XX-DR-A-DR2, Rev A (Levels Survey at Start of Robertson Topsoiling works (Feb 2020))  
 Drawing No. 2103-RHL-XX-DR-A-DR3, (Levels Survey at Point Works Were Halted (March 2020))  
 Drawing No. 2103-RHL-XX-DR-A-DR4, Rev C (Proposed Finished Topsoil Levels)  
 For the avoidance of doubt.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
 To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
3. Within six months of the date of the planning permission, the following works shall be carried out;  
 Litter picking across the areas of land removing any plastics and any other waste material;  
 Area where the topsoil has been deposited to be rotavated to remove root material;  
 The land shall be re-profiled in accordance with Drawing No. 2103-RHL-XX-DR-A-DR4, Rev C (Proposed Finished Topsoil Levels).  
 Removal of haul road and the area to be landscaped.  
 To ensure the works are carried out within a reasonable period of time
4. The approved grass seeding shall be carried out within the first planting season following the spreading of the topsoil. Any areas which die, are removed or become seriously damaged or diseased within a period of 5 years from being planted shall be re-seeded in the next planting season with the same seed mix, unless the Local Planning Authority gives written consent to any variation.  
 In the interests of visual amenity and to ensure a satisfactory form of development.
5. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chesnut pale or

chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the Recommendations in BS 5837:2012 in relation to the protection of trees during construction.

This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity.

6. Notwithstanding Condition 4, any work to move the topsoil within the areas protected by the protective fencing shall be hand dug only and no mechanical diggers or heavy machinery shall be used or stored in this area during the duration of the works.

In order to protect the existing trees from damage.

7. No construction works or deliveries shall be carried out except between the hours of 8.00am and 18.00 on Mondays to Fridays and between 9.00am and 13.00 on Saturdays. There shall be no construction activity including demolitions on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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<b>Number:</b>	H/2014/0405
<b>Applicant:</b>	Mr Richard Holland Persimmon House Bowburn North Industrial Estate DURHAM DH6 5PF
<b>Agent:</b>	Persimmon Homes Ltd t/a Persimmon Homes Teesside Mr Richard Holland
<b>Date valid:</b>	20/10/2014
<b>Development:</b>	Full planning application for demolition of buildings, construction of 144 dwellings (C3), construction of accesses to Stockton Road and Brierton Lane, roads,

bridge with associated structures and associated earthworks, drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. Outline planning application for construction of up to 1,116 dwellings (C3), public house/restaurant (Sui Generis/Use Class E) 500sqm, retail units (Use Class E) 1,999 sqm, primary school (Use Class F.1), medical centre (300sqm), public open space, playing fields (including changing facilities), play spaces, drainage features, landscaping and ecological works, earthworks, electrical sub stations, pumping stations, car parking and vehicle and pedestrian circulation,

A member moved a site visit noting while this development was included in the Local Plan many current members of the Planning Committee had not been involved in the preparation of that document or the inclusion of this development within it. The request was seconded.

A recorded vote was taken for approval of a site visit

Those for: - Councillors Moss Boddy, Jennifer Elliott and Brenda Harrison

Those against: - Councillors Paddy Brown, Rob Cook, Sue Little, Veronica Nicholson, Cameron Stokell and Mike Young

Those abstaining: - Councillor Shane Moore

A site visit was thereby refused.

The Planning and Development Manager gave a detailed presentation on the proposed development.

Members questioned the numbers of bungalows on the whole development site and were informed this phase included two. Members questioned the lower than originally planned level of affordable housing – under 10% when the standard was to ask for 18%. Officers indicated that there were substantial contributions and after discussion and examination of the developer, the affordable housing element was seen to be acceptable in terms of making the entire development deliverable. Members raised some concerns around design and the design for the whole development being set by this phase.

Members questioned the S.106 agreement and requested that this Committee have opportunity to further review the agreed sums when they were fully finalised. There were also concerns around congestion and the link and junction on the A689. Officers indicated this would be fully addressed in the design phase and the junction was likely to be traffic light controlled with reduced speed limits. It was also indicated that the highways proposals would also address some of the concerns expressed around the Brierton Road



Catcote Road link and junction. Members also raised the issues around the A19/A689 junction and the capacity work proposed.

A member raised concerns at the outstanding National Highways response. The Director of Neighbourhood & Regulatory Services advised that he had received an email confirming National Highways had completed the Road Safety Audit and their response was expected.

Members also raised questions around, the future link road, landscape buffers, drainage, the existing streams, the pipelines across the site and the location of the proposed primary school.

The developer addressed the committee highlighting the benefits of the proposal, commending the officer report and explaining why the development had been delayed and their commitment to proceed. Members questioned the numbers of bungalows on the development site with the developer and asked them to consider increasing the number before the finalised site plans were submitted.

In debate, Members commented on the decisions made in the past on the south west extension and the opportunity missed to create a new Claxton Village and to rationalise junctions on the A689. There were also concerns around the lower than desirable number of affordable homes and other perceived shortcomings of the scheme. Some Members considered the application difficult to support. Other Members indicated their support as the development which would set the standard for development, would bring forward some very substantial road improvements and also provide a site for a future primary school.

The application was approved on a majority vote.

**Location:** Land between A689 and Brierton Lane South West Extension HARTLEPOOL

**Decision:** **Minded to APPROVE** subject to the receipt of satisfactory comments from National Highways, the completion of a section 106 agreement securing the following developer obligations/contributions (As set out in the report) Affordable Housing (121 dwellings 68 affordable rent and 53 discount market sale), Primary Education Provision (including provision of a fully serviced and accessible school site, contribution of £3,726,299.50 and off site option), Secondary Education Contribution (£2,434,287.24), Ecological Mitigation obligations (BNG on site), HRA Mitigation obligations (£126,000 & delivery and retention of on-site SANGS), Highways Contributions (£1,200,000 and £30,000), Bus Service Provision, Link Road obligations, Built Sports Contribution (£315,000), Children's Play Facilities obligations (Maintenance of facilities on site and £30,000 contribution), Playing Pitches

and Changing Facilities Obligations (including Car Park and Community Use agreement), Local Centre obligations, Training & Employment Charter, Phasing obligations, landscape buffer (western edge screen planting) obligations, SUDS maintenance obligations, maintenance/management of green infrastructure obligations and subject to the following conditions;

## CONDITIONS AND REASONS

1. The part of the development for which full planning is hereby approved, as defined on drawing no HRT-SWE-MAS-001revG (“South West Extension Hartlepool Master Plan”) received at the Local Planning Authority on 2<sup>nd</sup> August 2021 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. For the part of the development for which outline planning permission is sought, as defined on drawing no HRT-SWE-MAS-001revG (“South West Extension Hartlepool Master Plan”) received at the Local Planning Authority on 2<sup>nd</sup> August 2021 application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.  
For the avoidance of doubt.
3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure that these details are satisfactory.
4. The details submitted at the reserved matters stage shall be in general conformity with the drawing no HRT-SWE-MAS-001revG (“South West Extension Hartlepool Master Plan”) received at the Local Planning Authority on 2<sup>nd</sup> August 2021 and drawing JBA 20275 Rev B (“Illustrative Landscape Strategy Plan”) received at the Local Planning Authority on 5<sup>th</sup> July 2021  
In the interests of the proper planning of the area.
5. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly.  
For the avoidance of doubt.

6. The development hereby approved shall be carried out in accordance with the following plans HRT-SWE-MAS-001revG (“South West Extension Hartlepool Masterplan”) received at the Local Planning Authority on 2<sup>nd</sup> August 2021 and drawing JBA 20275 Rev B (“Illustrative Landscape Strategy Plan”) received at the Local Planning Authority on 5<sup>th</sup> July 2021, Phase 1 Proposed Layout (H(SWX)-P1-001 Rev J), Phase 1 Proposed Layout H(SWX)-P1-002 Rev B, Phase 1 Materials Layout H(SWX)-P1-003 Rev B received at the Local Planning Authority on 20<sup>th</sup> July 2015, Location Plan (0100 200 Revision F), Existing Site Plan (0100 201 Revision A), Bungalow (BG-WD01); Roseberry (Village) (RS-WD01 REV S); Rufford (Village) (RF-WD01 REV P); Hatfield (Village) (HT-WD01 REV P); Hatfield Corner (HTC-WD06 REV J); Souter (Village) (SU-WD01 REV R); Moseley (Village) (MS-WD01 REV L); Winster (Village) (WS-WD01 REV S); Kendal (Village) (KL-WD01 REV B); Clayton (Village) (CA-WD01 REV C); Clayton Corner (CCA-WD01 REV F); Chedworth (Village) (CD-WD01 REV M); The Moulton (Village) (ML-WD06 REV H) received at the Local Planning Authority on 7<sup>th</sup> May 2015, Standard Single / Double Garage (SGD-01 REV B), Standard Triple Garage (SGD-02 REV B), Standard Quad Garage (SGD-03 REV B) received at the Local Planning Authority on 29<sup>th</sup> August 2014, Electrical Sub Station (GTC-E-SS-0010\_R1-7\_1\_of\_1) received at the Local Planning Authority on 19<sup>th</sup> September 2014, the Southern Access Road General Alignment (Sheet 1 of 2) (14/007/SAR/01 (Part 1) Revision G) & (14/007/SAR/01 (Part 2) Revision G) received at the Local Planning Authority on 2<sup>nd</sup> July 2021, the Phasing Plan (HRT-SWE-MAS-003 Rev G) received at the Local Planning Authority on 6<sup>th</sup> August 2021 and the plan Northern Access Road General Alignment (14/007/NAR/01 Rev D) received at the Local Planning Authority on 22<sup>nd</sup> December 2021.  
For the avoidance of doubt.
7. The total development hereby approved shall not exceed the following maxima in respect to the uses identified:  
Up to 1260 residential dwellings (C3 Use Class).  
Up to 500sqm public house/restaurant floorspace (Sui Generis/Class E Use Class)  
Up to 1,999 sqm retail floorspace (Class E Use Class)  
Up to 300 sq m of medical centre floorspace (D1 Use Class)  
For the avoidance of doubt.
8. No development within any phase shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the part of the site within that phase 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. 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 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.

9.

A) No demolition/development within any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) No phase shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to ensure that the archaeology of the site is adequately investigated.

- 10. Prior to any demolition or dismantling of the Claxton Farm buildings, a scheme for the recording of the buildings at Claxton Farm including a timetable for the recording shall be submitted to and approved in writing by the Local Planning Authority. The recording scheme shall thereafter be carried out in accordance with the approved scheme and two copies submitted to the Local Planning Authority prior to any demolition, or dismantling, of the aforementioned buildings, unless some variation is otherwise obtained in writing from the Local Planning Authority.

In order to ensure that the details of the building(s) are recorded for posterity.

- 11. Notwithstanding the submitted information, no development on any phase shall take place until a detailed design and associated management and maintenance plan of surface water drainage for that phase 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.

- 12. No development shall commence until a scheme for the provision of flood shelving at Greatham Beck in accordance with the drawing "Greatham Beck Proposed Flood Shelf" (Dwng No :N13215-920 Rev P1) received at the Local Planning Authority on 18<sup>th</sup> May 2015, including a timetable for its provision, has been submitted to and

approved in writing by the Local Planning Authority. The flood shelving shall thereafter be provided in accordance with the agreed timetable and details.

In order to ensure that Flood Risk is adequately managed.

13. No development shall take place within any phase until a scheme for the provision and management of a 10 metre wide buffer zone alongside the watercourses and ponds within that phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone;
- Details of any proposed planting scheme (for example, native species);
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- Details of any proposed footpaths, fencing, lighting etc; and
- Where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Furthermore, land alongside watercourses and ponds are particularly valuable for wildlife and it is essential this is protected. For example, light spillage may result in potential impacts on fish movement and otters.

14. Prior to the commencement of each phase of the development (including the bridge over Greatham Beck), an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure that any impact on trees is minimised in the interest of visual amenity and the ecology of the area.
15. Prior to the commencement of each phase a detailed scheme of landscaping (in general conformity with the drawing JBA 20275 Rev B received at the Local Planning Authority on 5<sup>th</sup> July 2021 unless some variation is otherwise agreed in writing with the Local Planning Authority) for that phase shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The

scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works unless some variation is otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
17. None of the commercial uses hereby approved that involve the preparation /sale of hot food shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
18. The commercial premises hereby approved shall only be open to the public between the hours of 07:00 and 23.30 on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
19. Deliveries to the commercial premises hereby approved shall only take place between the hours of 07:00 and 21.00 on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
20. Notwithstanding the submitted details prior to the commencement of the southern access road beyond the 4th roundabout (counted from south to north), full design details of the proposed bridge over Greatham Beck and the southern access road including structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Networks. These details shall also include an assessment of the potential impact of the bridge and the southern access road on the underground gas pipeline and specify any necessary protection measures required to protect the gas pipeline. The bridge and the southern access road shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.



In order to ensure that the detailed design of the bridge and road is acceptable to Hartlepool Borough Council's Highway Engineers and the pipeline operators, the pipeline is accounted for and that the safety of road users is also taken into account.

21. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of play areas within that phase including details of their location and design/specification, landscaping, play equipment, surfacing, means of enclosure, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable. Play areas shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.

In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.

22. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches within that phase including details of their location and design/specification, equipment, landscaping, means of enclosure, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The sports pitches shall be provided in accordance with the approved details and timetable. Sports pitches shall be sited beyond the inner zone of the HSE consultation distance of the high pressure gas pipeline ref. 2077: Cowpen/Naisberry (CH08/300mm), i.e. more than 15 metres from the pipeline.

In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are provided in a planned and appropriate manner.

23. During the construction of any phase no demolition/construction/building works, including deliveries or dispatches to or from the site shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 8.00 am and 1.00 pm on Saturdays and at no time on Sundays or on Bank Holidays.

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

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

- In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
25. No development shall commence on any phase until details of existing and proposed levels within and outwith the phase including any earth retention measures within and adjacent to the phase have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
  26. Prior to the first occupation of any dwelling within phases 4 or 5 the bus stops at Rift House, Bacon Walk, Eskdale Road and South End shall be improved in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. No dwelling within phase 4 or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.
  27. Prior to the commencement of development within phase 4 or 5 a scheme for the provision and location of bus stop infrastructure within the site along the northern access road including half width lay-bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The bus stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.  
In order to ensure that adequate provision is made for bus stop infrastructure in the interests of the encouraging sustainable modes of transport.
  28. Prior to the commencement of development within phase 1, 2, or 3 a scheme for the provision and location of bus stop infrastructure within the site along the southern access road including half width lay-bys, shelters and low floor kerbs and a timetable for the delivery of the infrastructure shall be submitted to and approved in writing by the Local Planning Authority for that phase. The bus stop infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.  
In order to ensure that adequate provision is made for bus stop infrastructure in the interests of encouraging sustainable modes of transport.
  29. The school element of the proposal shall not be occupied until a school safety scheme has been submitted to and approved in writing by the Local Planning Authority, and implemented. This shall provide details of signage, guard railing, parking proposals, Traffic Regulation Orders

associated with school time parking and a school time 20 mph speed limit on the section of highway fronting the proposed school.

In the interests of highway safety.

30. Prior to the new access onto the A689 from the southern access road being brought into use a scheme for the reduction of the speed limit on the A689 to 50 mph between Greatham High Street and a point west of Dalton Back Lane, including required signage, shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. The access shall not be brought into use unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

31. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane / Stockton Road / A689 junctions in accordance with the submitted drawing 14/007/BRI/02 Revision B received at the Local Planning Authority on 29<sup>th</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 600 dwellings on the site shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

32. Notwithstanding the submitted details, a highway mitigation scheme for the Brierton Lane /Catcote Road junction in accordance with submitted plan 14/007/BRI/01 received at the Local Planning Authority 2<sup>nd</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

33. Prior to the commencement of development on phase 4 and/or 5 of the development a highway mitigation scheme for the Oxford Road/Catcote Road junction shall be submitted to and approved in writing by the Local Planning Authority. No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

34. Notwithstanding the submitted details, a highway mitigation scheme for the Truro Drive/Catcote Road junction in accordance with the submitted plan 14/007/CCR/02 received at the Local Planning Authority on 29<sup>th</sup> July 2021 shall be submitted to and approved in writing by the Local Planning Authority. No more than 144 dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.

In the interests of highway safety.

35. Notwithstanding the submitted details, prior to the commencement of the construction of the southern access road details of the proposed junction works at the A689/southern access road including a method statement detailing the construction / traffic management used in the implementation of the junction and a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. No dwellings within phase 1,2 or 3 shall be occupied unless and until the works so approved have been implemented to a minimum of base course level.  
In the interests of highway safety.
36. No dwellings within phase 4 and/or 5 shall be occupied unless and until the highway improvements (including the parking lay-by, public footpath along Brierton Lane and alterations to the Westfields access) detailed on drawing 14/007/NAR/05 RevB (Brierton Lane Improvements) received at the Local Planning Authority on 22<sup>nd</sup> December 2021 have been completed and the Local Planning Authority has certified that the works have been completed to its satisfaction.  
In the interests of highway safety.
37. The junction between the northern access road and Brierton Lane shall be constructed to a minimum of base course level prior to the first occupation of any dwelling within phases 4 and/or 5 of the development. No dwellings within phase 4 and/or 5 shall be occupied unless and until the Local Planning Authority has certified that the works have been completed to its satisfaction.  
In the interests of highway safety.
38. Prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings for that phase shall be 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.
39. Prior to the commencement of any phase details of all walls, fences and other means of boundary enclosure for that phase shall be submitted to and approved by the Local Planning Authority before the phase is commenced. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
40. Notwithstanding the submitted details prior to the commencement of the southern access road between the 1st and 2nd roundabout (counted from south to north) , full design details of the southern access road including structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Networks. These details shall also include an assessment of the potential impact of the southern access road on the underground gas pipeline and specify any

necessary protection measures required to protect the gas pipeline. The southern access road shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority in consultation with Northern Gas Networks.

In order to ensure that the detailed design of the road is acceptable to Hartlepool Borough Council's Highway Engineers and the pipeline operator, the pipeline is accounted for and that the safety of road users is also taken into account.

41. Notwithstanding the submitted details no application seeking the approval of reserved matters for any phase shall be submitted until a Character Appraisal and Design Code identifying the parameters and general design principles for the development has been submitted to and approved in writing by the Local Planning Authority. The reserved matters applications shall thereafter be in general conformity with the Character Appraisal and Design Code Guide, unless some variation is otherwise agreed in writing with the Local Planning Authority.  
In the interest of the ensuring the design of the development is appropriate and consistent, in the interests of the visual amenity of the area.
42. 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), 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 visual amenity and the amenities of the occupants of the adjacent residential property.
43. Prior to the commencement of development of any phase of the development hereby approved details of any proposed pumping station(s) required within that phase shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so approved.  
In the interests of visual amenity.
44. Notwithstanding the submitted details prior to the installation of the footpath link and swale crossing the existing NGN High Pressure Gas Transmission Pipeline Spur at MaCrae Road, full design details of the footpath link and swale including any structural calculations and details of associated earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northern Gas Networks. These details shall also include an assessment of the potential impact of these features on the underground gas pipeline and specify any necessary protection measures required to protect the gas

pipeline. The footpath link and swale shall then be constructed in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority in consultation with Northern Gas Networks.

In order to ensure that the detailed design of the footpath link and the swale is acceptable to Hartlepool Borough Council and the pipeline operator, the pipeline is accounted for and that the safety of footpath users is also taken into account.

45. Prior to the commencement of development within phases 1, 2 or 3 a scheme for the provision of a 3.0m wide footway / cycleway which will extend from the site access on the A689 to the existing National Cycle Route 14 at the A689 / Greatham High Street including a timetable for its provision shall be submitted to and approved in writing by the Local Planning Authority. The footway/ cycleway infrastructure shall thereafter be provided in accordance with the details and timetable so approved unless some variation is subsequently agreed in writing with the Local Planning Authority.  
In order to ensure that adequate provision is made for walking and cycling in the interests of encouraging sustainable modes of transport.
46. Prior to the commencement of development within phase 1, 2 or 3 a scheme for the provision of street lighting between the A689/southern access road junction and the commencement of existing street lighting at the A689 / Greatham High street junction shall be submitted to and approved in writing by the Local Planning Authority. No dwellings within phase 1, 2 or 3 shall be occupied unless and until the Local Planning Authority has certified that the works detailed in the approved scheme have been completed to its satisfaction.  
In the interests of highway safety.
47. In the event that an application for approval of reserved matters for any phase of development is submitted after the expiration of 18 months from the date of this planning permission, survey information pertaining to roosting bats, nesting birds and badger shall be reviewed and where necessary updated. This review shall be made in view of any significant changes to the habitats present, but this does not imply any requirement to re-evaluate the habitat baseline used to calculate biodiversity net gain. The findings of the review, and any updated survey data, shall be used to inform the subsequent CEMP and LEMP (pursuant to conditions 48 and 49 respectively) and submitted with the reserved matters application.  
In the interests of the ecology of the area
48. No development shall take place (including demolition, ground works, vegetation clearance) within any phase of development until a construction environmental management plan (CEMP: Biodiversity) for the phase within which development is to be commenced has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities, informed by up-to-date ecological survey.

- b) Identification of “biodiversity protection zones”, including Greatham Beck LWS and Greatham Beck LNR and a 10 m buffer around all watercourses.
- c) Use of protective fences, exclusion barriers and warning signs.
- d) Practical measures (including but not limited to pre-works checking survey, sensitive working practices, and timing of works) to avoid or reduce impacts during construction, including measures relating to terrestrial mammals (badgers, hedgehogs), roosting and foraging bats, great crested newts and other amphibians, nesting birds and trees to be retained.
- e) The role and responsibilities on site of an ecological clerk of works (ECoW), including the times during construction when this person needs to be present on site to oversee works.
- f) Responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the Ecology of the area.

49. The application for the approval of reserved matters for each phase of development shall include a landscape and ecological management plan (LEMP), the detail of which shall be in general conformity with the Illustrative Landscape Strategy (JBA 20/275 Rev B) submitted to the Local Planning Authority 05/07/2021). The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including retained habitats and habitats to be created.
- b) Broad aims of management, to include a contribution to the Biodiversity Net Gain of the wider site, mitigation and/or enhancement for farmland birds, great crested newts (where appropriate), roosting and foraging bats and urban associated birds.
- c) Specific actionable objectives of management to achieve above aims, to include target ecological condition with reference to the most recent calculation of BNG and species specific measures.
- d) Appropriate management options for achieving aims and objectives relating to vegetated habitats.
- e) Prescribed arrangements for the management of the phase for the lifetime of the development which arrangements shall include the review of management practices and requirements at 5 year intervals.
- f) Details of an annual work plan and of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

In the interests of the Ecology of the area.

50. No development shall take place within phase 2 (as indicated on drawing no HRT-SWE-MAS-003RevG “South West Extension Hartlepool Phasing Plan” received at the Local Planning Authority on 6<sup>th</sup> August 2021) until an ecological design strategy (EDS) addressing short-term disruption and the long-term maintenance of ecological connectivity within Greatham Beck Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following.
- a) Purpose and conservation objectives for the proposed works, i.e. maintenance of ecological connectivity.
  - b) Review of site constraints, including but not limited to the potential presence of protected species (and any requirement for updated survey) and presence of trees to be retained.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives, such as otter ledges or other means of ensuring no barrier to movement.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details for monitoring and remedial action for ecological measures.
  - j) Details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- In the interests of the Ecology of the area.
51. Prior to the first occupation of any dwelling within each phase, and only where lighting is proposed within the area of SANGS for that phase, a “lighting design strategy for biodiversity” for that area of SANGS shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) be informed by joint guidance from Institute of Lighting Professionals and Bat Conservation Trust (Guidance Note 8: Bats and artificial lighting);
  - b) identify those areas/features on site that are particularly sensitive for bats and/or otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and



- c) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed within the SANGS without prior consent from the Local Planning Authority. In the interests of the Ecology of the area.

- 52. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging points within garages have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site. In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

- 53. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy, dated November 2020, by Hill Cannon Consulting) and the following mitigation measures it details:

- The proposed mixed-use development shall be built entirely within Flood Zone 1
- The underside of the bridge supporting deck level shall be set to a minimum of 12.70m AOD

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with paragraph 167 of the NPPF.

- 54. The development hereby permitted shall not be commenced until such time as a Surface Water Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. The plan should include, but not limited to, the following:
  - Treatment and removal of suspended solids from surface water run-off during construction works;
  - Approach to ensure no sewage pollution or misconnections;
  - Approach to ensure water mains are not damaged during construction works;
  - Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 the National Planning Policy Framework.

55. No more than 274 dwellings on the site shall be occupied unless and until the Local Planning Authority (in consultation with National Highways) has certified that the improvement works to the A19/A689 junction, as illustrated on drawing reference WSP-WYP-0545-DR-GA-001, have been completed to its satisfaction.  
In the interest of highway safety
56. No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the Local Planning Authority (who shall consult with National Highways) and implemented. The Travel Plan shall include proportional measures and arrangements for monitoring, review, amendment and effective enforcement.  
In order to encourage the sustainable travel modes and patterns in the interests of the environment and the amenity of the area.

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

Members were advised of 7 ongoing investigations and 15 which had been completed.

**Decision**

That the report be noted.

**91. Appeal at Cherry Tree Cottage, Brierton Lane** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal against the refusal of planning permission for building work to create a 2-storey dwelling at Cherry Tree Cottage had been dismissed. A copy of the inspector's decision letter was appended to the report.

**Decision**

That the outcome of the appeal be noted

**92. Appeal at Hartlepool Rovers Quoit Sports and Social Club and Premises, Easington Road** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal against the refusal of advertisement consent in respect of an LED advertising unit had been dismissed. A copy of the inspector's decision letter was appended to the report.

### **Decision**

That the outcome of this appeal be noted.

## **93. Appeal at 115 Brierton Lane** (*Assistant Director (Place Management)*)

Members were advised that an enforcement notice appeal in respect of the issuing of an enforcement notice against the unauthorised running of a plant and machinery sales business at a residential property had been dismissed. A copy of the inspector's decision letter was appended to the report.

### **Decision**

That the outcome of the appeal be noted

## **94. Appeal at Three Oaks, Brierton Lane** (*Assistant Director (Place Management)*)

Members were advised that a planning appeal had been submitted against the Council's decision to refuse permission for the erection of a 2-storey extension at Three Oaks.

### **Decision**

That the report be noted.

## **95. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

## **96. Highgate Meadows Development – Dalton Piercy**

The Principal Property and Planning Solicitor reported that that the Council had been in discussion with the developers regarding the section 106 agreement signed on 27th November 2017 in respect of the Highgate

Meadows development at Dalton Piercy. They had expressed a willingness in principle to allow the funds which were originally to be allocated to the play area to be expended on the Village Hall. The Council has since clarified that it would be Dalton Piercy Parish Council who would assume liability for future management of the play area including (but not exclusive to) play equipment together with any costs arising from maintenance and regular inspections.

A Member questioned if this would mean that this Council was responsible for the ongoing maintenance of the Village Hall. It was indicated that Dalton Piercy Village Hall Association had a 99 year lease for the land with the Council and once the new hall was constructed the Association would become responsible for its long term maintenance.

### **Decision**

That the matter be noted.

## **97. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 98 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes

**Decision**

Detailed in the exempt minutes.

The meeting concluded at 1.00pm

CHAIR

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**6<sup>th</sup> April 2022**

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

**Present:**

Councillor: Mike Young (In the Chair)

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

Martin Craddock, Capita

Officers: Tony Hanson, Director of Neighbourhood and Regulatory  
Services  
Kieran Bostock, Assistant Director (Place Management)  
Jim Ferguson, Planning and Development Manager  
Jo Stubbs, Democratic Services Officer

### **98. Apologies for Absence**

Apologies were submitted by Councillors Rob Cook and Denis Loynes.

### **99. Declarations of interest by members**

None

### **100. Confirmation of the minutes of the meeting held on 16<sup>th</sup> March 2022**

Minutes deferred

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

Members were advised of 22 ongoing investigations and 4 which had been completed. A member noted the large number of complaints regarding high fences and wall in the Rossmere area.

### **Decision**

That the report be noted.

## **102. Wynyard Garden Village – Visioning Document Consultation** (*Director of Neighbourhoods and Regulatory Services*))

The Director of Neighbourhoods and Regulatory Services gave a presentation to the Committee outlining the principle aspects of the detailed 'visioning document' for the Wynyard Garden Village which extended across land both in Stockton-On-Tees and Hartlepool boroughs. The draft visioning document together with the final version, with amendments made after the conclusion of a consultation were included as appendices.

Members made the following comments:

Would the woodland setting be protected and made available to Hartlepool residents? The Director acknowledged that this would be challenging given the land spans 3 local authorities, however consultees would be involved in the process and given opportunities to comment, while an Ecology sub-group has been established to consider such matters, and the implementation of the 10% bio-diversity net gain will also play a key role.

How much concern was expressed through the consultation responses? The Capita Representative advised that the majority of those who responded had expressed concern over the infrastructure but were supportive of the general principles of growth and development.

Given the development of the Amazon facility what was being put in place in terms of affordable housing and traffic infrastructure. The Director confirmed that affordable housing was now being included in developments as can be demonstrated by the most recent Barratt's application which has a 17% provision, while Stockton Borough Council are currently considering a fully allocated site of affordable housing on their area. In terms of infrastructure improvements, then these are being considered and plans are in place to improve the A19/A689 junction, while secondary access to the North Burn site direct from the A19 is also being investigated with National Highways, who are a key partner in this project.

### **Decision**

That the report be noted.

## **103. Planning Review** (*Assistant Director (Place Management)*))

The Assistant Director (Place Management) informed members that it was proposed that a review into the planning services of Hartlepool be carried out, the first since 2014. It would be funded through external grant funding and involve consultation with the Planning and Development team, Senior Management, members of the Planning Committee and developers. Any

recommendations coming out of the review would be brought back to Planning Committee.

A member noted there were felt to be no other considerations or relevant issues at this time. The Assistant Director indicated that this might change during the review process. A member queried whether this review might lead to departmental changes. The Assistant Director advised that it was about making sure there were adequate resources and was certainly not aimed at departmental reductions.

### **Decision**

That the report be noted and the output of the review be reported back to a future Planning Committee for consideration.

## **104. Appeal at 213 Wynyard Road** (*Assistant Director (Place Management)*)

Members were advised that an appeal in respect of the refusal of planning permission for the retrospective erection of an outbuilding garden room and a boundary around the front and side garden had been partially allowed. While the boundary fence was deemed acceptable by the Inspector the outbuilding garden room was not. A copy of the inspector's decision letter was appended to the report.

### **Decision**

That the outcome of the appeal be noted

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

Members were advised that an appeal in respect of the refusal of planning permission for a residential development had been dismissed. A copy of the inspector's decision letter was appended to the report.

### **Decision**

That the report be noted.

## **106. Local Government (Access to Information) (Variation Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as



defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 107 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Minute 108 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes

### **Decision**

Detailed in the exempt minutes.

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

Members were asked to consider whether it was expedient to issue an Enforcement Notice. Details are provided in the exempt minutes

**Decision**

Detailed in the exempt minutes.

The meeting concluded at 10:50am

CHAIR

**No:** 1  
**Number:** H/2022/0009  
**Applicant:** ELENI ANTONIOU 5 HOWICK PLACE LONDON SW1P 1WG  
**Agent:** LDA DESIGN MR ED SALTER KINGS WHARF THE QUAY EXETER EX2 4AN  
**Date valid:** 27/01/2022  
**Development:** Demolition of existing structure and construction of artificial nesting structures for kittiwakes and associated infrastructure  
**Location:** THE OLD YACHT CLUB FERRY ROAD HARTLEPOOL

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## 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 recent application is considered to be relevant to the current application site:

1.3 H/2021/0405 – Screening Opinion Request in respect of two Kittiwake Artificial Nesting Structures (ANS). The Local Planning Authority issued its decision on 24/09/2021 that the proposed development does not constitute Schedule 1 development or Schedule 2 development, as defined by the EIA Regulations, and therefore the development does not need to be screened in line with the ‘Regulations’, and an Environmental Impact Assessment is not required.

## PROPOSAL

1.4 Planning permission is sought for the demolition of the existing yacht club building on site and the construction of two artificial nesting structures (ANS) for kittiwakes. The first of the artificial nesting structure types is designed to appear similar to fishermen’s huts, four of which are proposed to be arranged in a staggered formation along the northeast edge of the site facing towards the existing kittiwake colony at the lifeboat station. The submitted information states that these structures have capacity for 534 nesting spaces on sea-facing nesting shelves. The huts (consisting of 3 larger huts ‘Type A’ and 1 smaller hut ‘Type B’) are adjoined and are timber clad structures on a galvanised steel frame, measuring a cumulative length of approximately 18.2m x approximately 4.4m in width (individually) and an overall height of approximately 4.4m (approximately 8m in height when including the supporting structures to account for the change in levels on the north facing elevation).

1.5 The second artificial nesting structure type is of a ten sided tower design, where multiple external faces provide a variety of nesting aspects with an internal space allowing for a sheltered working conditions for ecologists monitoring the site. The tower is to be located west of the proposed huts in order to provide sea views from six of the ten sides. The submitted information indicates that the tower would have 510 nesting spaces with sea views and 340 without. The tower would be constructed of a galvanised steel frame with timber cladding and would have a height of approximately 12.3m above the ground level and diameter of approximately 8.1m at its widest point.

1.6 The planning application is for structures that are required to compensate the impact of a proposed off-shore windfarm development, Hornsea Three that will be sited in the North Sea off the Humber coast near Flamborough Head. This was granted consent by a Secretary of State issued Development Consent Order (DCO) on 31<sup>st</sup> December 2020.

1.7 Temporary portable welfare facilities are also proposed to be located with a car park area. In the supporting Planning Statement, the applicant indicates that this would be for an estimated 6 to 12 months from the start of construction for those visiting the site. The indicative building would measure approximately 8.638m in length by approximately 3.4m in width, with a flat roof height of approximately 2m.

1.8 The above mentioned Planning Statement indicates that the overall development of the proposed artificial nesting structures would take approximately 5 months to be completed.

1.9 Following removal of the temporary portable welfare facilities, the submitted Planning Statement indicates that permanent welfare facilities are intended to be provided, however this would be subject to a separate planning application and full consideration.

1.10 The site would be accessed via Ferry Road.

1.11 The application has been referred to the Planning Committee due to the number of objections received (more than 3) in line with the Council's scheme of delegation and that the proposal represents a 'departure' from the Hartlepool Local Plan (2018).

## **SITE CONTEXT**

1.12 The application site relates to approximately 0.47ha of land at the Old Hartlepool Yacht Club, off Ferry Road, Hartlepool. The site includes the former clubhouse, which is now vacant. Adjacent to the site are the RNLI Hartlepool Lifeboat Station to the northwest and PD Teesport facility to the west. The walkway to the lifeboat pontoon is currently occupied by an existing kittiwake colony. Victoria Harbour is located approximately 100m north of the site and West Harbour is approximately 320m east of the site. The site is surrounded to the east by the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), the marine Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar Site.

## PUBLICITY

1.13 The application has been advertised by way of two neighbour letters, two site notices and a press advert. To date, there have been fifteen objections received, including one from PD Teesport.

1.14 The concerns and objections raised can be summarised as follows:

- Proposals could be accommodated elsewhere,
- The proposals could limit port operations on the adjacent site,
- The site is allocated within the Local Plan as an employment site specifically for port related industrial development and renewable energy manufacturing, the proposals would result in the loss of employment land and potentially constrain future port related development,
- Mess from guano
- Concerns the proposals would encourage enthusiasts to visit the site/trespass on private land,
- Existing habitat designations are a constraint to development in the area, the potential further impact of these needs to be taken account of,
- Potential interference with IT infrastructure/Wi-Fi connection,
- Lack of consultation with residents of Town Wall, Headland,
- Noise,
- Not the correct area for these birds, issues of prey,
- “Eyesore”, looks like a gas holder, industrial ‘monolith’,
- The proposals will impact on tourism.
- The site could be used for water based activities instead (e.g. water sports, sea cadets, water training),
- Why should residents accept a proposed that will be of no benefit to them,
- The windfarm site the proposals will offset are a long way from Hartlepool and the proposals will not benefit the local community,
- The existing building should be considered an Asset of Community Value,
- Redeveloping this site for water sports would be a more financially viable option than plans to develop the Jackson’s Landing site,
- Proposals may restrict use of the water and the beach for recreation,
- Will the proposals negatively impact nearby residents?
- Is there a need to create additional nesting spaces for kittiwakes when some already exist in the area,

1.15 In addition, one response of no objection has been received from a local ward councillor.

1.16 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=150946>

1.17 The period for publicity (press advert) is outstanding at the time of the committee report being published and it expires on 6<sup>th</sup> July 2022. The ‘recommendation’ below therefore takes account of this.

## CONSULTATIONS

1.18 The following consultation replies have been received:

**HBC Ecology** –My comments area as follows.

### Habitats Regulations Assessment and Sites of Special Scientific Interest

Natural England's SSSI Impact Risk Zones web tool indicate that Natural England is a statutory consultee for any development, except householder development, in this location. The views of Natural England should therefore be sought.

I have also completed a Stage 1 HRA for the proposals, which has concluded no likely significant effect on the Teesmouth and Cleveland Coast SPA. While Natural England are not a statutory consultee as HRA Screening stage (Stage 1) they may wish to comment in this regard.

Unless Natural England subsequently raise an objection, it can be concluded that the application can be lawfully approved under the assessment provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

### Significant Ecological Harm

The ecological report submitted in support of the application provides adequate survey and assessment information to enable an understanding of the potential for significant ecological harm as a result of the proposals.

Based on the information submitted the site supports, or is considered likely to support, the following important ecological features.

- A locally important population of hedgehog, which is a priority species in the context of NPPF.
- A locally important assemblage of butterflies, which includes the priority species small heath.

The loss of habitat piles used by hedgehog is predicted. Harm resulting from this impact can be mitigated through a destructive search of all such habitat piles, and compensation is feasible through introduction of artificial hedgehog shelters in appropriate locations. Both measures can be secured through conditions (see below).

Some loss of grassland habitat used by the butterfly assemblage will occur in order to implement the proposals, which will impact this species population feature. However, the proposals also include a substantial habitat creation and management element, which has the potential to provide compensation for the expected negative effects. This is contingent on the inclusion of appropriate plants within the habitat creation proposals. The species list included within the Softworks Typologies Layout and Reference Plan (Dwg No. 7628\_PL\_401) includes appropriate species, and its implementation should therefore be secured by condition.

Assuming the above measures are secured the proposals can be considered in compliance with the ecological mitigation hierarchy and therefore in accordance with the relevant parts of policy NE1.

### Ecological Enhancement

The enhancement of biodiversity and the natural environment is a key objective of NPPF and of local plan policy NE1. Enhancement is distinct from biodiversity net gain, which is a separate quantified approach that uses habitat types as a proxy for biodiversity value and does not directly consider measures aimed at enhancing the suitability of site for supporting individual species or groups of species.

The supporting information proposes a number of measures aimed at enhancing the post development site for protected and priority species, as well as for biodiversity in general. Whilst only outline detail on these measures has been provided there is sufficient information available to indicate that ecological enhancement is feasible. Providing a suitable condition is applied that secures these measures the proposals can be considered in accordance with the relevant parts of policy NE1 and NPPF. A condition securing production and implementation of a Landscape and Ecological Management Plan has been suggested below for this purpose. This condition will also secure ecological compensation in respect of impacts to hedgehog and the butterfly assemblage.

#### Suggested Conditions

- 1) Within three calendar months of the date of this permission a landscape and ecological management plan (LEMP) shall be submitted to the local planning authority for approval in writing, the detail of which shall be in general conformity with the Softworks Typologies Layout and Reference Plan (Dwg No. 7628\_PL\_401), which was submitted to the local planning authority 07/01/2022). The content of the LEMP shall include the following.
  - a) Description and evaluation of features to be managed, including retained habitats and habitats to be created.
  - b) Broad aims of management, to include compensation for loss of hedgehog hibernacula/daytime shelter, compensation for the loss of grassland habitat used by priority butterfly species and enhancement for invertebrates in general.
  - c) Specific actionable objectives of management to achieve above aims, including the type and or design of habitat features to be created/installed.
  - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats.
  - e) Prescribed arrangements for the ongoing management of the development site for biodiversity, including maintenance of the above habitats and features.
  - f) Details an annual work plan and of the body or organisation responsible for implementation of the plan.
  - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or

remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 2) Prior to demolition of any structures a method statement for the avoidance of impacts to sheltering hedgehog shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed ecological measures;
  - b) working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and any features created shall be retained in that manner thereafter.

Further Comments – In addition to this I suggest that a condition is applied that secures ‘all demolition and piling works’ to be undertaken between March and August inclusive.

Further comments received 05/05 following receipt of comments from Natural England:

I support the response from Tom Stephenson (Ecologist) dated 28/02/2022.

Coastal authorities are generally failing to protect important populations of shorebirds and seabirds. The proposed scheme to provide nesting opportunities for kittiwakes is a positive one for this Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Site of Special Scientific Interest (SSSI) species.

The applicant’s responses to several objections are ecologically sound and defensible. It is correct for them to assert that kittiwakes feed entirely at sea (unlike herring gulls), nest colonially, and that the existing Hartlepool colony is expanding. The structure will provide a safe location for the colony to expand to. While it is unlikely to draw nesting kittiwakes away from their ‘traditional’ nesting ledges on buildings, it should prevent new buildings on Hartlepool Headland from being colonised.



Kittiwakes are summer visitors to Great Britain, arriving back in mid-April and departing in late summer. Therefore, their presence in Hartlepool is limited to around five months.

I assess that any colonisation of the proposed structure by nesting kittiwakes will not adversely affect the operations of the port or other businesses in the area.

There has been some public concern voiced regarding noise. It is likely that members of the public are getting mixed up between the raucous 'yowling' of herring gulls and the call of the kittiwake. The latter is named after its call, which is transcribed as 'kitti-waake'. While herring gulls can be heard all year round and all over the town, kittiwakes are only noisy during the summer breeding period and only at the nest sites.

This is a rare example of a development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan, it provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

**HBC Countryside Access Officer** – Whilst there are no public rights of way recorded at or close to this site; I am aware that the public do walk along the beach and along the jetty. I would like to see some element of interpretation for the public, so that they are aware of the new site residents (during the breeding season) and the ecological benefit of the site for the Kittiwake population. The public like to have this type of information, then they can understand better the need for such a site.

**HBC Landscape Architect** – Previous liaison has been undertaken with the landscape section to enable this application and it is considered that sufficient information has been provided.

While there are no landscape and visual issues with the proposed development, full details of enclosure fencing and planting, and a landscape management plan should be provided in due course. This information can be controlled by condition.

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

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

**Cleveland Emergency Planning Officer** – Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

**Tees Archaeology** – Thank you for the consultation on this application. We note the inclusion of a heritage statement, which discusses the archaeological potential of the site and sets out proposed mitigation. It has been agreed with Tees Archaeology that the ground investigation works will be subject to geoarchaeological/archaeological monitoring. The necessity for any further mitigation will be decided by these works,

the findings of which are proposed to be set out in an addendum report “submitted for consideration during the determination period of the planning application.”

We are unable to comment on the need for any further archaeological works until this report has been submitted and we have viewed the findings.

Updated Comments – Thank you for sending though the watching brief report. This work was undertaken to determine the potential of the proposed groundworks to encounter any deposits associated with the Hartlepool Submerged Forest. The report states that no archaeological deposits or palaeoenvironmental remains were observed during the ground investigation works, and recommends no further schemes of archaeological works. We agree with this; there is no need for any further archaeological work on site.

**Cleveland Police** – Police have no objection to this application.

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

- 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:

- Further details regarding the timing of for construction phase activities
- An Habitats Regulations Assessment, including Appropriate Assessment

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

Updated Comments – 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.

*Updated comments received 11/05 following receipt of Applicant's Statement:*

Myself and my colleagues with knowledge of the site have reviewed the response by Orsted regarding PD Port's objection to the construct two artificial nesting structures for kittiwake at the Old Yacht Club site, Hartlepool. In general, we feel they have adequately outlined the likely low level of constraint posed to the port's operations.

In particular, we would like to highlight two points that Orsted have raised. Firstly, kittiwake are relatively tolerant to disturbance from human activities. For example, there is a large colony that is found nesting in central Newcastle. Secondly, the primary restrictions on development would likely only apply to the artificial nesting structures themselves, which given their distance should not impose significant limits on the port's operations.

**Environment Agency** – We have assessed the submitted application and we do not consider it to have an increased risk of on or off-site flooding, therefore we have no objection to this development.

**HBC Economic Regeneration** – I have had a look at the application and letter from ELG (*acting on behalf of PD Teesport*) and would comment as follows:

1. There does not seem to be an impact assessment on the siting of this nesting structures to the wider area and in particular the Port and its current users and/or future uses and developments. Hartlepool Port is an important economic asset to Hartlepool and from an Economic Growth perspective we need to protect the Port from any development that could have a detrimental impact on future investment.
2. The site is designated as employment land and as correctly identified any loss of employment land has a detrimental impact on Hartlepool's commitment to meeting Tees Valley employment targets. As such the proposal has no economic benefits.
3. Furthermore the proposal is of no real economic benefit to Hartlepool as it is providing mitigating measures for offshore wind farm development at Hornsea.

Taking into account the above points the proposal has no economic value to Hartlepool and could hinder future development, investment and jobs at Hartlepool Port which is of great importance to the town.

*Update 26/05 following receipt of updated supporting statement from applicant and comments from Natural England and the Council's Ecologist:*

I have considered the views of Natural England and our Ecologist and accept their professional opinions that the proposal would not have any detrimental impact on operations at Hartlepool Port.

As has been identified, the planning application is for structures that are required to compensate the impact of a proposed off-shore windfarm development, Hornsea Three, that will be sited in the North Sea off the Humber coast near Flamborough Head.

These compensation measures have no connection with any development proposed locally in Hartlepool and more importantly do not provide any direct economic or employment benefits to the local economy or indeed sub-region. Furthermore the offshore wind development itself does not provide any direct or indirect benefits to the local economy and businesses of Hartlepool.

Also the principle of the proposed development is in direct conflict with the Hartlepool Local Plan, as the site is identified for employment use and by allocating this land for alternative use that has no impact on local job creation this would detract from delivering Hartlepool's targets for employment growth, however small.

I am therefore of the view that the proposal for the site does not contribute any economic benefit to Hartlepool.

**HBC Public Protection** - I am aware a number of town wall residents have objected along with PD Ports. Please see my response below.

I am happy with the information that has been submitted. With this in mind and based on the documentation and detail that has been provided by the applicant and experts on this matter I have no reason to object to this proposal.

I would however like it noted that if for some reason the noise from the Kittiwakes nesting site somehow became an noise issue, they would be very little we could do to limit the noise of wild birds.

## PLANNING POLICY

1.19 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

1.20 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  
 EMP4: Specialist Industries  
 LS1: Locational Strategy  
 NE1: Natural Environment  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2021)

1.21 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

PARA110: Considering development proposals

PARA124: Achieving appropriate densities

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA154: Meeting the challenge of climate change, flooding and coastal change

PARA157: Meeting the challenge of climate change, flooding and coastal change

PARA169: Planning and flood risk

PARA218: Implementation

**1.22 HBC Planning Policy comments:** Planning Policy note the concerns received by the economic development team and PD Ports (the main landowner at the Port) and note that there is the possibility for conflict between the development of The Port and the Kitty waits structures. Planning Policy seek to ensure that The Port is able to develop without obstacles, in light of the concerns raised, it is considered that the structures could pose an obstacle to further development of The Port. Planning Policy welcome ecological benefits in the borough, but in this instance it is considered that this proposal should not be supported in this location. Planning Policy would welcome engagement with regard to locating the proposal elsewhere in the borough.

Update 09/05/2022:

1.23 Planning Policy fully support enhancing the ecological environment of Hartlepool and fully support protecting and enhancing the ecological assets along the coastline. Planning Policy are of the view that the balance here is weighing up ecological benefits against any possible harm to The Port and the ability of The Port to develop to its full potential. Planning Policy understand that the Kittiwakes will likely only be 'on site' for five months of the year and that in the Ecologists view them being there will not preclude development on The Port.

1.24 We currently have an ecologist view point and the developers view point stating that the Kittiwakes should not be a problem for the development of The Port. Planning Policy hope that this will be the case and Planning Policy are of the view that the ecologist view does hold significant weight in balancing up this proposal.

Equally the view of the economic development team also holds significant weight. Planning Policy would hope that the economic development team can take comfort in the ecologist view and that their concerns are no longer concerns, however if this is not the case and the economic development team are still of the view that the Kittiwakes could prevent The Port developing to its full potential then Planning Policy would not support the proposal. This is because Planning Policy consider the continued use and future development of The Port to be significant in sustaining and enhancing the boroughs economy and way of life. Although Planning Policy support ecological enhancements, in this instance they can only be supported if those enhancements do not negatively on The Port. From a Planning Policy point of view, it is considered that a view from Natural England (could be received by Friday 13<sup>th</sup> May or Friday 27<sup>th</sup> May) would also be helpful and if the ecologist and Natural England state there are unlikely to be negative implications for The Port then that would give Planning Policy greater comfort to support the proposal. Planning Policy will give a final view once economic development has shared theirs and hopefully one NE come reply to the application.

Update 26/05/2022 following receipt of amended Planning Statement and comments from other consultees:

1.25 Planning Policy note the comments from the council's Economic Growth Manager and note that no objection has been raised. Planning Policy also note the ecologist and Natural England view and take comfort in their expert opinion that The Port can develop to its full potential with the kittiwake structures being in place. Planning Policy are of the view that the kittiwake structures will have significant environmental benefits for the borough and thus Planning Policy supports the application.

## **PLANNING CONSIDERATIONS**

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

### **PRINCIPLE OF DEVELOPMENT**

1.27 Policy LS1 of the Hartlepool Local Plan (2018) supports proposals that contribute to the economic growth of existing businesses. The application site is allocated under Policy EMP4a (Specialist Industries) on the Hartlepool Local Plan Policies Map (2018), in view of the existing Old Yacht Club building at the site.

1.28 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 119 of the NPPF (2021) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way. 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.

1.29 The Tees Valley Strategic Economic Plan (SEP, 2016) sets a target to create 25,000 net additional jobs between 2016 and 2026. The Hartlepool Local Plan Policies Map (2018) allocates a total of 904.8ha of employment land. Therefore the application site, at approximately 0.47ha, amounts to approximately 0.17% of the total available employment land.

1.30 The Council's Economic Growth Manager has been consulted on the proposal and notes that these compensation measures have no connection with any development proposed locally in Hartlepool, do not provide any direct economic or employment benefits to the local economy or sub-region and that the offshore wind development itself does not provide any direct or indirect benefits to the local economy and businesses of Hartlepool. The Council's Economic Growth Manager therefore considers that the principle of the proposed development is in direct conflict with the Hartlepool Local Plan (2018), as the site is identified for employment use and by allocating this land for alternative use that has no impact on local job creation, that this would detract from delivering Hartlepool's targets for employment growth, however small.

1.31 An objection on behalf of PD Teesport has also been received in respect of the application site being committed for port related industrial development and renewable energy manufacturing, raising additional concerns that the proposal would result in the loss of specifically allocated land for port related industrial development, and concerns over the impact on the wider employment designation at Hartlepool Docks, through the introduction of a new habitat into the allocated employment land, creating a potential 'constraining' effect.

1.32 In view of the above considerations, it is acknowledged that the principle of the proposed development is in conflict with a key policy (EMP4) of the Hartlepool Local Plan (2018). Notwithstanding the above, it is acknowledged that local and national planning policy support the development of proposals that result in ecological and environmental benefits. The Hartlepool Local Plan (2018) Policy NE1 (Natural Environment) supports the development of schemes that would protect, manage and enhance the natural environment providing that proposals are in accordance with Policy LS1, sites designated for nature conservation are protected and where appropriate enhanced, and ecological networks are enhanced, among other criteria.

1.33 Paragraph 174 of the NPPF (2021) states that planning decisions should contribute and enhance the natural and local environment including by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. This paragraph requires development to minimise impacts on and provide net gains for biodiversity.

1.34 Paragraph 180 of the NPPF (2021) sets out the principles that LPAs should apply with regard to habitats and biodiversity when determining planning applications. Paragraph 185 of the NPPF (2021) states that planning decisions should ensure that new development is appropriate for its location. The NPPF (2021) also seeks to ensure that adverse impacts upon the landscape and visual amenity are addressed satisfactorily and that any negative impacts can be made acceptable.

1.35 In this respect, the applicant has submitted a Landscape and Visual Impact Assessment, which is given further consideration in the section below.

1.34 It is acknowledged that the current application constitutes a proportionately modest development which would result in a net loss of approximately 0.47ha employment land, which would in effect support the operation of structures that would support breeding birds, therefore resulting in environmental benefit to the area, a view emphasised by the Council's Ecologist.

1.36 Notwithstanding this, it is considered that Policy EMP4 of the Hartlepool Local Plan (2018), must be given considerable importance and weight.

1.37 In weighing up the balance of policies in favour of against the main policies of constraint (Policies NE1 and EMP4 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development which results in ecological enhancement.

1.38 The NPPF (2021) applies a presumption in favour of sustainable development and states that "achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways". In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

#### *Benefits*

- This is a rare example of a development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan. It provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer' (environmental)
- The submitted information indicates the proposed development is intended to support ecological networks (environmental)
- The proposed development would provide additional landscaping (environmental)
- The proposed development would result in a vacant parcel of land being brought back into use (environmental + social)

#### *Adverse impacts*

- The proposed development would have a potential 'constraining' effect and detrimental impact on a parcel of land allocated for employment, contrary to Local Planning Policy EMP4 (economic)
- Potential impacts on visual and neighbouring amenity (social and environmental)

1.39 On the particular concern of the proposals potential to 'constrain' existing and future development at the port, the applicant has provided a comprehensive rebuttal to these concerns of which the views of both Natural England and the Council's Ecologist have been sought. In view of the further supporting information from the applicant, Natural England have responded to highlight that kittiwake are relatively



tolerant to disturbance from human activities, and that the primary restrictions on development would likely only apply to the artificial nesting structures themselves, which given their distance should not impose significant limits on the port's operations. Natural England confirm that the structures should also prevent new buildings on Hartlepool Headland from being colonised.

1.40 The Council's Ecologist also responded to the concerns regarding any potential constraining effect and considers that any colonisation of the proposed structures by nesting kittiwakes will not adversely affect the operations of the port or other businesses in the area. The Council's Ecologist considers that the proposal provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

1.41 The Council's Planning Policy section acknowledge the concerns of the Council's Economic Growth Manager, however in light of the views and expertise of both the Council's Ecologist and the national body for ecology (Natural England) who have both confirmed that they support the proposal (subject to the proposal meeting other ecological requirements as set out in the sections below), it is considered that the proposal would bring about significant environmental benefits for the borough of Hartlepool and that the proposals would not result in a constraining effect on the existing and future economic operation or development of the port.

1.42 In conclusion, and when weighing up the balance of ecological benefits in favour of the proposed siting of the structures against the location being allocated as employment land, whilst the concerns of the Council's Economic Regeneration section are acknowledged, it is considered that this would be outweighed by the significant environmental benefits of the proposal.

1.43 The proposal includes the siting of a welfare building that would serve as an ancillary element during construction to the primary development comprising the kittiwakes structures. Due to the modest scale and siting of the proposed temporary welfare building, it is considered that the principle for this type of use is acceptable subject to consideration of other material considerations including the requirement for this element of the application being limited to a temporary planning permission (as indicated by the applicant, and which can be secured by planning condition).

1.44 In view of the above, the principle of development of the erection of artificial nesting structures and associated infrastructure (including the erection of a temporary building during construction) is acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application.

#### CHARACTER & APPEARANCE OF THE AREA

1.45 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. 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.

1.46 The proposed artificial nesting huts would be sited toward the north east corner of the application site, whilst the artificial nesting tower would be sited more central in the site. The overall site context includes an open area of hardstanding, with boundary treatment in the form of a 2m high railing around the application site. To the east is the jetty, with the harbour extending to the north, and a beach runs along the south, whilst to the west is a hard standing entrance road and car park, with access gates from Ferry Road. Due to the design and overall scale (including height) of the artificial nesting structures, it is noted that the proposed structures would be readily visible when walking along the coastal promenade (to the east), as well as on approach along Middleton Road and from vantage points around the harbour including from the RNLI Lifeboat Station (to the north) and its car park (to the north west), as well as from parts of the Headland (beyond the harbour to the north east).

1.47 Notwithstanding this, consideration is given to the modest overall height of the proposed artificial nesting huts, which, from certain vantage points, would be read in the context of the existing buildings and structures along this elevation, which overall comprise a scale (including height) similar to the proposed structures. It is further noted that until recently a number of huts of a similar scale and design were sited along this section of the application site whilst its peripheral railing boundaries, and other paraphernalia is present in the immediate surrounding area (along this stretch between the application site and the harbour), whilst the existing Old Yacht Club building at the application site is to be demolished. Overall, and on balance, it is considered that the proposed artificial nesting structures (comprising the 4no. huts and the 1no. tower) would not result in any adverse impact on the character and appearance of the application site and surrounding area, so significant as to warrant a reason to refuse the application.

1.48 The proposed temporary building to provide welfare facilities during construction would be sited adjacent to the car park and main entrance along the western side of the application site. As noted above, the applicant indicates that the temporary building would be sited for a period of 6-12 months. In this respect it is considered reasonable to secure final details of such structures and a timetable for installation and removal (albeit this is not anticipated to be longer than 12 months) by way of a planning condition.

1.49 Furthermore, at the point of expiration of the permission for the temporary building, the applicant would need to remove the building and restore the land to its previous condition, or should the intention be for the building to be retained, a further planning application would need to be submitted and duly considered. An appropriate planning condition can secure this.

1.50 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.

1.51 It is of note that any erected signage would likely require a separate Advertisement Consent application and to which an informative can be appended to any decision notice for the applicant's attention.

1.52 The application is supported by a Landscape and Visual Impact Assessment (LVIA) to define the existing landscape and visual baseline environments; assess their sensitivity to change; describe the key townscape, landscape and visual related aspects of the proposed development; describe the nature of the anticipated change upon the townscape/ landscape and visual environments; and assess the permanent effects of the Proposed Development.

1.53 The LVIA considers that there are no designated landscapes within the site or within the 1km study area; there are no public rights of way near the site (as confirmed in the comments from the Council's Countryside Access Officer) nor are there National Cycle Network Routes.

1.54 Due to the mitigation measures that would be provided in accordance with the proposed landscaping scheme, the LVIA notes that the effects attributable to the proposed development would represent "Medium Scale change for a Limited Extent on the site fabric, which in the long term would result in a low magnitude of change". This is assessed as resulting in effects that are 'slight, not significant and, on balance, positive'. Overall, the submitted LVIA concludes that the proposed development would result in 'moderate', but 'not significant' effects on the local landscape/townscape character and therefore would comply with Local Plan Policies QP4, HE3, NE1 and the NPPF (2021).

1.55 The Council's Landscape Architect has considered the application and the information contained within the above mentioned LVIA and considers that there are no landscape and visual issues with the proposed development. However, the Council's Landscape Architect has confirmed that full details of enclosure fencing and planting, and a landscape management plan should be provided and a planning condition is recommended to secure this requirement. Subject to this necessary planning conditions, the application is considered to be acceptable in this respect.

1.56 As noted above, the DCO for the Hornsea Three Offshore Windfarm includes a statutory obligation to maintain the nesting structures. It is noted that this also includes a dispute resolution mechanism. Notwithstanding this, given the notable scale of the landscaping area, it is considered prudent that long term maintenance and management of the landscaping and ecology of site be legally secured by a Planning Obligation in a section 106 legal agreement. Subject to this and associated necessary planning conditions, the application is considered to be acceptable in this respect.

#### Character & Appearance Summary

1.57 In view of the above and subject to necessary planning conditions and planning obligations, 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 and that such impacts would not warrant a refusal of the application.

#### NEIGHBOUR AMENITY

1.58 The proposed structure would be sited with a separation distance of approximately 3.5m remaining from the harbour to the north, being approximately 7m from the main coast/beach areas and jetty, approximately 100m from the RNLI Lifeboat Station buildings, and approximately 340m from the main highway of Middleton Road (with access from Ferry Road, which also provides access to the RNLI Lifeboat Station) between. The proposed structures would be sited approximately 210m from the closest residential properties of Town Wall (Headland) to the north east, with the harbour between.

1.59 It is also of note that the proposed welfare structure (which would be sited along the western boundary) would be sited for a temporary period.

1.60 Consideration is given to the remaining separation distances to the closest residential neighbouring properties (outlined above). Given the satisfactory separation distances to sensitive users such as residential properties, and intervening harbour and highways/car parks, and taking into account the modest scale and siting of the proposed structures (which would be read in the overall context of the adjacent buildings of a similar scale), it is considered that the siting of the proposed artificial nesting structures and associated infrastructure including the temporary welfare building would not result in any adverse impacts on the amenity or privacy of any neighbouring properties (or users of the adjacent beach, jetty and car parks) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

#### Noise

1.61 Policy QP6 of the Hartlepool Local Plan (2018) requires that where appropriate, applicants must investigate and address the effects of a proposal on general disturbance, including noise. 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”*.

1.62 It is acknowledged that the nature and layout of the proposed siting of stand-alone artificial nesting structures has the potential to introduce an intensification of activity of kittiwakes and other birds than the current approved use as a yacht club. As required by Policy QP6 of the Hartlepool Local Plan (2018), the applicant has submitted a Noise Impact Assessment in support of the application, which concludes that the proposal would not result in any adverse noise disturbance.

1.63 The Council's Public Protection section have had regard to the information contained within the application, including the above mentioned Noise Impact Assessment and have advised that they have no objections to the proposal overall, however they have noted that should the proposal result in impacts in respect of noise and disturbance, there would be little recourse from their perspective.

1.64 In the consultation response (detailed in full above), the Council's Ecologist highlighted the difference between the raucous 'yowling' of herring gulls and the call of the kittiwake. The latter is named after its call, which is transcribed as 'kitti-waake'. While herring gulls can be heard all year round and all over the town, the Ecologist has advised that kittiwakes are only noisy during the summer breeding period and only at the nest sites.

1.65 On balance, taking into account the 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).

#### *Guano Accumulation*

1.66 It is acknowledged that a number of neighbour objections have raised issues of guano (bird excrement) accumulation. The applicant has submitted a Landscape and Visual Impact Assessment and details of the relevant DCO (mentioned in full above). Notwithstanding this, as noted above, it is considered prudent to obtain details to ensure the long term maintenance and management of the proposed structures 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 secure long term maintenance and management of the site and structures through a section 106 legal agreement. It is therefore considered that subject to the necessary section 106 legal agreement that the proposal is considered to be acceptable in this respect.

#### Neighbour Amenity Summary

1.67 Overall, in view of the above and given the overall modest scale and design of the proposals and remaining separation distances and relationships to the closest residential properties (including residential neighbours at Town Wall in the Headland), and commercial properties (including the RNLi Lifeboat buildings), and taking into account that the existing building is to be demolished, it is considered that the proposed erection of artificial nesting huts and an artificial nesting tower, as well as the erection of a temporary building to provide welfare during the construction period (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.

1.68 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).

## ECOLOGY

1.69 The proposed artificial nesting structures and associated development are surrounded to the east by the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), the marine Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar Site. A Habitats Regulations Assessment (Stage 1) has been undertaken by the Council's Ecologist (as the competent authority) to assess the impacts of the development on the protected site (Teesmouth and Cleveland Coast SPA/RSMAR), which concluded that there was no likely significant effect on these designations, a view supported by Natural England.

1.70 Policy NE1 of the Hartlepool Local Plan (2021) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough. Paragraph 180 of the NPPF (2021) requires that planning permission is refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated for or compensated for, whilst development on land near a SSSI should only be permitted where the benefits outweigh its likely impact.

1.71 The Council's Ecologist has been consulted on the application and has advised that the ecological report submitted in support of the application provides adequate survey and assessment information to enable an understanding of the potential for significant ecological harm as a result of the proposals. The supporting information proposes a number of measures aimed at enhancing the post development site for protected and priority species, as well as for biodiversity in general. Whilst only outline detail on these measures has been provided, there is sufficient information available to indicate that ecological enhancement is feasible. Providing a suitable planning condition is applied that secures these measures, the proposals can be considered in accordance with the relevant parts of policy NE1 and NPPF. A condition (and obligation in the s106 legal agreement) securing production and implementation of a Landscape and Ecological Management Plan (LEMP) is recommended for this purpose. This condition will also secure ecological compensation in respect of impacts to hedgehog and the butterfly assemblage as requested by the HBC Ecologist.

1.72 In addition to this the Council's Ecologist has advised that a condition is applied that secures 'all demolition and piling works' to be undertaken between March and August inclusive, and this is recommended accordingly.

1.73 Notwithstanding the above conditions, the Council's Ecologist considers that the proposed scheme to provide nesting opportunities for kittiwakes is a positive one for this Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Site of Special Scientific Interest (SSSI) species.

1.74 The Council's Ecologist has confirmed that kittiwakes feed entirely at sea (unlike herring gulls), nest colonially, and that the existing Hartlepool colony is expanding. The structure will provide a safe location for the colony to expand to. While it is unlikely to draw nesting kittiwakes away from their 'traditional' nesting ledges on buildings, it should prevent new buildings on Hartlepool Headland from being colonised. The Council's Ecologist considers that this is a rare example of a

development totally focussed on biodiversity, and as biodiversity measures by public bodies are mandated through the Natural Environment and Rural Communities (NERC) Act 2000, the NPPF and the Hartlepool Local Plan, it provides an opportunity for the LPA and Council to support wildlife and to promote kittiwakes as part of the Hartlepool wildlife 'offer'.

1.75 Natural England has been consulted on the application has confirmed that the proposed development would not result in any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

1.76 Subject to the abovementioned conditions, the application is considered to be acceptable with respect to the impact on ecology and nature conservation, and in accordance with the Policies NE1 and NE4 of the Hartlepool Local Plan (2018), Policies NE1 and NE2 of the Rural Neighbourhood Plan (2018) and paragraph 180 of the NPPF (2021).

## OTHER PLANNING MATTERS

### *Highway & Pedestrian Safety*

1.77 It is acknowledged that PD Teesport have raised concerns that part of Ferry Road is owned by PD Teesport Limited, which is therefore private land. They state that access to the Old Yacht Club over PD Teesport's private land is not permitted. This has been highlighted to the applicant who in response dispute this and contend that they have a right of access. Ultimately, the submitted red line boundary runs up to the adopted highway and therefore, the ownership is a civil matter and not a material planning consideration and is therefore beyond the remit of this application to consider.

1.78 It is noted that the temporary facilities would be served by a car parking area. The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

1.79 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. Notwithstanding this, the Council's Countryside Access Officer has confirmed that members of the public walk along the beach and along the jetty. In view of this, it would be a benefit if the applicant could include an interpretation for the public, to make them aware of the new site residents (during the breeding season) and the ecological benefit of the site for the Kittiwake population. In this instance and given the land ownership and that there are no recorded rights of way at or near to the site, it is considered appropriate to secure such a requirement to be provided within the site, for example at the site boundary and details of this can be secured by a planning condition.

1.80 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.

*Flood Risk & Surface Water Drainage, and Contaminated Land*

1.81 The proposed development 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). 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. The Environment Agency has been consulted on the application and have confirmed no objection in respect of flooding. The proposal is considered to be acceptable in regard to flood risk and surface water drainage, and contaminated land.

*Heritage Assets*

1.82 The application site is situated to the west/south west of the Headland Conservation Area and listed buildings along the Town Wall (beyond the harbour). Views from this area were taken into account as part of the aforementioned LVIA. Policy HE2 'Archaeology' requires new development to identify potential impacts on archaeological artefacts and sites. The applicant has submitted a Heritage Statement as well as a geoarchaeological/archaeological watching brief in support of the application. The Council's Heritage and Countryside Manager and the Tees Archaeology have been consulted on the proposals and have had regard to the submitted supplementary information and have confirmed that the proposal would not give rise to any adverse impacts on any heritage assets or require any further archaeological monitoring. The proposal is considered to be acceptable in these respects.

*Nutrient Neutrality*

1.83 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given this application would not involve any development comprising overnight accommodation, it is not considered the proposals are not considered to be in scope for further assessment.

*Safety and Security*

1.84 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.

*Emergency Planning*

1.85 Cleveland Emergency Planning Unit have been consulted on the application and have confirmed they have no objections to the proposals.

*Consultation*



1.86 With reference to the objection that the LPA has not consulted neighbouring properties (particularly on the Headland, to which the closest residential properties are situated approximately 200m from the application site with the harbour in between), 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 and a press advert. The Headland Parish Council have also been consulted. Notwithstanding the above, the responses have been considered and it is clear that based on the number of responses, people in this location are aware of the current planning application under consideration.

1.87 The applicant, in their supporting Planning Statement, indicates that a neighbour consultation exercise (including briefing letters to HBC councillors for the Headland and Harbour wards, Headland Parish Council, the RNLI and PD Ports; meetings with PD Ports; and a leaflet distributed to residents of Town Wall, surrounding streets and displayed at local community hubs) was carried out but it should be emphasised that this is not a formal requirement for this application.

## RESIDUAL MATTERS

1.88 A number of objections make reference to potential alternative development at the application site, the need for the development or alternative schemes for the existing building. The current application can only consider matters as submitted and these matters are therefore not a material planning consideration. With respect to concerns over the proposals potential effect on/interference with IT/Wifi communication, the structures are relatively modest in scale and height and there is no evidence to suggest that the development would have such an effect.

1.89 An objection makes reference to Community Assets. It is of note that the existing building is not a Community Asset and this would be subject to a separate process in any event.

1.90 Cleveland Fire Brigade have offered no objections to the proposals but have recommended the use of sprinklers as means of fire suppression (albeit the advice appears to be generic and in respect of residential development). Ultimately this would need to be considered and addressed through separate legislation (if appropriate) and is not a material planning consideration.

## CONCLUSION

1.91 Overall, it is acknowledged that the application site is allocated as employment land in accordance with Policies LS1 and EMP4 of the Hartlepool Local Plan (2018), and concerns have been raised by the Council's Economic Regeneration section (and originally by HBC Planning Policy) in this respect. In view of this, it is acknowledged that the application is in conflict with Policy EMP4 of the Hartlepool Local Plan (2018).

1.92 Notwithstanding this, in view of the consideration of the environmental benefits of the scheme as identified by the Council's Planning Policy section, the Council's Ecologist, and Natural England, and the relatively marginal amount of employment

land lost as a result (as well the comfort/responses provided to concerns regarding any 'constraining' effect on the port), it is, on balance, considered that the development is acceptable in relation to Policies NE1, QP5 and QP6 of the Hartlepool Local Plan (2018) for the reasons detailed above.

1.93 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. Subject to the identified conditions and the completion of a section 106 legal agreement to secure the long term maintenance and management of landscaping and ecological mitigation at the application site, the proposal is considered to accord with relevant identified policies of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.94 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

1.95 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. There are no Section 17 implications.

## **REASON FOR DECISION**

1.96 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 received in respect of consultations (press advert) outstanding at the time of writing, the following planning obligations being secured in a section 106 legal agreement consisting of a Landscape and Ecological Management Plan to include long term maintenance and management of on-site open spaces, landscaping and the associated nesting structures (including ecological mitigation/enhancement areas), and subject to the following planning 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 plans:  
drawing number HOW3-LDA-0700 Rev P06 (Elevations),  
drawing number HOW3-LDA-0701 Rev P06 (Elevations),  
drawing number HOW3-LDA-0101 Rev P05 (Existing Site Plan),  
drawing number HOW3-LDA-0200 Rev P06 (Ground Floor Plan),  
drawing number HOW3-LDA-0180 Rev P06 (Proposed Site Sections),

drawing number 7628\_PL\_401 (Softworks Typologies Layout and Reference Plan),  
drawing number 7628\_PL\_201 (Hardworks Layout and Reference Plan),  
received by the Local Planning Authority 06/01/22,  
drawing number HOW3-LDA-0100 Rev P05 (Site Location Plan),  
drawing number 7628\_PL\_1-1 Rev P02 (Illustrative Landscape Masterplan),  
drawing number HOW3-LDA-0204 Rev P07 (Roof Plan),  
drawing number HOW3-LDA-0203 Rev P07 (Third Floor Plan),  
drawing number HOW3-LDA-0202 Rev P07 (Second Floor Plan),  
drawing number HOW3-LDA-0201 Rev P07 (First Floor Plan),  
drawing number HOW3-LDA-0130 Rev P05 (Demolition Plan),  
drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan),  
received by the Local Planning Authority 27/01/22.  
For the avoidance of doubt.

3. Prior to the commencement of development (including demolition), a Landscape and Ecological Management Plan (LEMP) and timetable for implementation shall be submitted to the Local Planning Authority for approval in writing, the detail of which shall be in general conformity with the Softworks Typologies Layout and Reference Plan (Dwg No. 7628\_PL\_401 date received by the Local Planning Authority 07/01/2022). The content of the LEMP shall include the following;
  - a) Description and evaluation of features to be managed, including retained habitats and habitats to be created;
  - b) Broad aims of management, to include compensation for loss of hedgehog hibernacula/daytime shelter, compensation for the loss of grassland habitat used by priority butterfly species and enhancement for invertebrates in general;
  - c) Specific actionable objectives of management to achieve above aims, including the type and or design of habitat features to be created/installed.
  - d) Appropriate management options for achieving aims and objectives relating to vegetated habitats;
  - e) Prescribed arrangements for the ongoing management of the development site for biodiversity, including maintenance of the above habitats and features;
  - f) Details an annual work plan and of the body or organisation responsible for implementation of the plan;
  - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved LEMP and timetable.

In the interests of ecological enhancement.

4. Prior to commencement of development (including any demolition), a method statement for the avoidance of impacts to sheltering hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) purpose and objectives for the proposed ecological measures;
  - b) working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.
- The works shall be carried out strictly in accordance with the approved details and timetable, and any features created shall be retained in that manner thereafter.
- To secure ecological compensation in respect of impacts to hedgehog.
5. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development (including demolition), a detailed scheme for the provision, long term maintenance and management of all soft landscaping and planting within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works and timetable to be undertaken, and be implemented in accordance with the approved details, timetable and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the erection of the structures hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
- In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.
6. 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 out with 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 Policies QP4 and LS1 of the Hartlepool Local Plan.

7. Prior to the commencement of development, a low-level lighting scheme to be adopted during and post development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the commencement of development. Such a scheme shall include details of the position, angle and type and height of lighting.  
In the interests of the amenities and ecology of the area.
8. Prior to the above ground construction of the development hereby approved, details of a proposed interpretation panel(s)/board(s) providing information on the proposed nesting structures including construction materials and finish, and a timetable for installation, shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details and agreed timetable.  
In the interests of visual amenity and ecology.
9. Notwithstanding the submitted details and prior to the erection of the temporary welfare facilities/building and installation of the associated car parking/hard standing (as annotated on drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan, received by the Local Planning Authority 27/01/22), details of such structures along with a timetable for the erection and thereafter removal of the temporary welfare buildings and associated hard standing (which shall be removed within 12 months of the agreed installation date) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and timetable including the removal of the temporary welfare facilities/building.  
In the interests of visual amenity and to which the permission is based.
10. Notwithstanding the submitted details and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.  
In the interests of visual amenity.
11. Notwithstanding the submitted details and prior to above ground construction, details of all external finishing materials for the proposed development 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 and character and appearance of the surrounding area.

12. All demolition and piling works associated with the development hereby approved shall be undertaken between March and August inclusive only. In the interests of ecological protection.
13. Hard landscaping of the site shall be carried out in accordance with drawing number drawing number HOW3-LDA-0102 Rev P07 (Site Layout Plan), received by the Local Planning Authority 27/01/22 unless an alternative scheme is agreed in writing by the Local Planning Authority. In the interests of visual amenity of the area and highway safety
14. When the nesting structures hereby approved cease their operational use, all structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its former condition with a scheme and timetable to be first submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details and timetable to the satisfaction of the Local Planning Authority. In the interests of visual amenity and character and appearance of the surrounding area.

## BACKGROUND PAPERS

1.97 Background papers can be viewed by the 'attachments' on the following public access page: [Hartlepool Borough Council | Regeneration and Planning](#)

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

1.99 The Hornsea Three Offshore Wind Farm Order 2020 can be viewed:  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-003266-EN010080%20Hornsea%20Three%20-%20Development%20Consent%20Order.pdf>

## CONTACT OFFICER

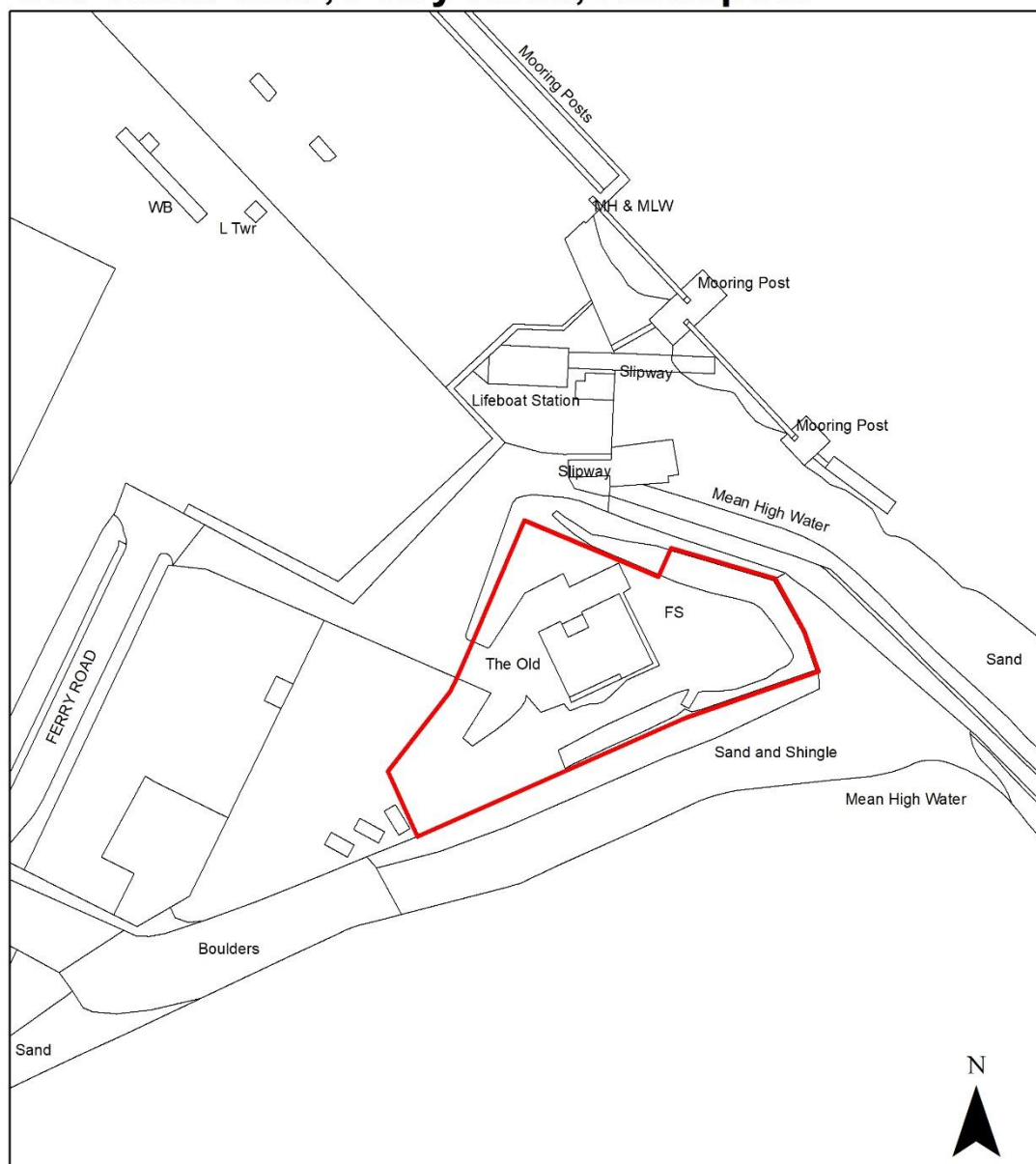
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## Old Yacht Club, Ferry Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>8.6.2022</b>
	SCALE <b>1:1250</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0009</b>	REV



**No:** 2  
**Number:** H/2022/0080  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL  
**Agent:** HARTLEPOOL BOROUGH COUNCIL SCOTT CAMPBELL CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24 8AY  
**Date valid:** 18/03/2022  
**Development:** Erection of a total of 10no. structures including 4no. storage containers (approx. 3m x 2.5m x 2.5m), 3no. summer houses (approx 3m x 1.8m x 2.1m), 2no. sheds (1no. approx. 3.6m x 2m x 2.4m and 1no. approx. 6m x 3m x 2.4m), and 1no. greenhouse (approx. 6m x 3m x 2.7m); general internal improvements to include the installation of footpaths, the installation of fences and gates (approx. 1m in height) and the installation of a natural drainage area  
**Location:** WAVERLEY TERRACE ALLOTMENT PROJECT  
 WAVERLEY TERRACE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2008/0548 – Siting of 2 greenhouses. Approved 11/11/2008.

H/2010/0019 – Installation of composting toilet. Approved 15/03/2010.

H/2012/0337 – Erection of 2.4m fence, reinstatement of unused allotment garden, installation of four new gates, erection of polytunnel and potting shed. Approved 03/08/2012.

H/2015/0187 - Provision of an off-street parking area, accessible toilet facilities and an office/training unit. Approved 06/07/2015.

H/2016/0110 – Relocation of fence line and formation of public footpath (part change of use of allotment land) and associated works including repositioning of gates and extending existing footpaths. Approved 19/05/2016.

## PROPOSAL

2.3 Planning permission is sought for the erection of a total of 10no. structures at the Waverley Allotments. The structures include 4no. storage containers measuring approximately 3m in length x 2.5m in width with a height of approximately 2.5m, 3no. summer houses measuring approximately 3m in length x 1.8m in width with a height of approximately 2.1m, 1no. shed measuring approximately 3.6m in length x 2m in width with a height of approximately 2.4m and 1no. shed measuring approximately 6m in length x 3m in width with a height of approximately 2.4m, and 1no. greenhouse measuring approximately 6m in length x 3m in width with a height of approximately 2.7m.

2.4 The proposals include general internal improvements to include the installation of footpaths, the installation of fences and gates (approximately 1m in height) and the installation of a natural drainage area.

2.5 The submitted Statement of Community Involvement indicates that the Waverley Project is a 6500m<sup>2</sup> community area of land that is purposed for cultivation/allotmententing or other associated uses. The submitted application form indicates that the allotments would be in use from 8.30am – 6pm Mondays to Saturdays inclusive and closed on Sundays and bank holidays.

2.6 The submitted Design & Access Statement indicates that the application site has recently been granted an amount of capital investment to make improvements in its infrastructure and extend its use to the wider community.

2.7 The supporting information (Planning Statement) indicates that “the Waverley Project Management Team aims to increase the amount of community impact the site has by promoting areas for different uses that fall within the allocated use of the land. The separate areas would look to; address isolation, barriers to charitable food growth, obesity, education, confidence, skills, physical exercise barriers, mental health issues.”

2.8 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**

2.9 The application site is an existing allotments situated to the south of Waverley Terrace, in Hartlepool. The allotments are abounded by additional allotments to the western boundary, whilst the Rift House Recreation Ground is sited to the south and east. Beyond the main highway to the north (Waverley Terrace) lies residential properties including 25-55 (odds) Waverley Terrace. Beyond the parcel of open land / Rift House Recreation Ground to the east lies residential properties including 2-8 (evens) Ventnor Avenue and 16 Waverley Terrace.

2.10 Access to the allotments is taken from Waverley Terrace to the north. Boundary treatments include a low level close boarded timber fence (approximately 1.2m in height) along the northern boundary (between the allotments and the main highway), open railings with a height of approximately 2m to the eastern and southern boundaries, whilst to the west is an existing car parking space (which would be

retained), with additional allotments beyond. As noted above, the application site features existing polytunnels and a number of other buildings.

## PUBLICITY

2.11 The application has been advertised by way of neighbour letters (40) and a site notice. To date, there have been three objections received from members of the public.

2.12 The concerns raised can be summarised as follows:

- Traffic and parking
- Noise
- Undesirable visitors
- Air pollution
- Work has started at the application site

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=152005>

2.14 The period for publicity has expired.

## CONSULTATIONS

2.15 The following consultation replies have been received:

**HBC Building Control:** I can confirm the work is exempt from Building Regulations.

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

I would be asking that the development of the site/ construction works 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.

I would also require no open burning on the site at any time.

A suggestion of the opening and closing times of the site was made by the applicant of 08:30hrs - 18:00hrs. I would have no objection to this time for general activities on site, however I would like a further condition for activities that would give rise to noise to have an hours restriction of Monday-Saturday 10:00hrs-16:00hrs and no Sundays or bank holidays this is to protect the amenities of nearby residents.

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

**HBC Traffic and Transport:** There are no highway or traffic concerns with this application.

**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 Estates:** The site is owned by the Council but managed day-to-day by the Allotments Team.

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

**HBC Economic Regeneration:** No issue from an Economic Growth perspective.

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

**HBC Ecology:** With the natural area [shown in the proposed layout], the scheme has enough potential biodiversity enhancement to satisfy NPPF and HBC LPA planning requirements.

**HBC Arboricultural Officer:** No comments received.

**HBC Allotments Project Officer:** No comments received.

**HBC Parks and Countryside:** No comments received.

**HBC Heritage and Open Spaces Manager:** No comments received.

## PLANNING POLICY

2.16 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

2.17 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

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)

2.18 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

**2.19 HBC Planning Policy comments:** With regards to planning policy, the Haswell Allotments are allocated as Green Infrastructure under policy NE2(h) of the Local Plan, and this is illustrated on the accompanying Policies Map. This policy seeks to support green infrastructure elements across the borough, whilst supporting the improvement of these facilities. We note that these proposals include improving currently underused areas of the wider site and partnering with various organisations to provide opportunities for gardening and food growing projects. We note the benefits of the proposals in terms of engaging the local communities and the health benefits associated with encouraging healthier habits, and we are happy to support these proposals as they are allotment-based activities which would not result in any loss of protected green space, and would in fact increase the offering of the

allotment site whilst improving the visual amenity of the site, which is currently underused.

2.20 There is a recognition that one area of the proposal wishes to utilise a shed for other uses including mechanical/woodwork training, however this would be ancillary to the other uses such as gardening, and so planning policy are satisfied that following confirmation from Public Protection, that this use will not cause any disturbance to neighbouring properties. Ideally we would like to see this use remain ancillary to ensure that the general use of the allotments remains for horticultural purposes. If a formal application was to be submitted we would give greater details regarding elements such as the design of the structures on the site.

2.21 Overall, we believe that the proposals will bring a great benefit to the local community and are compliant with policy NE2 of the Local Plan, alongside INF4 which seeks to support the development of community facilities within the borough. Therefore, we have no objections to the proposals.

## **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, impact on character and appearance of the application site and surrounding area, impact on neighbour amenity, highway and pedestrian safety, 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**

2.23 The application site is allocated as 'Allotments and Community Gardens' under Policy NE2 (h) as defined by the Hartlepool Local Plan Policies Map (2018).

2.24 The proposals include the erection of 10. structures (as outlined above), to include 4no. storage containers, 3no. summer houses, 2no. sheds and 1no. greenhouse. The Council's Planning Policy section has considered the information contained within the application and are satisfied that in this instance, that the application site is an acceptable location for such development. As such, HBC Planning Policy have no objections with regards to the appropriateness of the location.

2.25 The Council's Planning Policy section have confirmed that there is a recognition that one area of the proposal wishes to utilise a shed for other uses including mechanical/woodwork training, however this would be ancillary to the other uses such as gardening. The Council's Planning Policy section are satisfied that this use will not cause any disturbance to neighbouring properties. Nevertheless, the Council's Planning Policy section have advised that this use should remain ancillary to ensure that the general use of the allotments remains for horticultural purposes. This can be secured by planning condition, which is recommended accordingly.

2.26 Overall, the Council's Planning Policy section 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 allotments. The Council's Economic Growth and Regeneration have also confirmed no objections to the proposals.

2.27 Therefore, in view of the above, the principle of development of the erection of structures and associated development of the allotments is considered to be acceptable subject to the proposal satisfying the main planning considerations of this application.

## VISUAL AMENITY

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

2.29 NPPF paragraph 130 stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

2.30 The proposed buildings would be sited adjacent to other buildings and paraphernalia within the established boundary of the allotments at the application site. The overall site context includes the existing car parking on the western extent (adjacent to the junction between Waverley Terrace and Tristram Avenue, with allotment areas extending to the east, with boundary treatment in the form of a 1m high (approximate) close boarded timber fence around the application site. To the north is the main highway (Waverley Terrace). Due to the siting, scale and design of the proposed structures as well as the low level scale of the boundary fences, it is noted that the proposed structures would be readily visible when travelling along the adjacent highways of Waverley Terrace and Tristram Avenue (to the north).

2.31 Notwithstanding this, consideration is given to the modest overall height of the proposed structures (which are all under 4m in overall height), which would, from certain vantage points, be read in the context of the existing structures within the allotments, its peripheral low level boundaries, and other paraphernalia in the immediate surrounding area which includes the siting of recreation ground to the southern side.

2.32 Given the siting and scale of the proposed structures, and in view of the above consideration, it is considered prudent that 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.

2.33 The Council's Landscape Architect has considered the application has confirmed no objections in terms of landscape or visual amenity.

2.34 In terms of the associated development, including the installation of low level fencing and footpaths, it is considered that these elements would not result in any incongruous features within the context of the allotments or visual incursion in the street scene (particularly Waverley Terrace).

2.35 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

2.36 The proposed structures would be sited with a separation distance of approximately 20m remaining from the closest neighbouring properties to the north (including 25-55 (odds) Waverley Terrace), with the main highway between. As noted above, the proposed structures would be sited within existing allotments and adjacent to other structures of a similar scale and design. To the east, a separation distance of approximately 60m would be maintained between the proposed development and the closest residential properties of 16 Waverley Terrace and Nos. 2-8 (evens) Ventnor Avenue.

2.37 Given the satisfactory separation distances to sensitive users such as residential properties, and intervening main highway (Waverley Terrace) and/or expanse of open grassland, and taking into account the modest scale of the proposed structures it is considered that the siting of the proposed structures and associated works 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.

## Noise

2.38 It is acknowledged that neighbour objections have been received raising concerns around noise.

2.39 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"*.

2.40 It is acknowledged that the nature and layout of the proposed siting of 10no. structures has the potential to introduce an intensification of activity than the current allotments (albeit it is of note that a number of structures are already in situ



throughout the allotments site). The application form indicates the intention to open between 08.30 and 18.00 Mondays to Saturdays inclusive. The Council's Public Protection section have confirmed no objections to the proposed hours in relation to general activities. It is noted that the Council's Public Protection section have advised that a further condition for "activities that would give rise to noise" have an hours restriction of Monday-Saturday 10:00hrs-16:00hrs and no Sundays or bank holidays, in order to protect the amenities of nearby residents. However, it is considered that such a condition would not meet the 'tests' of a planning condition, namely it would not be precise or enforceable. It is of consideration that this would be site management issue and should such noise issues arise, it is of consideration that this could be considered under alternative regimes (i.e. environmental legislation) and therefore it is not appropriate to append any a further planning condition in this regard other than the overall hours condition as detailed above.

2.41 Finally, the Council's Public Protection section have requested that the development of the site/ construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays, 09:00 hours to 13:00 hours on Saturdays, and at no time on Sundays or Bank Holidays. These requirements can be secured by planning conditions.

2.42 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).

#### *Air pollution*

2.43 It is acknowledged that a neighbour objection has raised concerns around air pollution. The Council's Public Protection section have had regard to the information contained within the application and have confirmed no objections, provided that there is no open burning at the site at any time, albeit this is covered under alternative regimes, and can be relayed to the applicant via an informative note. It is therefore considered that the proposal would not result in a significant impact on the amenity of neighbouring residential land users in terms of air pollution or odour nuisance. The proposal is therefore considered, on balance, to be acceptable in this respect.

#### *Amenity summary*

2.44 Overall, in view of the above and given the established footprint of the allotments (which does not include any new openings) and remaining separation distances and relationships to the closest residential properties (particularly neighbouring properties on Waverley Terrace and Ventnor Avenue), it is considered that the proposed change of use of the host building and siting of the proposed buildings 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.

2.45 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 NE2 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

## HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

2.46 It is acknowledged that a number of neighbouring objections have raised concerns regarding traffic and parking. It is noted that the main host allotments is situated at the eastern end of the wider allotments site, together being served by a car park which would remain unaltered by the proposed erection of structures. The submitted supporting Design and Access Statement states that “that visitors to the site would be required by land management agreement to park their vehicles in one of the two adjacent carparks to the site, which are located to its East and West.” 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.

2.47 In terms of public footpaths, it is noted that the proposed layout plan indicates a ‘relocated’ access gate, however this does not seem to be the case i.e. the access gate is already in situ.

2.48 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.

2.49 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

2.50 Ecological information has been submitted by the applicant in support of the application. The supporting Design and Access Statement together with the ecological information (from pre-application advice) indicates that the proposed wetland scrape will run to a maximum of 1m in depth, which will address biodiversity enhancement. In this respect, the Council’s Ecologist has been consulted on the proposals, who concludes that he has no ecology objections. The proposals are considered to be acceptable in this regard.

## SURFACE WATER DRAINAGE & CONTAMINATED LAND

2.51 The proposed development 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).

2.52 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. The proposal is considered to be acceptable in this regard.

## OTHER PLANNING MATTERS

2.53 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.

2.54 With reference to the objection that the applicant has not consulted neighbouring properties, the applicant has submitted a supporting Statement of Community Involvement (SCI), which indicates that the applicant undertook community consultation in early 2022. The SCI indicates that the following individuals and groups were consulted: the residents of Waverley Terrace; the residents of the two houses that the site is visible to on Tristram Avenue; the Waverley Community group; the Waverley Adult Day Services Allotment; and the Allotment Service. The submitted information (SCI) indicates that the responses were predominantly positive, however some concerns were highlighted in terms of an increase in traffic, to which the applicant proposed to resolve by way of management of the site (as detailed above). Ultimately, whilst such consultation is best practice, this is not a formal requirement of the applicant for this type of planning application.

2.55 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.

2.56 It is acknowledged that objections have been received indicating that works have started at the application site. The case officer noted during the site visit that the structures proposed through this application were not present at the application site. The applicant (HBC) has also confirmed that works have not begun on site.

## CONCLUSION

2.57 Overall, it is considered that the principle of development in this location is acceptable in relation to Policy NE2 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. Subject to the identified conditions, the proposal is considered to accord with policies NE2 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.58 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.59 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.

2.60 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details drg. No. L003 Location Plan (scale 1:1250), Existing Site Plan (scale 1:250), Proposed Site Plan (1:250), Proposed Layout Plan (1:250) received by the Local Planning Authority on 25<sup>th</sup> February 2022; and document 'Floor plans/elevations' received by the Local Planning Authority on 16<sup>th</sup> March 2022.  
For the avoidance of doubt.
3. Notwithstanding the submitted details and prior to the commencement of works above ground level, precise details of the finishing materials to be used in the proposed erection of the structures shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. The structures hereby approved shall only be used for purposes incidental to the use of the allotments, shall not be extended or altered, and no trade or business shall be carried out therein.  
In the interests of the amenities of the occupants of neighbouring properties.
5. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
6. The 10no. structures and use hereby approved shall only be open to the public between the hours of 08.30am and 6.00pm Monday to Sunday including Public and Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=152005>

2.63 Copies of the applications are available on-line:

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

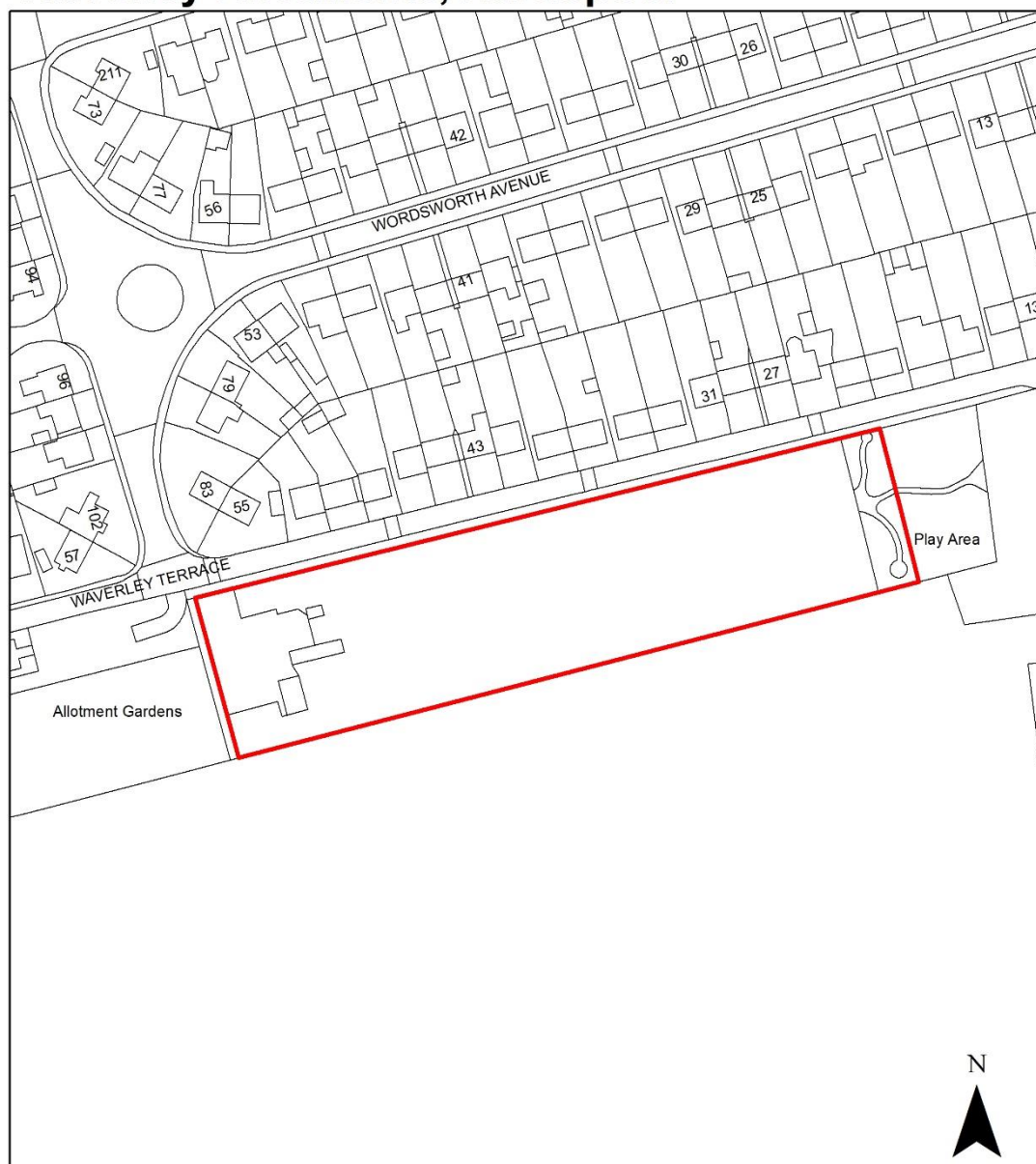
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## Waverley Allotments, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>JB</b>	DATE <b>8.6.2022</b>
	SCALE <b>1:1250</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0080</b>	REV

**No:** 3.  
**Number:** H/2022/0060  
**Applicant:** MR STEVE DOUGHTY WYNYARD BUSINESS PARK  
WYNYARD TS22 5TB  
**Agent:** HEDLEY PLANNING SERVICES CHARLY WILSON 3B  
EVOLUTION WYNYARD BUSINESS PARK WYNYARD  
TS22 5TB  
**Date valid:** 23/02/2022  
**Development:** Erection of 6no. external seating pods (retrospective)  
**Location:** NEPTUNE HOUSE SLAKE TERRACE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

HFUL/1999/0580 – Provision of external seating area. Approved 29/12/1999.

HFUL/2000/0223 - Provision of raised deck to provide external seating. Approved 30/06/2000. This application was approved subject to a number of planning conditions including;

*1. The external seating area shall be used no later than 9.00pm or sunset (whichever is the latest) on any day of the week.*

*REASON: In the interests of the amenity of the occupants of adjacent residential property*

*2. No amplified music shall be played in the external seating area.*

*REASON: In the interests of the amenity of the occupants of adjacent residential property.*

## PROPOSAL

3.3 This application seeks retrospective planning permission for the erection of 6no. external seating pods within the beer garden/external area (approved by virtue of HFUL/1999/0580 and HFUL/2000/0223) to serve Abbey's Bar, at Neptune House, Slake Terrace.

3.4 The pods each measure approximately 4m (width) x 3m (depth). The structures each have a maximum roof height of approximately 2.96m and an eaves height of approximately 2.2m. The structures feature a pitched roof and are constructed from

timber. The structures feature an open side with seating (a table and benches), and feature opaque plastic coverings over the entrance and 'window' areas to the sides. The 6no. pod structures are sited on an area of decking, topped with artificial turf.

3.5 It was noted by the case officer during the site visit that the 6no. erected pods are sited in a slightly different position to the 6no. pods annotated on the proposed block plan. The agent clarified that the pods would be moved to the position indicated on the submitted plans.

3.6 This application has been referred to be determined in the Planning Committee due to the retrospective nature of the application and the objections received.

## **SITE CONTEXT**

3.7 The application site comprises an area of land in use as an outdoor decking area, situated to the south of Neptune House and to the north of Britannia House, in Slake Terrace, Hartlepool. The site is bounded to the east/rear by a rear access to the two above mentioned buildings, whilst to the west is the main access road and car park serving the properties.

3.8 As noted above, the area of land benefits from planning approval by virtue of HFUL/1999/0580 for the use of the area as an external seating area to serve the drinking establishment, which features an 'external bar' (no known planning permission but is noted to have been in situ for more than 10 years when viewing historic google street view images. It is also noted that the objection indicates it is used for storage but the structure does not form part of this application in any event). The parcel of land is connected to Abbey's Bar, and is within the ownership/lease of land in use by Portals Place, Neptune House. There are residential flats above Neptune House and Britannia House (north and south of the application site respectively).

## **PUBLICITY**

3.9 The application has been advertised by way of neighbour letters (17) and a site notice. Further consultation was undertaken following receipt of an amended block plan which included the balconies to flats within Neptune House. To date, there have been 2 objections (including more than one from the same neighbour), from members of the public.

3.10 The concerns and objections raised can be summarised as follows:

- No notice given to the landlord or neighbours that pods would be erected
- Noise disturbance, particularly at unsocial hours
- Privacy, reduced outlook and visual intrusion
- Crime and fear of crime – e.g. access to residential flats via balconies, security issues
- Anti-social behaviour
- Concerns regarding letting vacant residential properties
- Traffic and parking concerns
- Queries regarding consultations
- Building Regulations issues – safety, security and materials



3.11 In addition, a total of 2 representations offering 'do not object', including 1 from a neighbour and 1 from a local ward councillor, have been received.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151708>

3.13 The period for publicity has expired.

## CONSULTATIONS

3.14 The following consultation replies have been received:

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

**HBC Public Protection:** I have no objections to this application providing the following conditions are met:

1. The outside seating area hereby approved shall only be open for use by the public from 9am until 8pm or sunset whichever is the sooner each day. The seating area shall not be used beyond these times.
2. No music shall be played or relayed to the outside seating area hereby approved.
3. 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.

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

It is noted that the Environment Agency (EA) Flood Map for Planning shows the site to lie within Flood Zone 2 as shown in Figure 1 below which would normally mean that a flood risk assessment is required for the development. However, on this occasion we do not require a flood risk assessment as modelling work carried out for the EA by Royal Haskoning to consider also non-EA maintained coastal defences shows the site to lie within Flood Zone 1.

**Cleveland Police:** Police have no objections but would advise pods are of robust construction to deter criminal damage use of CCTV to cover the area would be of benefit.

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

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

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

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

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

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

**Tees Archaeology:** I have checked the HER and the proposed development should not have a significant impact on any known heritage assets. We have no objection.

**HBC Countryside Access Officer:** The England Coast Path National Trail (ECP) runs across the front of this proposed seating improvement area.

At no time can any materials, equipment, machinery or vehicles be deposited on, or obstruct the ECP at any time, including during and after the development, should planning permission be granted.

**HBC Building Control:** It would depend on the size of the pods but we are assuming that they will be similar to the ones at Portals Place, if this is the case they would be exempt.

If you require further confirmation it will probably best to speak with Gary Ball, as the Marina is his area of the town.

*Verbal update upon clarification they are the pods under consideration:* They are exempt.

**HBC Landscape Architect:** No comments received.

**HBC Community Safety:** No comments received.

**HBC Estates:** No comments received.

**HBC Public Health:** No comments received.

**Headland Parish Council:** No comments received.

**HBC Estates:** No comments received.

## PLANNING POLICY

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

### Local Policy

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

LS1: Locational Strategy

LT1: Leisure and Tourism

LT2: Marina

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC1: Retail and Commercial Centre Hierarchy

SUS1: The Presumption in Favour of Sustainable Development

### National Planning Policy Framework (NPPF)(2021)

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

PARA 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

**3.18 HBC Planning Policy comments:** Planning policy have no objections to the proposals. Given the retrospective nature of the development and that it is sited in an area which is predominantly commercial, serving various bars and restaurants, the pods are in keeping with the area and are appropriate to serve guests externally.

## PLANNING CONSIDERATIONS

3.19 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, visual amenity, neighbour amenity and privacy, 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

3.20 The application site is allocated as 'Leisure and Tourism' under Policy LT2 and is situated within the Marina area under Policy LT1, as defined by the Hartlepool Local Plan Policies Map (2018).

3.21 The development involves the erection of 6no. timber pod structures within an established outdoor seating area to the rear/east of the main drinking establishment. 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 structures 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.

### VISUAL AMENITY

3.22 The retrospective erection of 6no. pod structures within the application site is within the approved external area serving the drinking establishment, being bounded by the main highway and car park on its western side, and therefore visible from the wider area including the adjacent England Coast Path, when moving along Slake Terrace towards the marina area (to the west).

3.23 Policy QP4 of the Hartlepool Local Plan (2018) expects development to blend seamlessly with surrounding land uses and reflect local character. This policy requires that the scale and materials of development should be such that the development blends into the existing environment and does not appear as an intrusive addition.

3.24 NPPF paragraph 130 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.

3.25 By virtue of the layout of buildings within the street scene and marina area, the application site is situated on a relatively prominent plot sandwiched between two buildings (Neptune House and Britannia House) and it is of note that the

retrospective erection of the 6no. pod structures are appreciably larger in scale than other paraphernalia within the application site itself (including the decking, and replacement low level boundary treatments).

3.26 Notwithstanding the above, consideration is given to the above noted planning approvals (HFUL/1999/0580 and HFUL/2000/0223) which are likely to allow for the siting of external tables and chairs within this area, as well as the modest scale overall of the proposals including the height being under approximately 3m. It is further acknowledged that the erected pod structures are within the established external seating area (adjacent to the main highway, car parking area and footpath) and are read within the context of the triangular parcel shaped existing external area (including decking, and fencing). As such, it is considered that the development is not, on balance, considered to result in any overly prominent or incongruous set of features in the surrounding area.

3.27 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.

3.28 Given the siting, scale and choice of materials for the pod structures, and in view of the above guidance, it is considered prudent to restrict the pods to a temporary period of 2 years in order to ensure that the structures remain acceptable primarily in terms of any visual impact (and with regard to the structures having already been in place for approximately 15 months at the time of considering this application). At the point of expiration of the permission for the structures, the applicant would need to remove the structures and restore the land to its previous condition or if they wanted to retain the structures, a further planning application would need to be submitted and duly considered. An appropriate planning condition can secure this.

3.29 It is was observed from the neighbour's objection that the 6no. pods are currently laid out on site in a marginal variation to the layout to that shown on the submitted plan (in particular pods 2 and 6 towards the rear of the site appear to be more angled into the site than as shown on plan which indicates them being set in line to the boundary fence). The case officer requested that the submitted plan be updated to reflect the layout on site however the applicant has confirmed their intention to position the pods as shown on the submitted plans. Whilst either positioning is considered to be acceptable in the context of the above considerations, for completeness, a planning condition is secured to ensure that the pods are relocated to the reflect the submitted plan within a suitable timescale (2 months).

3.30 Overall, it is considered that the pod structures, due to their design, scale and siting, are acceptable in respect to the character and appearance of the application site and surrounding area (subject to conditions), and in accordance with Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

## NEIGHBOUR AMENITY

3.31 Objections and concerns have been received in relation to the application and the impact of the proposed erection of 6no. pods within the external area serving the drinking establishment, in relation to noise disturbance, visual intrusion and reduced outlook, loss of privacy and anti-social behaviour.

3.32 In terms of amenity, consideration is given to the remaining separation distances to the closest neighbouring properties that abound the site to the side/north including the occupants of Flat 1 Neptune House and Flat 2 Neptune House, which are sited directly adjacent to the application site, albeit at first floor level.

3.33 To the south, a separation distance of approximately 1m remains between the proposed pod structures and the commercial unit abounding the application site (Britannia House), whilst it is noted that residential flats are sited at first floor level within this neighbouring building.

3.34 In view of the above separation distances that would be maintained between the pod structures and taking into account their modest scale and design (under the first floor balcony height), and given the established external seating area approved by virtue of HFUL/1999/0580 and HFUL/2000/0223, it is considered that the development would not result in any unacceptable adverse impacts on the amenity of neighbouring properties (including neighbouring properties at Neptune House and Britannia House), in terms of loss of light, loss of outlook, overbearing impression as to warrant a refusal of the application.

3.35 In terms of privacy, it is acknowledged that the erected timber pod structures are sited within an area of land that benefits from an existing planning approval for use as an external seating area (by virtue of HFUL/1999/0580 and HFUL/2000/0223). It is acknowledged that the above mentioned planning approvals would allow for the siting of tables and chairs within the decking area, where a typical requirement that these would be removed at the end of each day. It is also acknowledged that the covered structures allow for use by patrons for longer periods (e.g. during inclement weather conditions) than would ordinarily be the case. Notwithstanding this, consideration is given to the modest design and scale of the pod structures as well as the relationship to neighbouring residential properties (including Flat 1 and Flat 2 Neptune House, which are both first floor apartments). Overall, it is considered that the erected pod structures do not result in an adverse impact on the privacy of these neighbours, in terms of overlooking as to warrant a refusal of the application.

### Noise

3.36 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 pod structures for users of the commercial premises, with references made to the playing of amplified music.

3.37 In this respect, it is acknowledged that the nature and layout of the development has the potential to introduce an intensification of activity to the area of the application site immediately outside the balconies serving Flat 1 and Flat 2 Neptune House. The application form does not indicate any proposed hours of opening or operation of the pods.

3.38 Notwithstanding this, it is noted that the previous planning approval in respect of the external seating area to the premises (approved by virtue of HFUL/2000/0223, decision date 30<sup>th</sup> June 2000) included a planning condition restricting the use of the outdoor area to no later than 9pm, Mondays to Sundays (inclusive).

3.39 The Council's Public Protection section have been consulted on the proposal and have confirmed no objections subject to the inclusion of a condition restricting the use to between 9am and 8pm or sunset (whichever is the sooner), which is an hour earlier than the extant permission for the seating area. Given that the application only relates to the 6no. pods, this hours restriction can only be applied to the pods themselves, given the extant approval to allow the seating area as a whole to operate until 9pm or sunset by virtue of HFUL/2000/0223. A planning condition is recommended accordingly.

3.40 In addition, the Council's Public Protection section have requested a planning condition prohibiting music from being played or relayed into the area. Again, consideration is given to the existing restriction on the original seating area approval (HFUL/2000/0223) which limits amplified music being played to the external area, and in this instance it would not be reasonable to limit the playing or relaying of music to the seating area as a whole (given the extant permission). The request to limit the playing or relaying of music (as requested by HBC Public Protection) to the 6no. pods only can be secured by a planning condition.

3.41 Finally, the Council's Public Protection section have requested that a planning condition to limit construction and fitting out work. However given that the application is retrospective, with the structures in situ at the time of the case officer's site visit (notwithstanding the pods require relocation in certain instances), it is not considered necessary or reasonable to apply this condition and any associated issues of noise could be considered under separate environmental legislation should they arise.

3.42 Subject to these planning conditions, the Council's Public Protection section have confirmed no objections to the proposal. In addition, Cleveland Police have confirmed no objections to the proposal, however have advised that the pods are of robust construction and that criminal damage can be deterred by the use of CCTV. This advice can be relayed to the applicant via an informative.

3.43 Subject to the above recommended planning conditions and taking into account the established siting of the drinking establishment (and associated curtilage and above mentioned planning approval for the application site to be used as an external seating area to serve the drinking establishment) 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 as to warrant a refusal of the application.

### Neighbour Amenity Conclusion

3.44 Overall, in view of the above and given the established use of the host drinking establishment and curtilage, and remaining separation distances and relationships to residential properties (including Flat 1 and Flat 2 Neptune House), and the siting of the timber pod structures, it is considered that the development would not result in an unacceptable adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions.

### HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

3.45 It is noted that the host drinking establishment, together with other premises in the street of Slake Terrace, is served by a large car park which would remain unaltered by the erection of the pod structures. The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application. The development is therefore considered to be acceptable in this regard.

3.46 In terms of Public Rights of Way, the England Coast Path National Trail (ECP) runs across the front of this proposed seating improvement area. The Council's Countryside Access Officer has been consulted on the application and has confirmed that at no time can any materials, equipment, machinery or vehicles be deposited on, or obstruct the ECP, including during and after the development, should planning permission be granted. This can be relayed to the applicant via an informative note.

### CRIME AND ANTI-SOCIAL BEHAVIOUR

3.47 It is acknowledged that a neighbour representation has made reference to the increased risk of crime, fear of crime and anti-social behaviour as a result of the development.

3.48 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*".

3.49 Cleveland Police have confirmed that they would have no objections to the proposal, albeit have advised that the structures are of robust construction and controlled by CCTV, which can be relayed to the applicant via an informative. 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



3.50 The Council's Flood Risk Officer has been consulted in respect of the proposal and has confirmed no objections in respect of drainage or contamination.

3.51 Tees Archaeology has been consulted on the proposal and has confirmed no objections in respect of any significant impact on any known heritage assets.

3.52 The development is therefore considered to be acceptable in respect of these matters.

## OTHER MATTERS

3.53 With reference to the objections received in respect of safety, security and materials of construction, particularly in respect of fire safety, lack of maintenance of decking and electrical safety, whilst these comments are noted, it is of consideration that the current application can only consider matters within the remit of planning control, and it would not be reasonable or proportionate to apply planning conditions requiring potential works in respect of other regimes, such as Building Regulations, or to consider those complaints through this current application. Notwithstanding this, the concerns have been relayed to the applicant for their attention and consideration, as well as consultations undertaken to appropriate consultees including the Council's Building Control section and Cleveland Fire Brigade, to which no objections have been received. The comments in respect of Cleveland Fire Brigade (outlined in full above) can be relayed to the applicant via an informative note.

3.54 With reference to the objections received in respect of a planning precedent of other bars and restaurants including planning permissions for external seating areas which include planning conditions requiring the taking in of tables and seats each evening, it is of note that these primarily relate to structures to the front (pavement area) of bars and restaurants along Navigation Point. It is considered that the structures themselves are different (the structures along Navigation Point primarily include tables and chairs whilst the structures under consideration through this application are of a scale which is not easily moveable) and the application site is different (front walkway/pavement as opposed to a segregated external seating area at the current application site). As such, every application is considered on its own merits and it is not considered appropriate to require the removal of the pods each evening.

## CONCLUSION

3.55 It is considered that the erection of the 6no. pod structures within the external seating area serving the host premises does not result in such an incongruous set of features to the detriment of the application site and wider visual amenity of Slake Terrace and the marina area that would warrant a refusal of the application subject to an appropriate planning condition to limit the development to a temporary period of 2 years.

3.56 It is further considered that the erected structures do not result in any significant adverse impacts on the amenity or privacy of neighbouring land users, highway safety, crime and security or other planning matters, subject to the use of appropriate planning conditions. It is therefore considered the development is in accordance with

Policies LT1, LT2 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 129, 130 and 134 of the NPPF (2021).

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.57 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

3.59 Section 17 implications have been taken into consideration as part of this report.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the following conditions;

1. The 6no. pod structures (and any associated structures) hereby approved shall be removed from the site in their entirety, the use of the 6no. pods shall cease and the land restored to its former condition on or before 22.06.2024.  
The use hereby approved is not considered suitable as a permanent form of development having regard to Policies LT1, LT2 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. 001- FULL PLANS (including Site Location Plan (at scale 1:1250), Existing Site Plan (at scale 1:200), Proposed Site Plan (at scale 1:200), Proposed Plans (elevations, floor plans and roof plan and elevations of fencing) received by the Local Planning Authority on 16<sup>th</sup> March 2022.  
For the avoidance of doubt.
3. Within 2 months from the date of the decision notice, the 6no. pod structures hereby approved shall be laid out and thereafter retained in accordance with approved plan Proposed Site Plan (at scale 1:200) received by the Local Planning Authority on 16<sup>th</sup> March 2022.  
For the avoidance of doubt and to which the permission is based.
4. No music shall be played or relayed to the 6no. pods hereby approved.  
In the interest of the amenity of neighbouring land users.
5. The 6no. pods hereby approved shall only be used between the hours of 0900 and 2000 or sunset (whichever is sooner) on any given day.

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 6no. pod structures shall be used for uses ancillary to the associated 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 (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the 6no. pods hereby approved 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

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151708>

3.62 Copies of the applications are available on-line:

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## CONTACT OFFICER

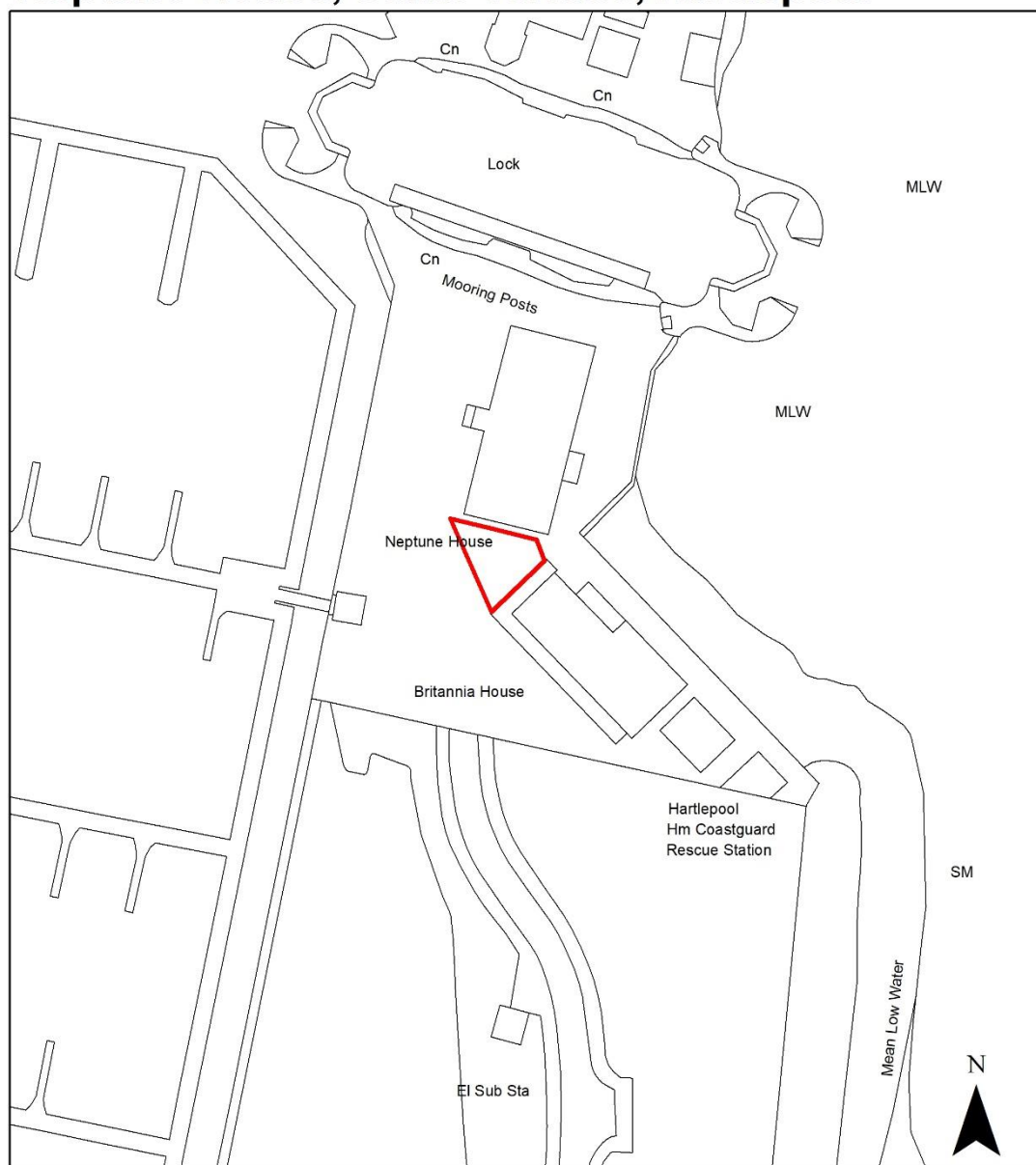
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## Neptune House, Slake Terrace, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>8.6.2022</b>
	SCALE <b>1:800</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0060</b>	REV



**No:** 4.  
**Number:** H/2022/0062  
**Applicant:** MR PAUL GOODING GOLDFINCH ROAD  
HARTLEPOOL TS26 0SN  
**Agent:** MR PAUL GOODING GOLDFINCH ROAD  
HARTLEPOOL TS26 0SN  
**Date valid:** 01/03/2022  
**Development:** Erection of a single storey side extension  
**Location:** 12 GOLDFINCH ROAD HARTLEPOOL

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## 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.

## PROPOSAL

4.2 Planning permission is sought through this application for the erection of a single storey side extension to 12 Goldfinch Road.

4.3 Following concerns raised by the case officer regarding potential impacts on the adjacent properties and the design/proportions of the proposal in relation to the existing single-storey double garage, amended plans were sought and subsequently received with respect to reducing the width of the proposed side extension by approximately 600mm.

4.4 As such and following these amendments, the proposed side extension projects approximately 2.9m beyond the side (south) elevation of the existing garage (that is present to the front of the host property) and measures approximately 5.76m in length x 4.15m in height and 2.35m to the eaves. The proposal features 1no. double pane window in its principal (west) elevation and a hipped roof design.

4.5 This application has been referred to committee as more than 3 objections have been received in line with the Council's scheme of delegation.

## SITE CONTEXT

4.6 The application site relates to 12 Goldfinch Road, a west-facing two-storey detached property in a residential area (Goldfinch Road), within the Throston ward of Hartlepool. To the north, the application site is bounded by no.22 and no.24 Goldfinch Road, whilst to the east the application site is bounded by the rear gardens of no's 24, 25, 26, 27 and 28 Goldcrest Close. To the west the application site is bounded by no.14 Goldfinch Road and the private driveway adjoining Goldfinch Road which serves properties no.12, 14 and 16 Goldfinch Road. To the south the application site is bounded by 10 Goldfinch Road and its associated rear garden.

4.7 The property sits at the bottom of the private driveway enclosed to the south by a brick wall adjoining no.10 Goldfinch Road and is enclosed by a close boarded fence to the east adjoining properties along Goldcrest Close. The property features a linked double garage to the front and a small open plan area of green space in common with surrounding properties.

## PUBLICITY

4.8 The application was advertised by way of eleven neighbour notification letters. To date, five representations have been received from neighbours raising objections and concerns to the application. As detailed in the proposal section below, amended plans were sought and received. A 14-day further consultation was undertaken with respect of the amended plans. Further comments were received from one neighbouring property.

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

- Encroachment issues,
- Potential noise,
- Reduced car parking and increase in traffic,
- Loss of light into the rear of property and garden,
- Exacerbated rat problems.

4.10 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=151725>

4.11 The period for publicity has expired.

## CONSULTATIONS

4.12 The following consultation replies have been received:

**HBC Building Control:** I can confirm that a Building Regulation application will be required for a 'single storey side extension'.

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

## PLANNING POLICY

4.13 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

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



SUS1: The Presumption in Favour of Sustainable Development;  
LS1: Locational Strategy;  
QP4: Layout and Design of Development;  
HSG11: Extensions and alterations to Existing Dwellings.

#### National Planning Policy Framework (NPPF)(2021)

4.15 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 007: Purpose of the planning system;  
PARA 011: Presumption in favour of sustainable development;  
PARA 038: Decision-making;  
PARA 047: Determining applications in accordance with the development plan;  
PARA 124: High quality buildings and places;  
PARA 127: Design principles;  
PARA 130: Achieving well-designed places.  
PARA 212: Implementation

### **PLANNING CONSIDERATIONS**

4.16 The main issues for consideration when assessing this application are the character and appearance of the site and surrounding area, the amenity of neighbouring occupiers and highway safety and car parking. These and all other planning and residual matters are set out in detail below.

#### **IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING BUNGALOW AND SURROUNDING AREA**

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

4.18 The proposal is situated to the south of the host dwelling attaching along the south elevation of the existing double garage. The proposal would be visible to neighbouring properties (no.14 and no.16) served by the shared driveway along Goldfinch Road, however would be partially screened from the wider street scene by virtue of its positioning and set back from the main highway to the side of the host property in the corner of the cul-de-sac. Partial screening of views would also be provided toward the main highway by the side (north) elevation of no.10 Goldfinch Road. Following amendments to the proposed plans detailed within the proposal section, the side extension is considered to be of a relatively modest scale (single storey and under 4m in height) and design that respects the proportions and appearance of the host dwelling and application site as a whole.

4.19 Subject to a planning condition to ensure that the external finishing materials match those of the existing dwelling, the application is therefore considered to be acceptable with respect to the impact on the character and appearance of the existing dwelling and surrounding area and is in accordance within policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 126 and 130 of the NPPF (2021).

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

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

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

4.21 The policy also states that extensions to buildings that would significantly reduce separation distances will not be permitted. The above requirements are reiterated in the Council's adopted Residential Design Guide SPD (2019).

#### Impact on 10 Goldfinch Road (south)

4.22 The proposal would project approximately 5.76m along the side/rear boundary at no.10 Goldfinch Road. The proposed side extension would be sited approximately 0.7m from the boundary at no.10 Goldfinch Road and approximately 1.6m from the side elevation of the rear conservatory serving no.10 Goldfinch Road. It was noted by the case officer on site that the ground levels differ such that the host property is on ground situated lower than that of the neighbouring property at no.10 Goldfinch Road.

4.23 It is noted that this neighbouring property benefits from a conservatory to the north of its rear elevation. As such, it is acknowledged the proposed side extension will result in a degree of impact in terms of overshadowing and overbearing to the

glazing in the northern/ side elevation of the conservatory serving No 10 (no known planning history).

4.24 However, consideration is given to the modest eaves height of the proposal with its hipped roof design pitching away from the adjacent boundary. Furthermore, following the case officer's request to set the extension further away from the boundary, it is considered that the overall impact of the proposal would be reduced, whilst no.10's rear conservatory will continue to receive light to its southern side elevation and part of its eastern rear elevations (as well as through its light weight roof). Therefore, on balance, is it considered that the proposed side extension would not result in an unacceptable adverse impact on the amenity of this neighbour in terms of overshadowing, loss of outlook, overbearing impression as to warrant a refusal of the application.

4.25 It is further considered that owing to the existing boundary treatments and the positioning of the 1no. window in the front elevation of the proposal and the oblique angle and relationship to the windows and conservatory to the rear of No 10, it is considered that the proposal would not result in an adverse loss of privacy for No 10 in terms of overlooking.

#### Impact on 14 and 16 Goldfinch Road (west)

4.26 The proposed side extension would be sited at an oblique angle and separation distances of approximately 11.4m and 19.1m to the principal elevations of no.14 and 16 Goldfinch Road respectively. Partial screening will be provided by the principal elevation of the host property (particularly to No 14) due to the positioning of the proposal to the south side elevation of the existing dwelling. It is noted that the proposal features 1no. double pane window in its principal (west) elevation. Consideration is given to the modest scale of the proposal (single storey and under 4m in height) with its width reduced to match the existing proportions of the existing double garage as well as a hipped roof design. As such, given the separation distances and relationships mentioned above, it considered that the proposed side extension would not result in an adverse impact on the amenity or privacy of these neighbours in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### Impact on 22, 24 and 26 Goldfinch Road (north)

4.27 The proposed side extension would be sited over 30m from the rear elevations of no.22, 24 and 26 Goldfinch Road to the north. The proposal would be primarily screened from these properties by virtue of the host dwelling. Taking into account the aforementioned satisfactory separation distances in accordance with policy QP4 and the SPD and existing boundary treatments, it considered that the proposed side extension would not result in any adverse impact on the amenity or privacy of these neighbours in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### Impact on 26, 27 and 28 Goldcrest Close (north-east)

4.28 The proposal would be sited at oblique separation distances of approximately 15.5m from the rear elevation of no.26, approximately 21.4m from the rear elevation

of no.27 and approximately 26.5m from the rear elevation of no.28 Goldcrest Close. The host property is positioned as such that its side/ rear (east) elevation runs adjacent the rear boundary of these neighbouring properties rear gardens however it is considered that the proposed extension would primarily be screened by the siting of the host dwelling (and existing adjoined double garage). Furthermore, it is considered that partial screening would be provided by the existing boundary treatment comprising close boarded fence approx. height 1.8m.

4.29 Given the existing boundary treatment and satisfactory separation distances in accordance with policy QP4 and the SPD, it is considered that the proposed side extension would not result in any adverse impact on the amenity or privacy of these neighbours in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### Impact on Number 24 and 25 Goldcrest Close (east)

4.30 The proposal would be sited approximately 11.74m from the ground floor rear elevation of no.24 and approximately 9.65m from the extended (single storey extension) ground floor rear elevation of no.25 of which their rear gardens back directly onto the application site and the area where the proposed extension is planned to be sited. As such, it is considered that the proposed side extension has the potential to result in a degree of impact on the ground floor windows in the rear elevations of these properties in terms of loss of outlook and an overbearing impression.

4.31 Notwithstanding this, consideration is given to the proposal being marginally set off the rear boundary whilst partial screening would be provided of the proposal by the existing close-boarded fence (approx. height 1.8m) to the rear of no.24. It is also noted there are no windows in the proposed rear elevation of the extension. Consideration is given to the modest scale of the proposal (single storey under 4m in height with a reduced width) and hipped roof which pitches away from the boundary that is considered to assist in reducing the massing of the proposal when viewed from the rear of the neighbouring properties.

4.32 As such, and given the satisfactory separation distances to the rear of these two properties, both of which is in accordance with policy QP4 and that of the aforementioned SPD, it is considered that the proposed side extension would not result in an unacceptable impact on the amenity or privacy of these neighbouring properties in terms of overshadowing, loss of outlook, overbearing impression or overlooking as to warrant reason for refusal of the application.

#### *Noise*

4.33 Objectors have raised concerns with respect to the proposal resulting in an increase in noise. Whilst it is acknowledged that the proposal may result in some noise during construction, the proposal is a relatively modest domestic extension and therefore it would not be reasonable or proportionate to limit hours of construction/deliveries in this instance. Furthermore, in respect of the indicated use of the extension (to serve a 'store/gym area'), again, these are considered to be ancillary elements to those of a domestic dwelling. Should any issues arise in the

future regarding noise disturbance, they would need to be considered under separate environmental legislation. The proposal is therefore considered to be acceptable in this respect.

#### HIGHWAY SAFETY AND CAR PARKING

4.34 The Council's Traffic and Highways Officer was consulted on the application and raised no concerns. The host dwelling would continue to benefit from the existing car parking provided through the attached garage and driveway. Therefore the proposal is considered acceptable in this respect.

#### OTHER MATTERS

4.35 An objection has raised concerns regarding the proposal encroaching onto neighbouring land. The submitted plans and land ownership certificates indicate that the proposals will be entirely contained within the application site. Notwithstanding this, any encroachment matters or rights of access are a civil matter.

#### *Non-material Objections*

4.36 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;

- Loss of light
- Exacerbated vermin issues (which would need to be considered through separate environmental legislation)

4.37 It is acknowledged that a neighbour objection (detailed above) raises concerns regarding the loss of light and loss of views. The 'right to light' and 'right to a view' operate separately from the planning system and are not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights.

4.38 In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

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

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

## CONCLUSION

4.40 The application is considered to be acceptable with respect to the abovementioned material planning considerations and in accordance with policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 11, 126 and 129 of the NPPF (2021). The application is therefore recommended for approval subject to the planning conditions below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.41 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.43 There are no Section 17 implications.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to the 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 plans and details; 'Site Location Plan' (scale 1:1250), received by the Local Planning Authority on 14<sup>th</sup> February; 'Existing Plans' (scale 1:75), 'Existing Plans – Sheet 2' (scale 1:100), 'Proposed Plans – Sheet 3' (scale 1:75), 'Proposed Plans – Sheet 4' (scale 1:100), 'Roof Plans – Sheet 5' (scale 1:100), 'Existing Block Plan – Sheet 6' (scale 1:500), 'Proposed Block Plan – Sheet 7' (scale 1:500), received by the Local Planning Authority on 27<sup>th</sup> April 2022.

For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing building(s).

In the interests of visual amenity.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151725>

4.46 Copies of the applications are available on-line:

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

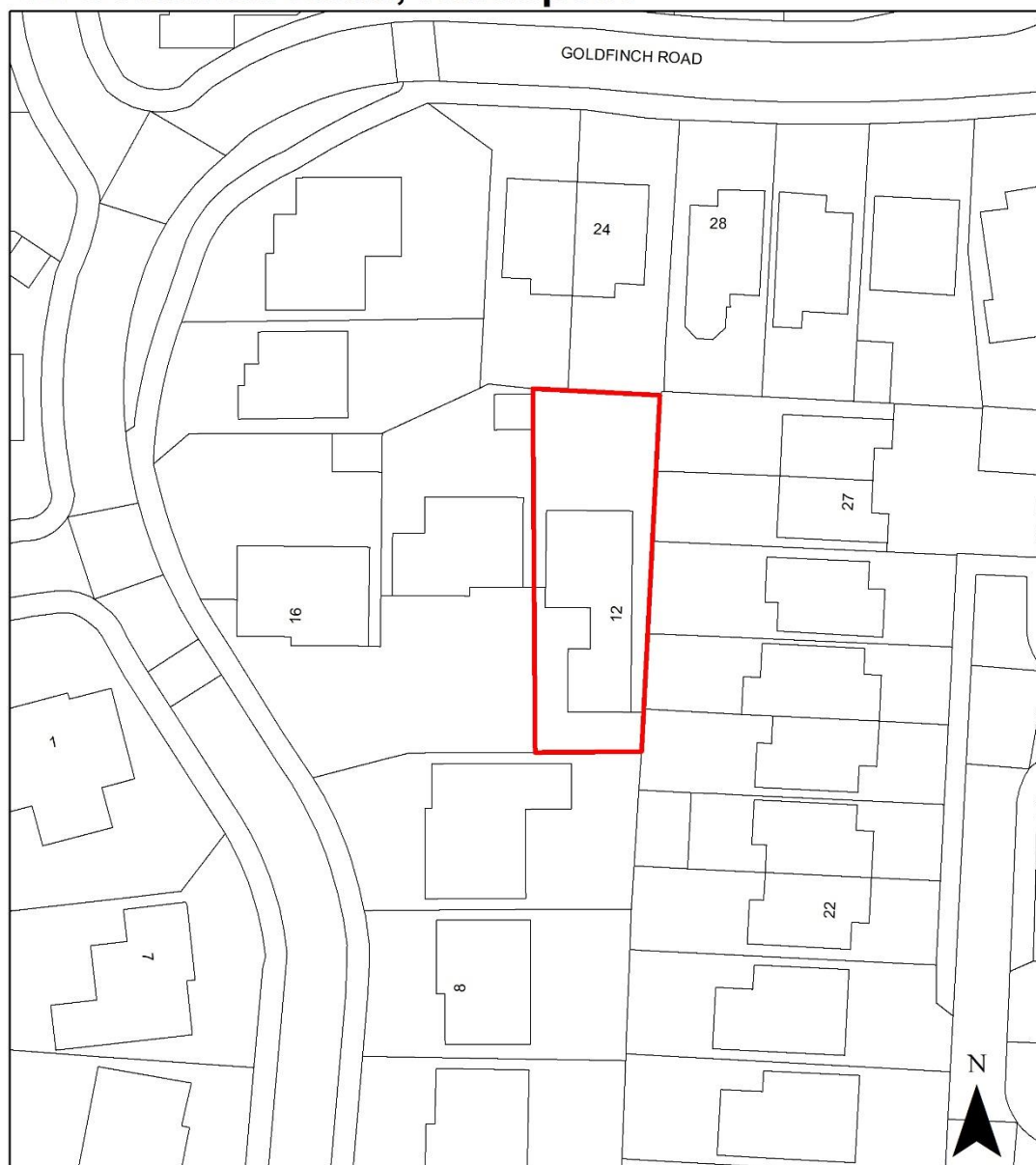
## CONTACT OFFICER

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## 12 Goldfinch Road, Hartlepool



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>JB</b>	DATE <b>8.6.2022</b>
	SCALE <b>1:500</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0062</b>	REV





**No:** 5.  
**Number:** H/2022/0061  
**Applicant:** MRS S BAXTER THE FRONT HARTLEPOOL TS25 1BU  
**Agent:** STOVELL & MILLWATER LTD MR STOVELL 5 BRENTNALL CENTRE BRENTNALL STREET MIDDLESBROUGH TS1 5AP  
**Date valid:** 11/03/2022  
**Development:** Installation of 3 uplighters and repair of side panels within shop front (retrospective application)  
**Location:** 73 THE FRONT HARTLEPOOL

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## 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 This planning application is retrospective and has been submitted following receipt of a complaint in March 2021 and a subsequent investigation by the Local Planning Authority into the installation of 3no. uplighters and installation of side panels within the shop front of 73 The Front. A planning application was subsequently submitted by the owner/occupier.

5.3 The following associated planning application is considered to be relevant to the current planning application;

H/2021/0509 - Advertisement consent for replacement fascia sign (Supreme Ice Cream) and replacement side panels, pending consideration (which forms part of the same planning committee agenda).

## PROPOSAL

5.4 The application seeks retrospective planning permission for the installation of 3no. uplighters and installation of side panels within the shop front. It is noted from the submitted application form (and description) that the applicant indicates that the side panels are a 'repair' however it is clear that larger side panels have been installed to the sides of the shop front and are considered accordingly in this report as such i.e. they are works constituting development that require planning permission as opposed to a simple 'repair'.

5.5 The installed uplighters illuminate the first floor front/west elevation of 73 The Front and the lighting is coloured pink. The installed side panels to the shop front measure approximately 1.1m in width and approximately 2.6m in height. Following a

further recent site visit by the case officer, it was observed that images of ice creams had been affixed to the panels and these are considered under the associated advert consent application that is currently pending (H/2021/0509).

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

## SITE CONTEXT

5.7 The application site relates to 73 The Front, a two-storey, terraced commercial property, in the commercial area of Seaton Carew, situated within the Seaton Carew Conservation Area. The property is mid-terrace with the highway of The Front to the front/west, with commercial properties beyond. Attaching to the side/north the commercial property of 71 The Front and attaching to the side/south the commercial property 75 The Front and a car park to the rear/east. The unit is occupied by an ice cream shop at ground floor and is understood to feature a residential flat at first floor.

## PUBLICITY

5.8 The application has been advertised by way of neighbour letters (6), letters to ward councillors, a site notice and a press advert. To date, no responses have been received.

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

[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0061](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0061)

5.10 The period for publicity has expired.

## CONSULTATIONS

5.11 The following consultation replies have been received:

**HBC Public Protection:** After much discussion regarding this matter Public Protection wish to object to this application. This premises is located in close proximity to residential property. The use of neon uplighters in this area would have a considerable impact on the amenity of the residents due to light nuisance. I am therefore of the opinion that this application should be resisted.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive

enhancement in conservation areas to better reveal the significance of an area (para. 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.'

Policy HE6 of the Local Plan will seek to retain historic shop fronts. It notes that replacement shopfronts should, 'respond to the context reinforcing or improving the wider appearance of the shopping parade within the street' stating that proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

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

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

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

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The application is retrospective for the installation of three uplighters and repair of the side panels to the shop front.

With regard to the lighting this is uplighters to the rear of the fascia signs. The shopfront design guide states,  
"Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions."

Further to this the impact of the lights results not only from the attachment of the light fittings to the building, but also the illumination. Historic England provide some guidance on their website on this matter and suggest that in the first instance consideration should be given to why lighting is necessary. The Planning Statement suggests that the lighting will only be used at dusk however the majority of the light appears to illuminate the upper part of the building rather than the signage, which would aid people in finding the property. It is not clear what benefits would be produced from illuminating the first storey of the building.

In considering the use of lighting on similar establishments this is usually to signage rather than the whole of the building. Those buildings in the conservation area that have chosen to more widely illuminate their property are usually more substantial buildings, which have decorative architectural features and therefore there are opportunities for lighting to be used to highlight particular elements e.g. Staincliff and Marine Hotel.

Given the difficulty in determining the function and purpose of this lighting it is considered that the proposal would cause less than substantial harm to the significance of the conservation area.

The side panels of the shop front have been altered and replaced. Where small adverts for produce were once on a blank wall this has been removed and a large feature panel with pictures of produce installed covering the majority of the projecting wall. These introduce pictures into what would have predominantly been a blank wall adding to the overall feeling of clutter on the shop front and detracting from the main elevation. Shop fronts in Seaton Carew have traditionally been of a simple design with main windows flanked by pilasters and corbels either side of a timber fascia. Doors are usually centrally located. Whilst it is accepted that this would not reflect the design of the frontage in this instance, the addition of such panels is contrary to the simple render of brickwork predominantly found in properties within the area. It is considered that in light of this the panels would cause less than substantial harm to the significance of the conservation area.

No evidence has been provided in either instance to suggest that this harm is outweighed by the public benefits brought about by the proposal.

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

**Cleveland Police:** Police have no objections.

**HBC Landscape Architect:** No comments received.

**HBC Countryside Access Officer:** No comments received.

**HBC Estates:** No comments received.

## **PLANNING POLICY**

5.12 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

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

SUS1: The Presumption in Favour of Sustainable Development

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

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

RC16: The Local Centres

National Planning Policy Framework (NPPF)(2021)

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

PARA 001: Introduction

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications

PARA 124: Achieving appropriate densities

PARA 134: Achieving well-designed places

PARA 136: Achieving well-designed places

PARA 189: Conserving and enhancing the historic environment

PARA 190: Conserving and enhancing the historic environment  
 PARA 194: Proposals affecting heritage assets  
 PARA 195: Impacts on identified heritage assets  
 PARA 197: Assessing proposals in terms of heritage assets  
 PARA 218: Implementation

**5.15 HBC Planning Policy comments:** Planning policy have some concerns with this proposed development. The uplighters should be integrated and minimal and it doesn't appear that these are. The Heritage and Countryside Managers comments will be paramount to determining this application.

## PLANNING CONSIDERATIONS

5.16 The main material planning considerations when considering this application are the impact on the character and appearance of the application site and surrounding Seaton Carew Conservation Area, the impact on the amenity of neighbouring land users and highway safety. These and any other relevant planning and non-planning matters are considered in full in the paragraphs below.

### IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND THE SURROUNDING CONSERVATION AREA

5.17 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200).

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

5.19 As identified in the comments received from the Council's Heritage and Countryside Manager, the Seaton Carew Conservation Area derives its significance from relatively simple shop fronts, without decorative features. The Conservation Area is considered to be 'at risk' due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

5.20 With regard to the uplighters to the rear of the fascia signs, the Council's Shop Front and Commercial Frontages Design Guide Supplementary Planning Document (2014) states "*Where possible illumination should be integrated into the design of the shop front. In all cases the size and number of fittings should be kept to a minimum to avoid unnecessary visual clutter or obtrusive additions.*"

5.21 Furthermore, Historic England provide some guidance on their website on this matter and suggest that in the first instance consideration should be given to why lighting is necessary. Based on this, the Council's Heritage and Countryside Manager has concerns as the installed lighting appears to solely illuminate the upper

part of the application property, rather than the signage, and it is therefore unclear what benefits are produced from illuminating the first storey of the building (the lighting appears to have a strong overspill into the surrounding area when observed at night).

5.22 It is noted that the use of lighting on other establishments in the surrounding street scene is used to illuminate the signage only or particular architectural features rather than the whole building. Those buildings in the Seaton Carew Conservation Area that have more widely illuminated their property, are usually more substantial buildings, with decorative architectural features and therefore there are opportunities for lighting to be used to highlight particular features (namely The Staincliff Hotel and Marine Hotel whilst Rothbury Guest House obtained retrospective planning permission for such lighting in 2016, reference H/2016/0192).

5.23 The NPPF (2021) requires works that would result in less than substantial harm to be supported by justification in terms of the public benefit that could outweigh the identified harm. The Council's Heritage and Countryside Manager has identified that these works cause 'less than substantial harm' (NPPF wording). No public benefits have been identified by the applicant as justification for the harm caused. It should be emphasised that the 'test' of providing clear public benefits to outweigh identified harm is a high threshold to satisfy. Therefore, owing to the lack of function and purpose of the installed lighting, and the intensity (as noted below HBC Public Protection object to the lighting owing to the light pollution impact), prominence and colour scheme of the lighting, it is considered that the lighting adversely affects the character and appearance of the existing building and surrounding area, and causes less than substantial harm to the significance of the Seaton Carew Conservation Area and would therefore warrant a refusal of the application.

5.24 In respect of the installed side panels, traditionally and as seen throughout the surrounding street scene should be blank panels, the installed pictures which cover the majority of the projecting panel are considered to detract from the main fascia elevation and ultimately add clutter to the overall shop front and wider street scene. To the south of the application site, 77 The Front (The Almighty Cod), features a projecting shop front, similar to that of the application site, however on its side panels it does not feature any advertisements and is instead finished in render which matches the main property. Therefore owing to the above considerations and that there are no identified public benefits, it is considered that the installed side panels are detrimental to the character and appearance of the host building and introduce an incongruous feature into the street scene which causes less than substantial harm to the significance of the Seaton Carew Conservation Area and would warrant a refusal of the application.

5.25 In view of the above considerations, the installed uplighters and side panels are considered to be detrimental to the character and appearance of the application site and the surrounding area, including the Seaton Carew Conservation Area and is therefore not in accordance with the Council's Shop Front and Commercial Frontages Design Guide SPD, Policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 128, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.



## AMENITY OF NEIGHBOURING PROPERTIES

5.26 As noted above, the surrounding street scene is comprised of commercial properties at ground floor, although at first and second floor and above these properties contain residential premises, including the application site. The installed lighting illuminates the first floor front elevation of the application site, including its windows. As noted above, no objections have been received and the first floor flat is understood to be within the ownership of the applicant and that they presently reside there. However, the National Planning Policy Framework requires safeguarding the amenity of existing and future occupiers of the application property.

5.27 In terms of impact on the amenity of wider neighbouring land users, there is a separation distance from the actual uplighters to the front elevations of surrounding neighbouring properties of approximately 1.4m to the side/south neighbour, approximately 6.9m to the side/north neighbour and approximately 20.8m to the front/west neighbours.

5.28 As a result of the close proximity of the lighting to the first floor windows and those of the surrounding properties, HBC Public Protection consider that the use of neon uplighters result in a considerable impact on the amenity of residents due to the design, siting and luminance levels resulting in light nuisance/pollution and therefore object to the application. As such, it is considered this identified impact would warrant a further reason for the refusal of the application.

5.29 It is noted that there are properties in the surrounding street scene which feature lighting, however these appear to be primarily restricted to illuminating the signage on the fascia only and do not illuminate the first floor elevations, which illuminating the fascia signage does not have an adverse degree of impact in terms of amenity. In any event, each application is considered on its own individual merits.

5.30 In respect of the installed side panels, it is not considered that this element of the application would have a significant negative impact on the amenity and privacy neighbouring occupiers owing to the remaining separation distances and relationships.

5.31 In view of the above considerations, the installed uplighters are considered to have a detrimental impact on the amenity of surrounding neighbouring properties and are therefore not in accordance with Policy QP4 of the Local Plan and paragraph 130 of the NPPF.

## HIGHWAYS SAFETY AND CAR PARKING

5.32 The Council's Traffic and Transport section were consulted on the development and stated that there are no highway or traffic concerns. The development is therefore considered acceptable in respect of these matters.

## OTHER PLANNING MATTERS

5.33 No objections have been received from Cleveland Police.

## CONCLUSION

5.34 It is considered that the installation of the 3no. uplighters and installation of the side panels adversely affect the character and appearance of the host building and cause less than substantial harm to the significance of the conservation area, by virtue of the design, siting and use of materials. In addition to this, the installation 3no. uplighters are considered to result in an adverse impact on the amenity onto the surrounding neighbours properties by virtue of light nuisance/pollution. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area and cause a detrimental impact to the amenity of surrounding neighbouring properties, contrary to Council's Shop Front and Commercial Frontages Design Guide SPD (2014), Policies HE1, HE3, HE7, LT3 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.35 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.36 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.

5.37 There are no Section 17 implications.

## REASON FOR DECISION

5.38 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(s):

1. In the opinion of the Local Planning Authority, it is considered that the 3no. uplighters and replacement side panels to the shop front detract from the character and appearance of the existing building and surrounding area, and cause less than substantial harm to the designated heritage asset of Seaton Carew Conservation Area by virtue of the design, prominence and use of materials. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018), the Council's Shop Front and Commercial Frontages Design Guide SPD (2014) and paragraphs 128, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.
2. In the opinion of the Local Planning Authority, it is considered that the 3no. uplighters, by virtue of their design, luminance and positioning result in a detrimental impact on the amenity of surrounding neighbouring properties in terms of light pollution. The development is therefore considered to be contrary to policy QP4 of

the Hartlepool Local Plan (2018) and paragraph 130 of the National Planning Policy Framework (2021).

## **BACKGROUND PAPERS**

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

[https://edrms2.hartlepool.gov.uk/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0061](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0061)

5.40 Copies of the applications are available on-line:

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

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THE FRONT

5.2m

TCB

Car Park

Posts

70

71

74

76

78

79

First Aid Post

4.9m

LB

2

36

5C

32

31

30

29

26

18 to 25

Posts

Posts

Posts

Post

N

**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN	<b>JB</b>	DATE	<b>8.6.2022</b>
	SCALE	<b>1:500</b>		
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	<b>H/2021/0509</b>	REV	
		<b>H/2022/0061</b>		



**No:** 6.  
**Number:** H/2021/0509  
**Applicant:** MRS S BAXTER THE FRONT HARTLEPOOL TS25 1BU  
**Agent:** STOVELL & MILLWATER LTD 5 BRETNALL CENTRE BRETNALL STREET MIDDLESBROUGH TS1 5AP  
**Date valid:** 11/03/2022  
**Development:** Advertisement consent for replacement fascia sign (Supreme Ice Cream) and replacement side panels  
**Location:** 73 THE FRONT HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 This planning application is retrospective and has been submitted following receipt of a complaint in March 2021 and a subsequent investigation by the Local Planning Authority into the installation of advertisement to the front elevation of 73 The Front. A planning application was subsequently submitted by the owner/occupier.

6.3 The following associated planning application is considered to be relevant to the current planning application;

H/2022/0061 - Installation of 3 uplighters and repair of side panels within shop front (retrospective application), pending consideration (which forms part of the same planning committee agenda).

## PROPOSAL

6.4 The application seeks retrospective advertisement consent for the replacement fascia signs on the front elevation and side panels. The erected fascia sign comprises pink text on a white background, with images of ice creams and spells 'N. Ice Cream' and 'Supreme Ice Cream' and are not illuminated (noting the 3no. uplighters which illuminate the first floor front elevation which do not directly illuminate this signage). The signs measure approximately 2.6m in height and approximately 1.1m in width on both the side/south and side/north elevation. The installed signage replaces previous signage at the property. The installed side panels (that are pending consideration under H/2022/0061) comprise images of ice creams on a white background.

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

## SITE CONTEXT

6.6 The application site relates to 73 The Front, a two-storey, terraced commercial property, in the commercial area of Seaton Carew, situated within the Seaton Carew Conservation Area. The property is mid-terrace with the highway of The Front to the front/west, with commercial properties beyond. Attaching to the side/north the commercial property of 71 The Front and attaching to the side/south the commercial property 75 The Front and a car park to the rear/east.

## PUBLICITY

6.7 The application has been advertised by way of neighbour letters (6), letters to ward councillors, a site notice and a press advert. To date, no responses have been received.

6.8 Background papers can be viewed via the 'click to view attachments' link on the following public access page: [http://ifs-iawweb-01/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2021/0509](http://ifs-iawweb-01/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2021/0509)

6.9 The period for publicity has expired.

## CONSULTATIONS

6.10 The following consultation replies have been received:

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 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.'

Policy HE6 of the Local Plan will seek to retain historic shop fronts. It notes that replacement shopfronts should, 'respond to the context reinforcing or improving the wider appearance of the shopping parade within the street' stating that proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

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

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

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

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The application is retrospective for the installation of a fascia sign.

The sign is not of a style that would usually be supported in the conservation area, however I accept that in itself it appears to be of the same dimensions as the sign previously in situ. It would have been desirable to try and get an improvement as the NPPF states, 'Local planning authorities should look for opportunities for new development within Conservation Area to enhance or better reveal their significance.' In this instance it is accepted that the changes are marginal and therefore the sign preserves the character of the conservation area.

With regard to the side panels, comments on these are provided in relation to application H/2022/0061.

*To the side panels of the shop front have been altered and replaced. Where small adverts for produce were once on a blank wall this has been removed and a large feature panel with pictures of produce installed covering the majority of the projecting wall. These introduce pictures into what would have predominantly been a blank wall adding to the overall feeling of clutter on the shop front and detracting from the main elevation. Shop fronts in Seaton Carew have traditionally been of a simple design with main windows flanked by pilasters and corbels either side of a timber fascia.*



*Doors are usually centrally located. Whilst it is accepted that this would not reflect the design of the frontage in this instance, the addition of such panels is contrary to the simple render of brickwork predominantly found in properties within the area. It is considered that in light of this the panels would cause less than substantial harm to the significance of the conservation area.*

**HBC Public Protection:** Public Protection has no objection to this application.

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

**Cleveland Police:** Police have no objections.

**HBC Landscape Architect:** No comments received.

**HBC Countryside Access Officer:** No comments received.

**HBC Estates:** No comments received.

## PLANNING POLICY

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

### Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

LT3: Development of Seaton Carew

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP7: Energy Efficiency

QP8: Advertisements

RC16: The Local Centres

### National Planning Policy Framework (NPPF)(2021)

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

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

PARA 001: Introduction  
 PARA 002: Permission determined in accordance with development plan  
 PARA 003: Introduction  
 PARA 007: Achieving sustainable development  
 PARA 008: Achieving sustainable development  
 PARA 009: Achieving sustainable development  
 PARA 010: Achieving sustainable development  
 PARA 011: The presumption in favour of sustainable development  
 PARA 012: The presumption in favour of sustainable development  
 PARA 038: Decision-making  
 PARA 047: Determining applications  
 PARA 124: Achieving appropriate densities  
 PARA 134: Achieving well-designed places  
 PARA 136: Achieving well-designed places  
 PARA 189: Conserving and enhancing the historic environment  
 PARA 190: Conserving and enhancing the historic environment  
 PARA 193: Conserving and enhancing the historic environment  
 PARA 194: Proposals affecting heritage assets  
 PARA 195: Impacts on identified heritage assets  
 PARA 197: Assessing proposals in terms of heritage assets  
 PARA199: Conserving and enhancing the historic environment – Considering potential impacts  
 PARA 218: Implementation

**6.14 HBC Planning Policy:** Planning Policy have some concerns with this proposed development. Although it is in an area advertisements are expected it appears contrary to policies HE3 and the shop front SPD that helps to form it. The new sign is built out and sits above the first floor window and obscures architectural features. QP8 states that advertisements that produce visually obtrusive features will not be permitted and whilst these are replacing old ones they are new features so fall under the new policies and guidance. The Heritage and Countryside Manager's comments will be paramount to determining this application.

## PLANNING CONSIDERATIONS

6.15 The National Planning Policy states that *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in context and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to*

*control only in the interest of amenity and public safety, taking account of cumulative impacts."*

6.16 As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the conservation area and the amenity of neighbouring land users) and the impact on highway safety.

## IMPACT ON AMENITY OF THE SURROUNDING AREA

### *Impact on Conservation Area*

6.17 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200).

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

6.19 As identified in the comments received from the Council's Heritage and Countryside Manager, the Seaton Carew Conservation Area derives its significance from relatively simple shop fronts, without decorative features. The Conservation Area is considered to be 'at risk' due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

6.20 The Council's Heritage and Countryside Manager has commented that the installed signage is not considered to be a style that would usually be supported in the conservation area, however the installed fascia sign is broadly the same dimensions as the previous sign. Although it is considered to be desirable to try and achieve an improvement in design in order to protect the 'at risk' heritage asset (and in line with the NPPF), in this instance the Council's Heritage and Countryside Manager considers the changes to be marginal and therefore it is considered that on balance, the fascia sign preserves the character of the conservation area.

6.21 In respect of the signage to the recently installed side panels, traditionally and as seen throughout the surrounding street scene, these should be blank panels. The installed pictures which cover the majority of the projecting panels are considered to detract from the main fascia elevation and ultimately add clutter to the overall shop front and wider street scene. To the south of the application site, 77 The Front (The Almighty Cod), features a projecting shop front, similar to that of the application site, however on its side panels it does not feature any advertisements and is instead finished in render which matches the main property. Therefore owing to the above considerations and that there are no identified public benefits, it is considered that the installed signage (and side panels) introduce an incongruous feature into the street scene which cause 'less than substantial harm' (NPPF wording) to the

significance of the Seaton Carew Conservation Area and would warrant a refusal of the application.

6.22 The NPPF requires works that would result in less than substantial harm to be supported by justification in terms of the public benefit that could outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused. It should be emphasised that public benefit is a high threshold to satisfy.

6.23 The applicant's supporting statement indicates that the replacement of the fascia sign and the two side panels reflects the existing signage at the property and was undertaken in order to improve the existing signage which they considered to be in a poor state of repair. The upkeep and repair to such shop fronts is welcomed however, for the reasons detailed above, the signage has brought about an unsatisfactory form of development and there are no clear public benefits to outweigh the identified harm.

6.24 The applicant's agent has sought to identify the presence of similar advertisements within the surrounding area. Notwithstanding, all applications are determined on their own individual merits, the presence of poor quality development elsewhere is not considered a sufficient reason to warrant causing further harm to the character and appearance of the conservation area.

6.25 It is noted that the installed fascia signage is broadly acceptable however in view of the above considerations, the installed signage and side panels are considered to result in a less than substantial harm to the Seaton Carew Conservation Area to which there is no identified public benefits that would outweigh this identified harm. As such, this harm would warrant a refusal of the application.

#### *Amenity of Neighbouring Properties*

6.26 It is not considered that the works carried out have a significant negative impact on the privacy or amenity of neighbouring occupiers owing to the established siting of the shop front (and signage) and its relationship to the surrounding properties whilst the proposals would not significantly alter the footprint of the property and would not therefore have any implications regarding light or outlook for neighbouring occupiers.. As noted above, the fascia signage and side panels are not understood to be directly illuminated and the unauthorised uplighters are being considered under H/2022/0061 which forms part of this same Committee Agenda.

6.27 Furthermore, no objections have been received from HBC Public Protection. The application is therefore considered to be acceptable in this respect.

#### **HIGHWAYS SAFETY**

6.28 The Council's Traffic and Transport section were consulted on the proposed development and stated that there are no highway or traffic concerns. The application is therefore considered acceptable in respect of these matters.

## CONCLUSION

6.29 It is considered that the signage on the installed side panels cause less than substantial harm to the significance of the conservation area, by virtue of the design, detailing and use of materials. Furthermore insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area, contrary to policies QP8, HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.

## EQUALITY AND DIVERSITY CONSIDERATIONS

6.30 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.32 There are no Section 17 implications.

## REASON FOR DECISION

6.33 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 adverts applied to the installed side panels on the shop front detract from the character and appearance of the existing building and surrounding area, resulting in a less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, siting and use of materials. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies QP8, HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.

## BACKGROUND PAPERS

6.34 Background papers can be viewed by the 'attachments' on the following public access page: [http://ifs-iawweb-01/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2021/0509](http://ifs-iawweb-01/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2021/0509)

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

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This site plan shows the rear of a building with various rooms and outdoor spaces. A red rectangle highlights a specific area within the building. The plan includes the following labels and features:

- Rooms and Areas:** TCB, 70, 71, 74, 76, 78, 79, 26, 29, 30, 31, 32, 5C, 36, 2, 18 to 25, 5.2m, 4.9m, Car Park, First Aid Post, LB.
- Post Locations:** Posts (multiple locations), First Aid Post.
- Other Labels:** THE FRONT.
- Orientation:** A North arrow is located in the bottom right corner, pointing towards the top right of the page.

**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN	<b>JB</b>	DATE	<b>8.6.2022</b>
	SCALE	<b>1:500</b>		
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	<b>H/2021/0509</b>	REV	
		<b>H/2022/0061</b>		

## **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](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](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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)



## MATERIAL PLANNING CONSIDERATIONS IN DECISION MAKING

Material Planning Consideration	Non Material Planning Consideration
<i>Can be used as reasons to make a decision to grant or refuse a planning application</i>	<i>To be ignored when making a decision on a planning application</i>
<ul style="list-style-type: none"> <li>Local and National planning policy</li> </ul>	<ul style="list-style-type: none"> <li>Political opinion or moral issues</li> </ul>
<ul style="list-style-type: none"> <li>Visual impact</li> </ul>	<ul style="list-style-type: none"> <li>Precedent (individual merits of each case)</li> </ul>
<ul style="list-style-type: none"> <li>Loss of privacy</li> </ul>	<ul style="list-style-type: none"> <li>Applicants personal circumstances</li> </ul>
<ul style="list-style-type: none"> <li>Loss of daylight / sunlight</li> </ul>	<ul style="list-style-type: none"> <li>Private issues between neighbours</li> </ul>
<ul style="list-style-type: none"> <li>Noise, dust, smells, vibrations</li> </ul>	<ul style="list-style-type: none"> <li>Problems arising from construction period</li> </ul>
<ul style="list-style-type: none"> <li>Pollution and contaminated land</li> </ul>	<ul style="list-style-type: none"> <li>Loss of trade / business competition</li> </ul>
<ul style="list-style-type: none"> <li>Highway safety, access, traffic and parking</li> </ul>	<ul style="list-style-type: none"> <li>Impact on property value</li> </ul>
<ul style="list-style-type: none"> <li>Flood risk (coastal and fluvial)</li> </ul>	<ul style="list-style-type: none"> <li>Loss of a view</li> </ul>
<ul style="list-style-type: none"> <li>Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>Alternative proposals</li> </ul>
<ul style="list-style-type: none"> <li>Heritage and Archaeology</li> </ul>	<ul style="list-style-type: none"> <li>Retention of existing use</li> </ul>
<ul style="list-style-type: none"> <li>Biodiversity and Geodiversity</li> </ul>	<ul style="list-style-type: none"> <li>There is a better site for the development</li> </ul>
<ul style="list-style-type: none"> <li>Crime and the fear of crime</li> </ul>	<ul style="list-style-type: none"> <li>Land ownership / restrictive covenants</li> </ul>
<ul style="list-style-type: none"> <li>Economic impact</li> </ul>	<ul style="list-style-type: none"> <li>Changes from previous approved schemes</li> </ul>
<ul style="list-style-type: none"> <li>Planning history or previous decisions made</li> </ul>	<ul style="list-style-type: none"> <li>Building Regs (fire safety, land stability etc.)</li> </ul>
<ul style="list-style-type: none"> <li>Economic viability of the scheme</li> </ul>	

# PLANNING COMMITTEE

22 June 2022



**Report of:** Assistant Director (Place Management)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. The erection of a high fence and incorporation of land into residential garden at a residential property in Rosthwaite Close.
2. The use of the car park as a touring caravan site, and the use of land for caravan and boat storage at a leisure complex on Tees Road.
3. The erection of an extension at the side of a residential property in Hylton Road.
4. The erection of a garage and retaining walls at a residential property in Park Avenue.
5. Running a beauty treatment business at a residential property in Jaywood Close.
6. Non-compliance with landscaping and boundary treatment plans at a residential development site at Mayfair Gardens.
7. The removal of trees and shrubs, alterations to a boundary fence, and the use of an external seating area at a licensed premises in Dunston Road.
8. Non-compliance with conditions at a residential development in Newton Bewley.
9. The untidy condition of a leisure complex on Tees Road.
10. Running a dog breeding business at a residential property in Acclom Street.
11. Alterations to a garage and running a commercial gym at a residential property in Brinkburn Court.

12. The erection of a high fence at the front of a residential property in Mardale Avenue.
13. The erection of high fences at the front of two residential properties in Arbroath Grove.
14. The erection of high fences at the front of two residential properties in Brierton Lane.
15. The erection of a high fence at the front of a residential property in Darvel Road.
16. The erection of a high fence at the front of a residential property in Dundee Road.
17. The erection of animal enclosures and the change of use of the land for the keeping of wild animals at a residential property on Dalton Road.
18. The installation of an antenna at the rear of a residential property in Sinclair Road.
19. The replacement of windows at a residential property in St Begas Glade.
20. The removal of fittings, pipework and panelling, and fly-tipping in the garden of a listed residential property in Elwick Road.
21. The erection of an extension at the rear of a residential property in Kilmarnock Road.
22. The erection of an outbuilding at the rear of a residential property in Rosedale Avenue.
23. The change of use of a residential dwelling in Annandale Crescent to short-term lets (contractors accommodation).

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

1. Non-compliance with the working hours condition at a residential development site at land south of the A179. The site is now operating in compliance with the working hours condition.
2. The alterations to ground levels in the rear garden of a residential property in Thackeray Road. The complaint was withdrawn.
3. The installation of a ground floor window at a residential property in Rillston Close. Permitted development rights apply in this case.
4. The erection of an outbuilding at the front of a residential property at The Green, Elwick. A retrospective planning application seeking to regularise the development has since been approved.

5. The erection of a high fence at the front of a residential property in Sinclair Road. Permitted development rights apply in this case.
6. The installation of railings on top of the wall surrounding a lighthouse at Moor Terrace. A retrospective planning application seeking to regularise the development has since been approved.
7. Non-compliance with a working hours condition at a residential development site at land at Quarry Farm. The site is now operating in accordance with the working hours condition.
8. The erection of a high fence at the rear of a residential property in Granville Avenue. A retrospective planning application seeking to regularise the development has since been approved.
9. The erection of an extension at the side of a commercial premises on Catcote Road. The extension has since been removed.
10. Running a plant and machinery hire and sales business at a residential property in Brierton Lane. The plant and machinery hire and sales business has now ceased to operate at the property.
11. The erection of a high fence at the rear of a residential property in Tynebrooke Avenue. A retrospective planning application seeking to regularise the development has since been approved.
12. The replacement of roof tiles at a residential property on Elwick Road. Permitted development rights apply in this case.
13. The conversion of an attached garage to a utility room at a residential property in Harvester Close. Permitted development rights apply in this case.
14. The erection of an outbuilding at the rear of a residential property in Watercress Close. Permitted development rights apply in this case.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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## PLANNING COMMITTEE

22<sup>nd</sup> June 2022



**Report of:** Assistant Director - Place Management

**Subject:** APPEAL AT THREE OAKS, BRIERTON LANE,  
HARTLEPOOL, TS22 5PP  
APPEAL REF: APP/H0724/W/21/3286775  
Erection of two storey extension to gable to provide  
double garage at ground floor with additional en-suite  
bathroom and robes to existing bedroom at first floor  
(H/2021/0272).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the Enforcement Notice in respect of an application for the erection of two storey extension to gable to provide double garage at ground floor with additional en-suite bathroom and robes to existing bedroom at first floor at Three Oaks, Brierton Lane.
- 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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### 4. AUTHOR

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## Appendix 1.



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## Appeal Decision

Hearing Held on 22 March 2022

Site visit made on 25 March 2022

**by T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> April 2022

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**Appeal Ref: APP/H0724/W/21/3286775**

**Three Oaks, Oak Lodge Shooting Grounds, Brierton Lane, Hartlepool, Cleveland TS22 5PP**

- 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 Mrs Kelly Calvert against the decision of Hartlepool Borough Council.
  - The application Ref H/2021/0272, dated 3 June 2021, was refused by notice dated 13 October 2021.
  - The development proposed is a two storey extension to the side to provide double garage and walk in robes facility with en-suite to master bedroom at first floor.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It was apparent on my site visit that a base and footings which corresponded to the layout of the extension proposed were in place at the site. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
3. It was also apparent that the dwelling as it exists does not accord with the 'existing plans', the single garage that is shown to the southern wing of the dwelling is fitted out as an internal room. Glazing is fitted in place of a garage door.
4. The parties agreed at the hearing that the plans that initially accompanied the appeal had been superseded. The correct plans have been supplied to me and I have determined the appeal on this basis.

### Main Issue

5. The main issue is whether the extension is justified having regard to the functional requirements and financial capacity of the business.

### Reasons

#### Background

6. The Council granted planning permission for the dwelling in 2017 under Ref H/2017/0315. Condition 4 limits the occupation of the dwelling to a person mainly, or last employed prior to retirement, at the Oak Lodge Shooting

Appeal Decision APP/H0724/W/21/3286775

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Ground or a widow or widower of such a person. The reason given was that the site of the proposed dwelling is within an area where the Council considers that new housing should only be allowed where it is essential in the interests of agriculture and forestry unless exceptional circumstances prevail.

*Policy framework*

7. It was clarified at the hearing that the site falls within the Rural Area and outside of the development limits of Hartlepool under the Hartlepool Local Plan (2018) (HLP). In the Rural Area, Policy RUR1 states that proposals must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses.
8. Policy RUR2 relates to New Dwellings Outside of Development Limits. It advises that these will only be permitted if there is a clear justification and, amongst other matters, it can be demonstrated that there is a clearly established functional need and it is considered essential for a full-time rural worker(s) to live permanently at or near to their rural based enterprise. Further, it requires that the dwelling proposed is of a size commensurate with the size/value of the business it is supporting.
9. The Framework<sup>1</sup> at paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
10. Whilst there was disagreement between the parties as to whether the site could be considered isolated, I consider that it should be considered as such in the context of the Framework. Whilst the dwelling does sit at the northern end of a dispersed cluster of dwellings and other buildings, it is clearly physically remote from the settlement of Hartlepool sitting well away from its clearly defined boundary and within the countryside.
11. It is the general convention that dwellings for rural workers should be sized as necessary to meet the requirements of the business to which they are tied and that the cost of the dwelling should be able to be sustained by the business.
12. The requirements of policies RUR1 and RUR2 are consistent with the requirements of the Framework. They should subsequently be afforded considerable weight.

*The justification for the extension (functional requirements/financial capacity)*

13. The well-kept shooting grounds stretch extensively to the south and west of the dwelling and the grounds include a large clubhouse, large agricultural style storage shed and other outbuildings. It was clear to me at the hearing that the appellant and Mr Calvert are passionate about the shooting grounds, are well versed in the sport and are the north representatives of the Clay Pigeon Shooting Association.
14. The site is rather secluded, and I can understand the desire of the appellant to keep what is likely high value and necessary equipment under secure storage.

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<sup>1</sup> National Planning Policy Framework 2021.



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15. In terms of supporting the business, the evidence indicates that the double garage would be used to store items including a Honda Quad Bike and a Kubota Ride on lawnmower. However, there are other, in some cases large buildings within the ownership of the business and given the equipment requiring storage is not especially large, I cannot rule out the possibility that space could be made available within another building on site. I cannot therefore be certain that the garages are necessary.
16. It is also the case that had the garage originally approved at the dwelling been incorporated in line with the existing plans, this could have provided storage for some of the equipment detailed.
17. No substantive case has been made as to any functional requirement for the first floor of the extension which includes two walk in wardrobes and a large en-suite bathroom either within the evidence or at the hearing.
18. Overall, the justification for the extension when measured against the functional requirements of the business is not compelling. The proposal would therefore conflict with Policy RUR1 of the HLP which states that proposals must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses.
19. I have been supplied with limited financial information in relation to the business, however it was clear at the hearing that both the appellant and her husband currently have a part time and full-time job elsewhere respectively although I note the intention to spend more time at the business in the future.
20. I have, however, been supplied with a trading and profit and loss account for the year ended 31 March 2020. This shows a net loss for the business of £5,556 in 2020. Whilst I appreciate that the recent pandemic has caused financial difficulties for many businesses, these accounts, on the whole pre-date the worst of the closures. They also, include under expenditure, a wage of only £1,502 in 2019 and none in 2020.
21. In spite of being advised that the figures included a substantial stock purchase and advised at the hearing that business is becoming brisker, the financial capacity of the business on the basis of the information before me to which I have to afford weight appears to be limited.
22. The cost of the extension could not be sustained by the business, even at the anticipated cost of £17,000 which does seem especially low, even accounting for Mr Calvert's profession within engineering. Therefore, an extension to the existing dwelling, which is already large in size, would fail to be commensurate with the size/value of the business which it supports. The proposal would therefore conflict with Policy RUR2 of the HLP.

### **Planning balance and conclusion**

23. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed.

*T J Burnham*

INSPECTOR

Appeal Decision APP/H0724/W/21/3286775

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**DOCUMENTS SUBMITTED AT THE HEARING**

Drawings 58/2021/01 REV A, 58/2021/02 REV A & 58/2021/03 REV A

## PLANNING COMMITTEE

22<sup>nd</sup> June 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.

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an enforcement notice appeal that has been determined in respect of the 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.
- 1.2 The appeal was dismissed and the requirements of 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.

### 3. CONTACT OFFICER

- 3.1 Kieran Bostock  
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### 4. AUTHOR

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## Appendix 1.



## Appeal Decision

Site visits made on 10 February & 8 March 2022

**by Elaine Gray MA(Hons) MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

**Appeal Ref: APP/H0724/C/21/3288190**

**170 Park Road, Hartlepool TS26 9LW**

- 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 Scott Borthwick against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice is dated 2 November 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of outbuildings and high fencing at the rear and installation of hard surfacing and roller shutter garage door at the front.
- The requirements of the notice are: (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.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.

### Decision

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

### The appeal on ground (c)

2. The appeal on ground (c) is that there has not been a breach of planning control.
3. The appellant raises issues of security and visual effect in relation to the roller shutter garage door, the bound gravel and the rear fence. However, these comments are more appropriate to ground (a) as they go to the planning merits of the case. I have therefore considered them further below.
4. In relation to the rear outbuilding, it is the appellant's understanding that it should not need planning permission because it is designed for a use incidental to the main dwelling. For this argument to succeed, the appellant needs to demonstrate that the outbuilding falls within the limits of Class E of the Town and Country Planning (General Permitted Development) Order (2015) (GPDO). Although use is one factor, an outbuilding needs to meet all the requirements in order to fall within householder permitted development (PD) rights.

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

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5. Class E.1(e) of Part 1 of the (GPDO) specifies that an outbuilding erected within 2m of a boundary should not exceed 2.5m in height. The erected outbuilding sits along the side and rear boundaries of the rear plot, and has an approximate height of 2.61m, according to the Council.
6. The appellant does not dispute the Council's evidence on the height of the building. Therefore, in the absence of any substantive evidence to show that the outbuilding falls within the limitations of Class E, I conclude that planning permission is needed for the outbuilding.
7. The appeal on ground (c) fails.

### **The appeal on ground (a) and the deemed planning application**

#### *Main Issue*

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

#### *Reasons*

9. 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.
10. The southern boundary of the CA runs along Park Road, and only the properties on the northern side of the road are included in the CA. Here, the buildings are arranged in pairs, and No 170 forms a mirror image of the adjoining building. It is a two storey semi-detached house built of brick with a slate roof and a brick chimney. The frontage is characterised by bay windows on the ground and first floors, with a smaller window above set in a dormer with decorative boarding and a finial. The main entrance is paired with that of the neighbouring house, with a canopy over and a first floor window above.
11. No 170 appears to be typical in terms of the layout of its grounds, whereby the front plot is fairly shallow in contrast to the rear plot, which extends to a greater depth behind the house. The Council's document, 'Grange Conservation Area Character Appraisal' (the Appraisal) notes that 'front gardens make a very strong contribution to the character and appearance of the conservation area due to their number, their visibility, and because, despite changes in detail, they are generally intact in high numbers. They help define its thick, green character and are fundamental to its leafy, mature appeal as an historic residential neighbourhood.'
12. The Appraisal goes on to say that 'back gardens make a surprisingly strong contribution to the character of the area. Spatially they are amassed between the rows of buildings, and the trees within them are sufficiently mature to register between and even above the buildings in places. The views of these trees and other greenery are an important part of the deep, rich, period suburban scene in the detached and semidetached streets.'

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13. Therefore, despite some alterations, No 170 remains typical of the overall layout and appearance of the neighbouring properties. The features I have noted all make a positive contribution to the terrace and wider street scene, and in turn to the overall significance of the CA.

*The effect of the development*

14. Policy HE3 of the Hartlepool Local Plan (HLP) states that proposals for development in the CA will need to demonstrate that they will conserve or positively enhance their character. It sets out design guidelines to ensure, amongst other things, that the scale and nature of development should be appropriate to the CA, and that the design, height, orientation, massing, means of enclosure, materials, finishes and decoration should ensure development is sympathetic to and/or complementary to the CA.
15. The previous garage door has been replaced with a black metal roller shutter door. The shutter is housed within a black box that projects from the main frontage of the garage, resulting in a bulky, top heavy appearance. At the neighbouring property is a brick fronted garage. Although the door in that garage is metal, it appears to be of the up and over kind, and so sits flush within its timber frame.
16. In contrast to the more domestic appearance of the neighbouring garage, the roller shutter door at No 170 has an industrial appearance that is at odds with the domestic character of the appeal site. Moreover, there is little evidence that roller shutter garage doors of this kind are a prevailing characteristic in the CA.
17. The garden area at the front has been surfaced over, forming an area where vehicles can park. On my visit, I took the opportunity to view the treatments of the front gardens in the vicinity on the same side of Park Road. I saw a variety of different surfacing materials. However, the majority of the properties had some form of delineation between the path to the front door and the garden areas, either using contrasting surface materials, or kerbing of some kind, or both. Many gardens had planting beds or shrubbery which softened the appearance of the properties and added a decorative element to the fronts.
18. However, the covering of the whole frontage at No 170 with a single material comprising grey resin bound gravel results in a stark, flat appearance that is at odds with the traditional appearance of the house. Although there were a small number of dwellings with a similar treatment of the frontage, these were in the minority, and not typical of the character of the CA.
19. As noted above, an outbuilding has been constructed at the back of the house. In addition, a close boarded timber fence has been erected around the rear plot. Although these elements are away from public view, they are still visible from the surrounding properties, and have an effect on the appearance of the CA. I note that HLP Policy HE3 does not differentiate between development to the front or rear of properties.
20. The Council state that the fence stands at a height of around 2.41m, which the appellant does not dispute. I saw that the fence is disproportionately high in relation to the relatively small size of the rear yard, and the house itself.

21. The outbuilding is also of substantial size, running the length of one side of the yard. Taken in combination, its footprint and height result in a building that is significantly larger than the kinds of sheds or outbuildings that would normally be associated with a dwelling of this size in an urban area.
22. Instead, it is an excessively bulky structure that dominates the yard and is out of scale with the modest proportions of the dwelling. Again, there is little evidence that such structures are in keeping with the prevailing character of development in the rear residential plots within the CA. Furthermore, they are at odds with the character of the area described in the Appraisal.
23. 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 HLP Policy HE1, which seeks to preserve, protect and positively enhance all heritage assets.
24. 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.
25. The appellant states that the roller shutter door was installed for security purposes in a high crime area. Whilst I acknowledge this concern, there is no evidence that this matter could not be addressed through a form of development that is more sympathetic to the significance of the CA. The appellant argues that the appeal scheme does not harm the CA. However, for the reasons set out above, I am unable to agree with this argument.
26. 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.
27. The appeal on ground (a) therefore fails.

#### **The appeal on ground (f)**

28. The appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
29. The gist of the appellant's argument is that, because he does not agree that the works harm the CA, they should be left in place. However, this would not achieve the aim of the notice, which is to remedy the breach. This can only be achieved by the requirements as set out.

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30. The requirements are therefore commensurate with that purpose, and so the appeal on ground (f) fails.

**The appeal on ground (g)**

31. The appeal on ground (g) is that the time given to comply with the notice is too short.

32. The appellant argues that, given the work required by the notice, the timescale of three months is not just or appropriate. However, he does not suggest an alternative timescale, and provides little detailed information or evidence as to why a greater time should be needed. In any event, I am mindful that the Council have the power to extend the compliance period, if they see fit. Whilst this is entirely a matter for the Council's discretion, it would be open to the appellant to ask for an extension of time, should it prove necessary.

33. On the evidence before me, I therefore consider the period of three months to be a reasonable period in which to comply with the requirements of the notice.

34. As a result, the appeal on ground (g) fails.

**Conclusion**

35. 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****22 June 2022**

**Report of:** Assistant Director – Place Management

**Subject:** HOUSEHOLDER PLANNING APPEAL AT 2 MILL COURT, GREATHAM, HARTLEPOOL, APPEAL REF: APP/H0724/D/22/3298987  
Erection of single storey front extension (and extension to front/side boundary fence).

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**1. PURPOSE OF REPORT**

1.1 To advise members of a householder planning appeal that has been submitted against the Council decision to refuse a planning application for the erection of a single storey front extension (and extension to front/side boundary fence) at 2 Mill Court, Greatham. The application was refused under delegated powers on 25<sup>th</sup> March 2022.

1.2 The appeal will be determined under the written representations procedure.

1.3 The planning application was refused for the following reason:

*In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the host dwelling, the neighbouring dwelling 1 Mill Court and the wider area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the National Planning Policy Framework (2021) which states that planning permission should be refused for development that is not well designed or is sympathetic to the surrounding built environment. (Report Attached – APPENDIX 1).*

**2. RECOMMENDATIONS**

2.1 That Members note this report.

### **3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
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## APPENDIX 1

## DELEGATED REPORT

<b>Application No</b>	H/2021/0542
<b>Proposal</b>	Erection of a single storey front extension (and extension to front/side boundary fence).
<b>Location</b>	MILL COURT HIGH STREET GREATHAM HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	10/01/2022
	Site notice:	31/01/2022
<b>1) Publicity Expiry</b>	Advert:	02/02/2022
	Weekly list:	05/01/2022
	Expiry date:	07/02/2022
	Extended date:	31/03/2022
<b>2) Publicity/Consultations</b>  <p>This application was advertised by way of five neighbour notification letters, site notice and press advert, to date no responses have been received.</p> <p><b>Consultation</b></p> <p>The following consultation responses were received:</p> <p><b>HBC Building Control:</b> I can confirm that we have received a Building Regulation application for single storey extension with wc to front of property.</p> <p><b>Tees Archaeology:</b> 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.</p> <p><b>HBC Landscape Architect:</b> An Arboricultural Impact Assessment to BS5837 should be provided as primary information, to inform any proposed site development.</p> <p><b>HBC Flood Risk Officer:</b> In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land.</p> <p><b>HBC Arboricultural Officer:</b> I have recently dealt with a tree works application (H/2021/0422) from the Hospital of God, Greatham about trees on their land running parallel with this house and adjacent to the proposed extension although I was not aware that the new owners of 2 Mill Close were going to extend their property. As</p>		

the tree work has now been completed by the Hospital of God and the trees consist of a hazel and hawthorn hedge it is unlikely that the extension will have any major impact on them because of their size and suckering root system, that said there will be future maintenance issues regarding overhanging branches which they must be aware of.

The trees they refer to in their own garden are two small Leylandii hedging conifers that have outgrown their space and I have previously told them that as I classify this as a hedge they could undertake their removal as normal garden maintenance work.

This is a relatively modern house and not typical of the main heritage buildings and the garden is not readily seen from the high street or surrounding properties. The extension is unlikely to have any detrimental effect on the hedgerow but will entail a future maintenance burden which could lead to conflict with the tree owner. That said they must realise this and accept this as a future problem that will occur. Building Control will no doubt check on foundation depth as this could also be an issue in future.

I am happy to accept the plans as submitted and don't need to see any additional reports on the trees themselves.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 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 the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

The site is set behind the frontage of the main highway leading through the village, however immediate neighbouring properties are visible from this road and more

widely the site can be viewed from a public footpath which runs through the street. The property, part of a pair, has an understated appearance and simple detailing that reflects the dwellings extending along the High Street.

The proposal is an extension to the front of the building to provide additional entrance space and a toilet. It is proposed that the extension will have a pitched roof and be in brick to match the host dwelling. Positioned to cover the existing main entrance door it would significantly alter the front elevation of the dwelling.

Greatham Village Design Statement provides guidance on developing within the conservation area. In relation to extensions it states that,

- Lobbies should be contained within the building rather than added as an extension to the front in the form of a porch.
- Houses of a uniform style should maintain that uniformity.
- Extensions attached to buildings should complement the character of the main building.

It is considered that the proposal would unbalance the relatively symmetrical relationship with its immediate neighbour and therefore cause less than significant harm to the designated heritage asset. No information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal.

*Amended comments (25/01/22):* The application site is located in Greatham Conservation Area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 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).

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this early stage of growth are much later early 19<sup>th</sup> century individual houses or short terraces and late Victorian terraced housing.

The site is set behind the frontage of the main highway leading through the village, however immediate neighbouring properties are visible from this road and more widely the site can be viewed from a public footpath which runs through the street. The property, part of a pair, has an understated appearance and simple detailing that reflects the dwellings extending along the High Street.

The proposal is an extension to the front of the building to provide additional entrance space and a toilet. It is proposed that the extension will have a pitched roof and be in brick to match the host dwelling. Positioned to cover the existing main entrance door it would significantly alter the front elevation of the dwelling.

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- Lobbies should be contained within the building rather than added as an extension to the front in the form of a porch.
- Houses of a uniform style should maintain that uniformity.
- Extensions attached to buildings...should complement the character of the main building.

The property is tucked away into the corner of this street and there are currently large trees screening the corner of the building. It is considered in this instance that given the location of the proposal it is acceptable and will not impact on the significance of Greatham Conservation Area.

**Greatham Parish Council:** The parish council does not object to the application but stresses this is due to the location of the premises. Local regulations state porches etc. should not be permitted at the front of dwellings so this application is seen to be a one off.

#### **Rural Plan Working Group:**

##### **POLICY GEN 2 - DESIGN PRINCIPLES**

The design of new development should demonstrate, where appropriate:

1. how relevant village design statements and conservation area appraisals have been taken into account;

##### **POLICY HA2 - PROTECTION AND ENHANCEMENT OF CONSERVATION AREAS**

In determining applications within Conservation Areas, or which affect the setting of a Conservation Area,

particular regard will be given to the following:

1. The scale and nature of the development;
2. The design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;
5. The protection of important views and vistas;

## 7. Guidance provided in relevant Conservation Appraisals, Visual Assessments and Village Design Statements.

Greatham Village Design Statement recommendations and guidelines include – lobbies should be contained within the building rather than added as an extension to the front in the form of a porch.

This application is for an extension on the front of a property that is also within Greatham Conservation Area. Such a front extension would normally be a cause for concern and possible objection being at odds with the Village Design Statement and the traditional character of the properties in Greatham which have simple undisturbed fronts where lobbies if present are contained within houses so as not to break up the facade. Exceptionally in this case due to the unique location of this property in a rear court behind the High Street combined with the location of this particular property in a corner the front extension can be considered acceptable as it helps enclose the fourth side of the courtyard development.

The Group consider this extension acceptable and have no objection.

<b>3) Neighbour letters needed</b>	N
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<b>4) Parish letter needed</b>	Y
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## 5) Policy

### National Planning Policy Framework (NPPF)(2021)

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

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  
 PARA110: Considering development proposals  
 PARA124: Achieving appropriate densities  
 PARA126: Achieving well-designed places  
 PARA130: Achieving well-designed places  
 PARA189: Conserving and enhancing the historic environment  
 PARA194: Conserving and enhancing the historic environment  
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts  
 PARA200: Conserving and enhancing the historic environment - Considering potential impacts  
 PARA202: Conserving and enhancing the historic environment  
 PARA218: Implementation

#### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change  
 GEN1: Development Limits  
 GEN2: Design Principles  
 HA1: Protection and Enhancement of Heritage Assets  
 HA2: Protection and Enhancement of Conservation Areas  
 HE1: Heritage Assets  
 HE3: Conservation Areas  
 HSG11: Extensions and alterations to existing dwellings  
 LS1: Locational Strategy  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP7: Energy Efficiency  
 RUR1: Development in the Rural Area  
 SUS1: The Presumption in Favour of Sustainable Development

Comments: Planning Policy are of the view that the design would unbalance a pair of semi-detached properties to an unacceptable level, this is because of the size of the front extension and its prominence set against the host dwelling and the neighbouring attached property. However given the dwellings is set back from the streetscene the proposal is unlikely to have a negative impact upon the streetscene and the integrity of Greatham Conservation Area. The matter to consider is if the proposal would harm the host dwelling to such an extent that the proposal should be refused. Planning Policy trust that the case officer is qualified to make that judgement.



## 6) Planning Consideration

### PLANNING HISTORY

H/2021/0422 - Tree works in a conservation area to sycamore tree - reduce crown by 10-15% and crown lift and row of hazel trees - crown reductions by 2-3m and remove only self beeching trees, pending.

### SITE AND SURROUNDINGS

The application site relates to 2 Mill Court, a west facing, two-storey, semi-detached dwelling within the village of Greatham, Hartlepool. It is part of an identical pair of semi-detached dwellings which are situated behind the main highway of High Street, and is considered to be infill development to land to the rear of 22 High Street, as it is set back from the main streetscene.

The application property features a single storey conservatory to the rear.

The application site is bounded to the north/side by 1 Mill Court. To the front/west of the host dwelling is the rear boundary of 22 High Street. To the rear/east of the application site is bounded by the rear boundaries of No's. 4, 5, 6 and 7 The Grove.

The front garden is enclosed on its side/south boundary by a timber fence, with an approximate height of 1.8m and is partially covered by shrubbery. There is a small boundary fence of approximately 1m to the front/west and to the side/north boundary, at the shared boundary to No. 1 Mill Court.

### PROPOSAL

This application seeks planning permission for the erection of a single storey front extension. The proposed extension would be situated to the right hand side of the front elevation, and would result in the loss of the front door, which would be relocated to the side (north) elevation of the proposed extension and would be replaced with a UPVC door with double glazed side panel. The proposal also features a double glazed UPVC window to the side (south) elevation. The proposed extension would project approximately 3.1m off the front/west elevation of the host dwelling and would be approximately 2.5m in length. The proposal would feature a pitched roof, measuring approximately 3m and dropping down to 2.3m at the eaves. Due to the nature of the extension being for a proposed porch and WC, the southern side of the roof would feature an extraction fan.

Amended plans were requested during the course of this application to reduce the overall scale and design of the proposed single storey extension, due to concerns regarding the poor design of the extension, in that it has been designed to be purely functional without consideration of form and impact on the host dwelling. The applicant has refused the opportunity to provide amended plans, therefore the proposal will be considered in its current form.

To the front of the host dwelling, there is a recent tree works application (H/2021/0422, pending) which resulted in reductions to the trees that run parallel to

the dwelling and adjacent to the host dwelling. There are two small hedging conifers that are to be removed as part of this application. HBC Arboricultural Officer has confirmed that this element of the works will not result in any concerns from a tree perspective and there was no requirement for additional documentation to support the works proposed to the hedging. It is considered that this element of the proposal is acceptable and therefore won't be considered further in this application.

The proposal would also feature a replacement fence being installed to the southern boundary of the property. This fence would measure approximately 1.8m and would be timber clad to tie in with the existing fence. It is considered that this element of the proposal is acceptable and therefore won't be considered further in this application.

### MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this planning application is the impact on the amenity and privacy of neighbouring properties, impact on the character and appearance of the existing dwelling and surrounding area, impact on the Greatham conservation area, any other planning matters and other matters.

### IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND SURROUNDING AREA (INCLUDING GREATHAM CONSERVATION AREA)

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

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

As identified in the comments received from the Council's Heritage and Countryside Manager above, the Greatham Conservation Area's special character and interest is derived mostly from properties located around the Green.

The Greatham Conservation Area is considered to be at risk due to the loss of traditional details. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as at risk as a priority for the Council.

The Council's Heritage and Countryside Manager previously raised concerns regarding the proposed design of the extension, and that it would cause harm to the heritage asset. However, upon further consideration, amended comments were received that stated owing to the set-back location of the dwelling, and that the

proposal would be mainly blocked from view owing to the dwellings to the front of the application site, that the proposal was considered acceptable in this instance, in respect of the previously identified impact on the Greatham Conservation Area.

This view was reflected in comments by Greatham Parish Council and the Rural Plan Working Group, who reinforced that the Greatham Design Statement details that extensions to the front of properties within Greatham should be limited to lobbies/porches, however owing to the location of this dwelling, that an exception be made in this instance and that the conservation area would not be harmed.

Therefore, on balance, the proposal considered to be acceptable in respect of the above matters.

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

The host property is one of two identical semi-detached dwellings which are situated in land set-back from High Street, Greatham. The proposed extension would be of a notable scale to the front of the host property, which would therefore be noticeable in scale and design, particularly in respect to the proportion and original character of the host property, owing to its location at the front of the dwelling. It is considered that the proposal would result in the loss of a main architectural feature from the front elevation, in the form of the front door. This loss, and the elongated form of the extension which has no form and is purely practical, has not been designed in a way which ensures it is in keeping with the host dwelling and the adjacent neighbour. It is further considered that the proposed extension would cause an imbalance between the pair of dwellings.

In view of the above, it is considered that the proposed extension, due to its design and scale would be of a form and appearance that is not characteristic of the host dwelling and immediate area, including the adjacent dwelling, and would introduce an incongruous feature into this section of the street scene. As such, this adds to the view that the proposal is a poor form of development and contrary to the provisions of the NPPF (2021), of which paragraph 134 states “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.

Owing to the above, although it is acknowledged that the proposed extension would not result in any significant adverse impact on the character and appearance of the conservation area, it is considered that the proposed extension would be a form of development that would not be sympathetic to the existing dwelling or surrounding area, by virtue of its design, scale and siting, contrary to the requirements of Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and the NPPF (2021).

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

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

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

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

#### Impact on 1 Mill Court (north)

The neighbouring property is a semi-detached, two-storey dwelling which attaches to the side/north elevation of the application site. The two form a pair of identical dwellings in land set back slightly from High Street, Greatham and are a form of infill development. The proposed extension would be situated to the front of No. 2 and would be approximately 2.9m away from the closest (front) elevation of No. 1. There are no boundary treatments between the pair of dwellings and therefore there is no screening of the proposal from the windows to the front of No. 1 which act as windows to habitable rooms. Owing to the addition of a door with glazed window panel in the north elevation of the extension, it would result in separation distances of approximately 2.7m between the extension and the shared boundary fence, this separation distance would also be the same between the extension and the closest/front elevation owing to the nature of the plots being semi-detached. It is noted that the proposed extension would form a porch and WC element, however the area of the extension which would form the northern part of the extension, that which faces onto the neighbour at No. 1 is the porch element and not a habitable room, it is considered that the proposal would not result in a significant adverse loss of amenity in terms of outlook, overbearing or overshadowing for the neighbour at No. 1 Mill Court as to warrant a refusal of the application.

It is noted that that the northern elevation of the proposal does not technically feature a window, just a glazed panel as part of the UPVC door. Therefore, it is considered that it is considered that the proposals would not have a significantly detrimental impact on the privacy of No. 1 Mill Court, in terms of overlooking.

#### Impact on 22 High Street (west/front)

The neighbouring property at 22 High Street is located to the front/west of the host dwelling. Currently, the host dwelling is located approximately 31m away from the boundary fence at No. 22, and 38m from the closest/rear elevation of the property. The proposed extension would only reduce these separation distances slightly, to approximately 29m and 35.5m from the boundary fence and closest/rear elevation respectively. Owing to these separation distances and the single storey nature of

the proposal, it is considered that the proposal would not result in a significant adverse loss of amenity in terms of outlook, overbearing or overshadowing for the neighbour at No. 22 High Street as to warrant a refusal of the application.

It is noted that there are no proposed windows in the west elevation of the proposal, which would face directly on to No. 22. Owing to this, and the aforementioned separation distances, it is considered that the proposals would not have a significantly detrimental impact on the privacy of No. 22 High Street, in terms of overlooking.

#### Impact on properties at The Grove (east/rear)

The properties at the Grove are situated to the east/rear of the host dwelling. Owing to the nature of the proposal in that it is a front extension, the proposal would be primarily screened from view by properties at the Grove. As a result of this, it is considered that the proposal does not result in an adverse loss of amenity in terms of outlook, overbearing or overshadowing nor any adverse overlooking for the neighbours at The Grove.

#### OTHER PLANNING MATTERS

The Council's Flood Risk Officer has been consulted on the proposal and has confirmed no objection in respect of surface water drainage or contaminated land. Had the application been considered acceptable in all respects, the proposal is considered to be acceptable in this respect.

#### CONCLUSION

Having regard for the Policies QP4 and HSG11 the Hartlepool Local Plan (2018) and paragraphs 129, 130 and 134 of the NPPF (2021), it is considered the proposed development by virtue of its siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the host dwelling and street scene. Therefore the proposal is recommended for refusal.

#### **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

#### **9) Alternative Options Considered**

No

<b>10) Any Declared Register of Interest</b>	
No	
<b>11) Chair's Consent Necessary</b>	N
<b>12) Recommendation</b>	
REFUSE; for the following reasons;	
<b>REASONS</b> <p>1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the host dwelling, the neighbouring dwelling 1 Mill Court and the wider area, contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the National Planning Policy Framework (2021) which states that planning permission should be refused for development that is not well designed or is sympathetic to the surrounding built environment.</p>	
<b>INFORMATIVE</b> <p><b>1.0 Statement of Proactive Engagement</b></p> <p>The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.</p>	

**Author of Report: Rebecca Cockburn**

**Signed: R.M.Cockburn**

**Dated: 23/03/2022**

**Signed: S. Bell**

**Dated: 25/03/2022**

Senior Planning Officer