

# PLANNING COMMITTEE

## AGENDA



**Wednesday 27 July 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 26 July 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, Martin-Wells, Moore, Morley, V Nicholson 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 22 June 2022 (to follow)

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

- |    |             |                                    |
|----|-------------|------------------------------------|
| 1. | H/2022/0082 | The Highlight (page 1-34)          |
| 2. | H/2022/0170 | 56 Rosthwaite Close (page 35-43)   |
| 3. | H/2022/0173 | 15 Rosthwaite Close (page 44-52)   |
| 4. | H/2022/0145 | 9 Tanfield Road (page 53-61)       |
| 5. | H/2021/0198 | 17 Butterstone Avenue (page 62-77) |

#### 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 Land at Hart (*Assistant Director, Place Management*)
- 5.3 Appeal Seaview Guest House, 11 The Green (*Assistant Director, Place Management*)
- 5.4 Appeal Land Adjacent to Lynn Street (*Assistant Director, Place Management*)
- 5.5 Appeal at 38 Linden Grove (*Assistant Director, Place Management*)

## **6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

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

### **EXEMPT ITEMS**

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

## **8 ITEMS REQUIRING DECISION**

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

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

## **10. FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 24 August 2022



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **22 JUNE 2022**

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Brenda Harrison, Sue Little, Dennis Loynes, Shane Moore, Melanie Morley, Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor Andrew Martin-Wells was in attendance as substitute for Councillor Scott Reeve.

Officers: Kieran Bostock, Assistant Director (Place Management)  
Jim Ferguson, Planning and Development Manager  
Daniel James, Planning (DC) Team Leader  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Alex Strickland, Legal Advisor  
David Cosgrove, Democratic Services Team

#### **1. Apologies for Absence**

Councillor Scott Reeve.

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

None.

#### **3. Confirmation of the minutes of the meetings held on 16 March and 6 April, 2022**

Confirmed

#### **4. Planning Applications** (*Director of Regeneration and Neighbourhoods*)

- 5.** Number: H/2022/0009  
Applicant: ELENI ANTONIOU 5 HOWICK PLACE LONDON

Agent: LDA DESIGN MR ED SALTER KINGS WHARF THE QUAY EXETER  
Date received: 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  
Decision: Planning Permission Refused

#### REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development would have the potential to result in a constraining impact on the activities of the adjacent port and the economies of the area, contrary to policies LS1 and EMP4 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal would not result in an adverse impact on the amenity of neighbouring land users in terms of noise, contrary to policy QP4 of the Hartlepool Local Plan (2018).
3. In the opinion of the Local Planning Authority, the proposed development would result in an adverse impact on the visual amenities of the area, contrary to policy QP4 of the Hartlepool Local Plan (2018).

The Committee considered representations in relation to this matter.

As an update within the Planning (DC) Team Leader's presentation, Members were advised that following the publication of the report and further discussions with the applicant, conditions 3, 9, 13 and 14 had been updated with minor amendments and these were tabled for Members consideration. Furthermore, an additional objection had been received from the planning agent acting on behalf of PD Teesport and this was tabled for Members consideration.

Following the Planning (DC) Team Leader's presentation of the application, Members questioned the consultation responses around noise. It was noted that a noise assessment had been undertaken and the impact would not be adverse. It was also noted that the consultation period had not yet concluded and the recommendation in the report reflected that. The application was a departure from the Local Plan as the land was currently designated as employment land, though the Planning (DC) Team Leader commented that it only amounted to 0.17% of the total employment land allocated in the Local Plan. There were also concerns expressed around the deterioration of the buildings on the site.

Members also highlighted the changes made to the original design of the proposed nesting buildings since the submission of the screening opinion application, particularly the increase in size of the main building from 8m to 12m in height. Members also expressed their concern at the report that Planning Officers had met with the applicant on site prior to the submission. The Planning (DC) Team Leader advised that this formed part of the pre-

application enquiry that the applicant had submitted. Members were also concerned at the potential for noise disturbance for residents across the harbour. The existing biodiversity on the site was also discussed with the potential affect the new buildings and the bird colony would have on that.

The applicant gave their presentation to the Committee commenting that Hartlepool was a key Kittiwake colony on the North East coastline. There was already a significant colony on the existing RNLi building only 40m away from the proposed development. The nesting building would be designed specifically for Kittiwake's and would be unattractive to other sea birds. The nesting site was part of the Hornsea 3 offshore wind turbine development which would involve new jobs through the supply stream in the Tees valley. It was acknowledged that the land was currently designated employment land.

The applicant commented that the nesting site would help protect a vulnerable species that only fed at sea. Any guano would be localised to the nesting site and periodically removed.

Members questioned the change in design of the buildings, particularly the increase in height of the main nesting building. The applicant stated that the design had evolved over time and would provide around a 1000 nesting boxes of which the expectation was that around 40% would be in use at any time. In terms of noise the applicant commented that if the noise from the birds was subsequently considered to be a statutory nuisance, then measures would need to be taken. There was already a colony of Kittiwakes around the port and this site would provide a more favourable location for the birds.

An objector to the proposal representing PD Ports commented that the port considered that the development of the nesting site would provide some constraints on the future development of the port site. The development was also a compensatory wildlife provision for a development taking place many miles away. There was concern that the development would constrain the operation of the port which was already having to deal with the existing Kittiwake colony.

In general debate Members expressed concern around the use of employment land for the nesting site and the potential adverse noise impact on the nearby residents. There were some Members who did feel the development would concentrate the Kittiwake colony in the area on this site.

A recorded vote was taken on the recommendations set out in the report which recommended approval of the application.

Those in favour: Councillors Boddy, Feeney, Harrison and Morley.

Those against: Councillors Brown, Little, Loynes, Moore, V Nicholson, Martin-Wells, and Young.

Those abstaining: None.

The vote, therefore, was lost.

Members recorded their reasons for objecting to the proposed application as –

- 1) the proposal would have a constraining impact on the activities of the adjacent port and the economies of the area;
- 2) the applicant has failed to demonstrate that the proposal would not result in an adverse impact on the amenity of neighbouring land users in terms of noise;
- 3) the proposal would result in an impact on the visual amenities of the area.

A recorded vote was taken on the reasons for refusing the application.

Those in favour: Councillors Brown, Little, Loynes, Moore, V Nicholson, Martin-Wells and Young.

Those against: Councillors Boddy, Feeney, Harrison and Morley.

Those abstaining: None.

The motion to refuse the application for the reasons set out above was approved.

- 6.**
- |                |   |
|----------------|---|
| Number:        | H/2022/0080   |
| Applicant:     | HARTLEPOOL BOROUGH COUNCIL  |
| Agent:         | HARTLEPOOL BOROUGH COUNCIL SCOTT CAMPBELL CIVIC CENTRE VICTORIA ROAD HARTLEPOOL   |
| Date received: | 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<br>WAVERLEY TERRACE HARTLEPOOL   |
| Decision:      | Planning Permission Approved  |

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

2. To clarify the period for which the permission is valid.  
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 25th February 2022; and document 'Floor plans/elevations' received by the Local Planning Authority on 16th 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.
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 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.

The Committee considered representations in relation to this matter.

Following the Planning (DC) Team Leader's presentation of the application, Members questioned the potential for noise created from the operation of the site. It was indicated that most noise would be very similar to that created by other general allotment operations, though there would be some groups that when visiting would use the buildings on the site but within set hours. Members questioned the support given to people with mental health issues. The applicant commented that the site was mainly used by people needing some kind of support. The groups that would be using the site would also be working with other groups such as the Bread and Butter Thing and some foodbanks providing them with free produce. The applicant commented that any noise would be similar to that created by the other allotment holders on the Waverley site, such as the use of grass trimmers and rotavators. The site already worked with the local community and had provided food packages to local residents during the Covid-19 lockdowns.

The recommendation to approve the application was moved by Councillor Little and seconded by Councillor Young. The application was approved unanimously following a recorded vote of Members.

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Moore, Morley, V. Nicholson, Martin-Wells and Young.

Those against: None.

Those abstaining: None.

- 7.**
- |                |   |
|----------------|---|
| Number:        | H/2022/0060   |
| Applicant:     | MR STEVE DOUGHTY WYNYARD BUSINESS PARK WYNYARD                                    |
| Agent:         | HEDLEY PLANNING SERVICES CHARLY WILSON 3B EVOLUTION WYNYARD BUSINESS PARK WYNYARD |
| Date received: | 23/02/2022  |
| Development:   | Erection of 6no. external seating pods (retrospective)                            |
| Location:      | NEPTUNE HOUSE SLAKE TERRACE HARTLEPOOL  |
| Decision:      | Planning Permission Approved  |

#### CONDITIONS AND REASONS

1. The 6no. pod structures (and associated development) hereby approved shall be removed from the site in its entirety, the use shall cease and the land restored to its former condition on or before 22.06.2024 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.  
The use hereby approved is not considered suitable as a permanent form of development to safeguard the future regeneration aspirations of the area, having regard to Policies LT1, 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 16th 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 16th March 2022.  
For the avoidance of doubt and to which the permission is based.
4. No music shall be played or relayed to the external seating area (including the 6no. pods hereby approved) as defined by the red line boundary on plan Dwg. No. 001- FULL PLANS, received by the Local Planning Authority on 16th March 2022.  
In the interest of the amenity of neighbouring land users.



5. The external seating area (including the 6no. pods hereby approved) as defined by the red line boundary on plan Dwg. No. 001- FULL PLANS (received by the Local Planning Authority on 16th March 2022) shall only be used between the hours of 0900 and 2100 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 (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the 6no. pod structures hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed on the 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.

The Committee considered representations in relation to this matter.

As an update within the Planning (DC) Team Leader's presentation, Members were advised that following the publication of the report and further discussions with HBC Public Protection, two of the recommended planning conditions had been updated and these were tabled for Members consideration.

Following the Planning (DC) Team Leader's presentation of the application, Members questioned whether the whole of the property was considered commercial. Officers stated that those premises on the ground floor were commercial with residential flats above. No objections had been received from the commercial properties with objections from both the landlord and the occupier of a residential property over-looking the seating area. It was discussed whether the seating pods had originally been permitted under the

regulations around social distancing during the Covid-19 pandemic. There had been no noise complaints submitted to the Council.

The applicant's representative stated that the seating area would be monitored during its use by security. There was an expectation that the management of the bar would wish to move on any people creating excessive noise in the seating area. The Planning Team Leader indicated that the layout of the seating pods would be slightly amended and would be as set out in the application and not as in the photographs accompanying the report.

The recommendation to approve the application was moved by Councillor Brown. The application was approved unanimously following a recorded vote of Members.

Those in favour: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Moore, Morley, V. Nicholson, Martin-Wells and Young.

Those against: None.

Those abstaining: None.

Councillor Boddy left the meeting at this point in the proceedings.

- 8.**
- |                |   |
|----------------|---|
| Number:        | H/2022/0062                                     |
| Applicant:     | MR PAUL GOODING GOLDFINCH ROAD<br>HARTLEPOOL    |
| Agent:         | MR PAUL GOODING 12 GOLDFINCH ROAD<br>HARTLEPOOL |
| Date received: | 01/03/2022                                      |
| Development:   | Erection of a single storey side extension      |
| Location:      | 12 GOLDFINCH ROAD HARTLEPOOL                    |
| Decision:      | Planning Permission Approved                    |

#### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby 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 14th 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 27th 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.

The Committee considered representations in relation to this matter.

Following the Planning (DC) Team Leader's presentation of the application, Members questioned the reason for the application being referred to Committee. The Planning (DC) Team Leader stated that more than three objections had been received to the application.

The applicant stated that the proposal had been amended to address the issues raised in the objections. There would only be noise created during the construction phase. The proposed extension did remove one parking space from the property but would free the existing garage for vehicle use.

The recommendation to approve the application was moved by Councillor Brown. The application was approved unanimously following a recorded vote of Members.

Those in favour: Councillors Brown, Feeney, Harrison, Little, Loynes, Moore, Morley, V. Nicholson, Martin-Wells and Young.

Those against: None.

Those abstaining: None.

- 9.** Number: H/2022/0061  
Applicant: MRS S BAXTER THE FRONT HARTLEPOOL  
Agent: STOVELL & MILLWATER LTD MR STOVELL 5  
BRETNALL CENTRE BRETNALL STREET  
MIDDLESBROUGH  
Date received: 11/03/2022  
Development: Installation of 3 uplighters and repair of side panels within shop front (retrospective application)  
Location: 73 THE FRONT HARTLEPOOL  
Decision: Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.

The Committee considered representations in relation to this matter.

As an update within the Planning (DC) Team Leader's presentation, Members were advised that the applicant's agent had submitted photos of nearby properties and lighting to be tabled before members as well as providing 2 letters of support that they indicated were from the adjacent properties. The Planning (DC) Team Leader stated that as these cannot be corroborated as they have come from the applicant's agent direct they could be given no weight. Nonetheless with the agreement of the Chair these were

tabled for members' consideration. Furthermore, and following the publication of the report and further discussions with HBC Public Protection, the Planning (DC) Team Leader advised that two of the recommended planning conditions had been updated and these were tabled for Members consideration.

Following the Planning (DC) Team Leader's presentation of the application, Members questioned what complaints had been received from local residents and businesses. The Planning Team Leader stated that the objections to the new signage, up lighting and side advertising panels had been submitted by the Council's Heritage and Countryside Manager. There had also been two public complaints in relation to light nuisance. The Planning Team Leader stated that the planning view was that the lights served no useful purpose. Other buildings in the conservation area had up lighting to highlight some of the architectural features of the buildings or signage. There were no such features on this building.

The applicant was present and addressed the Committee stating that the works had been part of a scheme of improvements to the frontage of the property which had required remedial works. There had been no objections from nearby residents or businesses. The lights tended only to be on when the business was open and it was dark. The business operation was seasonal and closed for most of the winter. In relation to the side panels which were subject of the following application, the applicant stated that they were seeking permission for the panels to be plain white, removing the pictures currently in place.

Members questioned the hours the up lights were generally in use. The applicant stated that in the summer it was usually after 8.00 pm or 6.00 to 7.00 pm in the spring/autumn. The applicant stated that the side panels were renewed to make the panels watertight. The applicant also questioned some of the objections from properties where no one lived.

The recommendation to refuse the application was put to the Committee and a recorded vote taken.

Those in favour: Councillors Moore, Morley and V. Nicholson.

Those against: Councillors Brown, Feeney, Harrison, Little, Loynes, Martin Wells and Young.

Those abstaining: None.

Members recorded their reasons for objecting to the proposed refusal of the application as –

- 1) The development is in keeping with the conservation area and the scheme has positive economic benefits;

- 2) The development does not have a detrimental impact on the amenity of neighbouring land users.

The recommendation to approve the application for the reasons stated above with the inclusion of appropriate conditions with particular respect to controlling the hours of operation of the lighting being delegated to the Planning and Development Manager in consultation with the Chair of the Committee was put to the Committee and a recorded vote taken.

The application was thereby approved unanimously following a recorded vote of Members.

Those in favour: Councillors Brown, Feeney, Harrison, Little, Loynes, Morley, V. Nicholson, Martin-Wells and Young.

Those against: None.

Those abstaining: None.

Councillor Moore left the meeting prior to the second vote being taken on the application above.

Councillor Young left the meeting at this point in the proceedings.

- 10.** Number: H/2021/0509  
Applicant: MRS S BAXTER THE FRONT HARTLEPOOL  
Agent: STOVELL & MILLWATER LTD 5 BRENTNALL CENTRE  
BRENTNALL STREET MIDDLESBROUGH  
Date received: 11/03/2022  
Development: Advertisement consent for replacement fascia sign (Supreme Ice Cream) and replacement side panels  
Location: 73 THE FRONT HARTLEPOOL  
Decision: Advertisement Consent Approved (as per the officer's updated, tabled recommendation)

#### CONDITIONS AND REASONS

1. This Advertisement Consent relates solely to the replacement fascia sign(s) as shown on approved plans HL/21/002001 (LOCATION PLAN & EXISTING/PROPOSED SITE PLAN) date received by the Local Planning Authority 24th February 2022; and plan HL/21/002/003/B (Rev B, PROPOSED ELEVATIONS) date received by the Local Planning Authority 21st June 2022, and for no other adverts or works including the side panels which have been omitted from the approved scheme.  
To define the Consent and for the avoidance of doubt.
2. Within 1 month from the date of the decision notice, the 2no. side panel adverts as annotated on drawing HL/21/002/003 (PROPOSED ELEVATIONS) date received by the Local Planning Authority 24th February 2022 shall be removed from the building.

In the interests of the visual amenity, character and appearance of the conservation area.

The Committee considered representations in relation to this matter.

Following the Planning (DC) Team Leader's presentation of the application, Members were informed that the applicant had agreed to the removal of the advertisements from the side panels and the officer recommendation had been Amended in accordance and was tabled for Members consideration.

The recommendation to approve the application was moved by Councillor Brown. The application was approved unanimously following a recorded vote of Members.

Those in favour: Councillors Brown, Feeney, Harrison, Little, Loynes, Morley, V. Nicholson and Martin-Wells.

Those against: None.

Those abstaining: None.

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

The Assistant Director, Place Management submitted a report providing an update on complaints that have been received and investigations that have been completed.

### **Decision**

That the report be noted.

## **12. Appeal at Three Oaks, Brierton Lane, Hartlepool, TS22 5PP Appeal Ref: App/H0724/W/21/3286775** *(Assistant Director, Place Management)*

The Assistant Director, Place Management reported on 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. The appeal had been dismissed and a copy of the Inspector's decision was appended to the report.

### **Decision**

That the report be noted.

**13. Enforcement Notice Appeal at 170 Park Road, Hartlepool, Appeal Ref: APP/H0724/C/21/3288190**  
(Assistant Director, Place Management)

The Assistant Director, Place Management reported on 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. The appeal had been dismissed and the requirements of the Enforcement Notice upheld. A copy of the Inspector's decision was appended to the report.

**Decision**

That the report be noted.

**14. Householder Planning Appeal at 2 Mill Court, Greatham, Hartlepool, Appeal Ref: App/H0724/D/22/3298987** (Assistant Director, Place Management)

The Assistant Director, Place Management reported that 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 25th March 2022. The appeal would be determined under the written representations procedure.

**Decision**

That the report be noted.

**15. Any Other Items which the Chairman Considers are Urgent**

None.

## **16. 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.

Minutes 17 to 22 inclusive – Enforcement Notice – These items contained 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.

## **17. 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)

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.

## **18. 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)

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.



- 19. 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)

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.

- 20. 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)

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.

- 21. 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)

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.

- 22. 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)

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 1.30 pm.

CHAIR

**No:** 1.  
**Number:** H/2022/0082  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR SCOTT  
 PARKES CIVIC CENTRE VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Date valid:** 14/03/2022  
**Development:** Erection of leisure and community building including swimming pools, fitness suites, studios, cafe and ancillary spaces. External landscaping including public events space, car parking, vehicle drop off/collection and infrastructure improvements  
**Location:** THE HIGHLIGHT THE WATERFRONT HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2015/0186 - Temporary change of use from retail to event/festival site – approved 08/07/2015.

H/2016/0340 – Prior notification for proposed demolition – prior approval not required 30/08/2016.

H/2018/0348 – Provision of an area of public realm incorporating hard and soft landscaping, lighting and street furniture including demolition and relocation of electrical substation – approved 01/11/2018.

H/2019/0486 – Scoping opinion in respect of Phase 2 Waterfront infrastructure survey and studies – 17/12/2019.

H/2020/0011 – Installation of CCTV column, 8m stainless steel column complete with dome camera, bracket, remote control cabinet and wireless transmission link mounted to the column (total height 8.8m) – approved 03/03/2020.

H/2020/0239 - Installation of CCTV column, 10m tubular AW1576 complete with dome camera, swan neck bracket and remote cabinet, in addition, wireless transmission link mounted to the column and extending the total height of approximately 11m – approved 21.08.2020.

H/2021/0459 – EIA Screening Opinion Request for new build Leisure & Community building including swimming pools, fitness suite, studios, cafe and ancillary spaces. External landscaping including public events space, car parking, vehicle drop off/ collection and infrastructure improvements including remedial works to existing dock wall.

In accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority adopted an opinion on 01/11/2021 that the development (to which the current planning application H/2022/0082 relates) would not constitute Environmental Impact Assessment Development requiring an Environmental Statement.

## PROPOSAL

1.3 The proposed development relates to the erection of a new build leisure and community building which will include:

- A main, leisure, and learner swimming pool with associated wet changing facilities;
- Fitness suite with associated dry changing facilities;
- Studios;
- Reception and café; and
- Ancillary spaces (including a consultation space to be utilised by the NHS).

1.4 The submitted supporting information indicates that the massing of the building has been minimised with stepped volumes to create a dynamic structure that offers interest from all angles. The building has a lower profile at the western end increasing in height through the body of the main structure with the eastern elevation of the building maximising the views across the marina. As such, the proposed building will be approximately 5.6m at the lowest point towards the western elevation, sloping up in design to approximately 12m at its highest point (centrally) and to the eastern elevation to a height of approximately 11.2m (taking account a slight change in levels).

1.5 The entrance at the eastern elevation will feature a glazed elevation (ground floor and upper floor) which will feature two inset terraced areas, and incorporate a mixed palette of materials. The southern elevation will feature a number of windows at both ground floor and second floor which serve the café and leisure pool and also include perforated anodised shingle window cowls. The eastern elevation will feature access doors and a mixed palette of materials. The northern elevation features a blank elevation (in respect of any fenestration), with the exception of a double access door to the plant room.

1.6 The overall site area of the parcel of land to which this development will cover is approximately 16,710sqm.

1.7 The submitted Design and Assess Statement indicates “the scheme would seek to provide inclusive, accessible and high quality community sport and leisure facilities in a sustainable edge of town centre location to support and improve the health and well-being of the people of Hartlepool”.

1.8 The development will also incorporate external enhancements and landscaping providing several functions. This includes a general public realm space, a promenade alongside the waters edge, car parking with a hybrid activity space, a main public events space for larger scale activities, a 'Highlight Garden' that enhances the setting of the Highlight Monument (Grade II Listed Building), and infrastructure improvements including remedial works to the existing dock wall. The proposal will provide car parking for approximately 99 vehicles, secure cycle parking and 1 motorcycle bay, there is also provision for coach parking.

1.9 The overall proposed hours of operation of the leisure centre are to be 0700hrs to 2200hrs Monday to Sunday.

1.10 As noted in the background, the application has been 'screened' (H/2021/0459) to which the LPA issued an opinion to confirm that the proposal was not Environmental Impact Assessment development.

1.11 The application has been referred to Planning Committee owing to the number of objections/comments received (more than 2) and the nature of the development, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

1.12 The proposed development site is a parcel of land at The Waterfront, located at The Highlight Road to the southwest of Hartlepool Town Centre. The development site is situated by the town's marina, forming a peninsula of brownfield land that is bounded by the marina waters.

1.13 The site previously contained a clothes retail outlet. The building was demolished (in 2016) and whilst some of the land remains vacant it is acknowledged that some public realm, incorporating hard and soft landscaping, lighting and street furniture has been installed by virtue of the planning application detailed above (H/2018/0348). The western end of the site still contains a section of public car parking, and the southern and eastern perimeter of the site features a pedestrianised walkway. The eastern tip of the site features the Seaton Highlight, a Grade II listed building which was built in memory to all those who lost their lives at sea.

1.14 The immediate area has a number of significant buildings which include the National Museum of the Royal Navy, a Costa Coffee Drive Through, the former Historic Quay buildings, a restaurant and public house, and Vision Retail Park. To the east of the site across the water is Navigation Point which has a number of restaurants, bars and residential accommodation above. To the north of the site is residential development (Bowline House, Clove Hitch House, Reef House, Jarsling House and Osterman House) which are 4 storey flat development set around an internal courtyard. Beyond these buildings and across another body of development includes the commercial and residential buildings of Seymour House, Marina House and Maritime House. Beyond the Vision Retail Park to the west and separated by dual carriageway is Anchor Retail Park.

1.15 The application site is also located within the Teesmouth and Cleveland Coast Special Protection Area (SPA).

## PUBLICITY

1.16 The application has been advertised by way of site notices, press notice and neighbour letters (487). To date, there have been 2 letters of objection, 2 letters of comments, 2 letters of support and 2 letters of no objection.

1.17 The concerns/objections raised can be summarised as follows;

- Noise pollution
- Increase in traffic flow
- Paths not adequate width
- An eyesore to look onto
- Needs landscaping
- Should have covered outside space
- Devalue property
- Impact on businesses in the area.

1.18 The two letters of support can be summarised as follows;

- Fully support the development (would suggest a 'FloRider' (understood to be an indoor surfing machine) be considered)
- Fantastic addition to the town to encourage residents to become involved in sport
- Valuable addition to Hartlepool Marina, making good use of the space.

1.19 A representation has been received from a local ward councillor raising no objections to the proposal.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=152027>

1.21 The period for publicity has expired.

## CONSULTATIONS

1.22 The following consultation replies have been received:

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

Demolition or construction works and deliveries or despatches shall not take place outside

08:00 hours to 18:00 hours Mondays to Fridays and

09:00 hours to 13:00 hours on Saturdays

nor at any time on Sundays or Bank Holidays.

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

No open burning at any time

No use involving the preparation or sale of hot food shall commence until the relevant building is equipped with an extraction/ventilation system details of which shall have been agreed previously by the Local Planning Authority in writing.

I am happy and satisfied with the noise impact assessment that has been submitted and have no concerns regarding the operating hours laid out in the application.

#### UPDATED 13.07.2022

Following on from a conversation with the Planning Department I would like to bring some clarity to the operating hours in relation to my below response.

I have no objection or concerns with regards to the operating hours (07:00hrs – 22:00hrs 7 days per week). I would like to make reference that this hours restriction is for the main leisure building and any associated outer buildings.

All outside areas that are to be used for leisure activities will have an hours restriction for use (07:00hrs – 21:00hrs 7 days per week) this includes:

- The general public realm space
- The promenade alongside the water's edge
- The hybrid activity space area available within the car park
- The main public events space for larger scale activities

No additional events shall be held outside the above agreed hours.

**HBC Heritage and Countryside Manager** - The application site is located adjacent to Seaton Highlight, a grade II listed structure 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.

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF).

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

The proposal is the erection of a leisure and community building with associated works. The works within the vicinity of the Highlight will comprising landscaping in the form of a predominantly grassed and paved areas which will sit alongside the existing paved area which currently forms the setting of the heritage asset.

As noted in the Heritage Statement the heritage asset has been re-located from its original position and therefore it is considered that the setting does not strongly contribute to the significance of the heritage asset.

The asset is currently isolated and although accessible to the public, the vacant land surrounding it means that it is likely to be infrequently visited. Bringing this space back into use is a positive move which will allow an increased number of people to access this heritage asset. Furthermore the proposed landscaping plans will provide a further buffer around the asset and enhance the existing setting.

No objections.

**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. Please include our standard basic surface water condition and standard non-residential contaminated land condition on any permission issued for proposals.

**HBC Traffic & Transport** - There are no highway or traffic concerns with this proposal.

**Environment Agency** - We have no objections to the proposed development as submitted. However, we have the following advice/comments to offer:  
Groundwater Advice to LPA/Applicant

In regard to considering future risks to groundwater within the vicinity of the development site, we have reviewed the information provided in within the following documents:

Phase 1 Desk Study Jacksons Landing, Hartlepool (Solmek Ltd, 2021)  
E-mail from Hartlepool Council dated 30/03/2022 providing additional information on the pool and tank capacity, elevation and construction and associated risks to groundwater.

The information provided demonstrates that the pools and tanks will be located well above the Magnesian Limestone principal aquifer and shall be constructed incorporating appropriate mitigation measures such as water-resistant concrete and an additional tank membrane to prevent leaks, especially to any shallow groundwater. We accept the assessment that the risks to the underlying groundwater are low. Please re-consult us if there are any changes to the construction of the pools and chlorine tanks.



It should be noted that we have only considered the risks to groundwater from the proposed leisure centre activities (future use) and have not considered risks from any historic uses (land contamination). The Public Health Team at Hartlepool Borough Council have been consulted so should be able to comment on land contamination risks.

Piling Advice to LPA/Applicant. We note that piling is to be undertaken down to bedrock, the developer should ensure that clean piling techniques are undertaken and there is no risk of any shallow contamination reaching the principal bedrock aquifer located at depth.

**HBC Ecology** - I have reviewed the Ecology submission (prepared by OS Ecology): For the avoidance of doubt, the figures given in table 2 refer to the numbers of day records not the total number of birds.

<b>Table 2: Records of Divers and Mergansers provided by Teesmouth Bird Club</b>		
<b>Species</b>	<b>Number of Records</b>	<b>Peak Count</b>
Black-throated Diver	214	2
Great Northern Diver	106	2
Red-throated Diver	5	1
Red-breasted Merganser	96	27

The report incorrectly assesses that 'No species associated with designated sites were recorded on site', however the following Ramsar species (part of the 20,000-bird assemblage criterion) are recorded as occurring on the site:

- Cormorant
- Common gull
- Great black-backed gull
- Herring gull
- Lesser black-backed gull

These are all species that roost and 'loaf' on the site and they are not limited to the site. They are likely to use the new roofs. The proposed works is assessed as not having an adverse effect on these species.

I agree with the finding that the site is not 'functionally linked' to the Teesmouth and Cleveland Coast SPA and Ramsar. A Habitats Regulations Assessment (HRA) is not required.

A measure of NPPF biodiversity enhancement is required. The drawing of the south-east elevation indicates that this wall would be suitable for the integration of ten starling nest boxes and ten swift nest boxes. NB: starlings (a red listed Bird of Conservation Concern) formerly nested in the structure on this site, prior to its demolition.

An example of nest boxes that could be used can be found for swifts at:  
[https://www.schwegler-natur.de/portfolio\\_1408366639/mauersegler-wdv-einbaukasten-1a/?lang=en](https://www.schwegler-natur.de/portfolio_1408366639/mauersegler-wdv-einbaukasten-1a/?lang=en)

and for starlings at:

[https://www.schwegler-natur.de/portfolio\\_1408366639/nist-einbaustein-25/?lang=en](https://www.schwegler-natur.de/portfolio_1408366639/nist-einbaustein-25/?lang=en)

**Natural England** - Given that this leisure centre will be visited by people within the Nutrient Neutrality catchment, it seems reasonable for Hartlepool to conclude that this development would have no adverse effect on the Teesmouth and Cleveland Coast SPA with regard to nutrients.

**HBC Economic Growth** - We welcome the proposals to bring a large prominent vacant site in Hartlepool back into productive use and support the investment being made that will attract visitors to the area.

**HBC Landscape Architect** - While the scheme is appropriate to the site, full hard and soft landscape details should be provided in due course.

**HBC Arboricultural Officer** - There are no mature tree landscape issues with this proposal from my part however the proposed landscaping detail needs to be provided and I endorse the comments made by the Councils Landscape Architect. No objections.

**HBC Estates** – The land is owned by the Council.

**HBC Countryside Access Officer** - I am pleased to see the amount of non vehicular public space, provided for safe recreational and entry/exit access for pedestrians and cyclists.

This development requires 360 visibility to see its unique design, sited on the old Jackson Quay. It has provided this and more.

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

**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.

**Marine Management Organisation** - Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

### Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

### Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.

- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

**Tees Archaeology** - Thank you for the consultation on this application. We note the inclusion of a Heritage Statement, which addresses both above and below ground heritage assets, and sets out proposed mitigation. The Heritage Statement indicates that “Whilst there may be the potential for isolated remains associated with the historic land uses (industrial docks) to be identified within the areas of older fill, it would appear that the layers are mixed from the previous demolition and redevelopment works, therefore, anything found is likely to have a limited context” and as mitigation proposes that that “site staff can be briefed on the potential for such items to be uncovered and a process can be put in place to advise Tees Archaeology should any items of interest be identified. Should any finds of significance be confirmed by Tees Archaeology, archaeological watching brief arrangements can be established during further excavation works.”

We agree with the proposed mitigation set out in the Heritage Statement and recommend that a documented procedure for the discovery of archaeological remains is put in place. This should specify the course of action to be taken, and the person or role responsible for implementing it. We recommend that the procedure include a toolbox talk or other method of briefing staff on archaeology, making them aware of what to look out for and what course of action to take should they encounter suspected items of archaeological interest.

This procedure could be secured as a condition upon the development. I set out suggested wording of this condition below:

Prior to any demolition/development commencing on site, a documented procedure for archaeological remains must be submitted to, and approved by, the Local Planning Authority. The operation of the site shall at all times follow the approved documented procedure for archaeological remains.

**Cleveland Police** - With regard general crime prevention I have the following recommendations:

Use of doors including emergency exit doors and accessible windows that are certified to PAS24 2016 or LPS 1175 SR2/3

Access control to changing and all private areas

CCTV to all entrances/ reception areas and parking areas

Secure provision for cycle storage believed cycle pods used at Mill House have been effective in deterring crime. Any proposed cycle storage should have CCTV coverage and be in view of occupied areas of leisure centre.

Monitored intruder alarm preferably to APO guidelines to enable Police response to activations.

**West Yorkshire Police** - As the regional CTSA (Counter Terrorism Security Advisor) and having discussed the proposal with Stephen Wilkie, I support the application provided that current counter terrorism mitigation methods are followed. These include the construction of the appropriate standard of vehicle bollard and other crowd protective measures.

**HBC Community Safety and Engagement** – no comments received.

## **PLANNING POLICY**

1.23 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

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

CC1: Minimising and adapting to climate change  
CC2: Reducing and Mitigating Flood Risk  
HE1: Heritage Assets  
HE4: Listed Buildings and Structures  
INF1: Sustainable Transport Network  
INF2: Improving Connectivity in Hartlepool  
LS1: Locational Strategy  
LT1: Leisure and Tourism  
LT2: Tourism Development in the Marina  
NE1: Natural Environment  
NE2: Green Infrastructure  
QP1: Planning Obligations  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
QP7: Energy Efficiency  
RC1: Retail and Commercial Centre Hierarchy  
RC12: The Marina Retail and Leisure Park  
SUS1: The Presumption in Favour of Sustainable Development

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

1.25 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

PARA014: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA081: Building a strong, competitive economy

PARA083: Building a strong, competitive economy

PARA086: Ensuring the vitality of town centres

PARA087: Ensuring the vitality of town centres

PARA088: Ensuring the vitality of town centres

PARA092: Promoting healthy and safe communities

PARA093: Promoting healthy and safe communities

PARA098: Open space and recreation

PARA105: Promoting sustainable transport

PARA110: Considering development proposals

PARA112: Considering development proposals

PARA113: Considering development proposals

PARA119: Making effective use of land

PARA120: Making effective use of land

PARA121: Making effective use of land

PARA124: Achieving appropriate densities

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

PARA167: Planning and flood risk

PARA169: Planning and flood risk

PARA174: Conserving and enhancing the natural environment

PARA180: Habitats and biodiversity

PARA183: Habitats and biodiversity



PARA187: Habitats and biodiversity

PARA189: Conserving and enhancing the historic environment

PARA194: Conserving and enhancing the historic environment

PARA195: Conserving and enhancing the historic environment

PARA197: Conserving and enhancing the historic environment

PARA199: Conserving and enhancing the historic environment -Considering potential impacts

PARA218: Implementation

**1.26 HBC Planning Policy comments (summarised)** - The proposed site is at the Marina, which is highlighted under policy LT1 as a key location within the borough that is suitable for major leisure and tourism facilities that are likely to attract a lot of visitors. Policy LT2 specifically relates to development at the Marina, and supports the redevelopment of the former Jackson's Landing site, as an opportunity to develop high quality, mixed-use tourism and leisure uses.

1.27 The development will consist of a major leisure centre to replace the current one at Mill House, and planning policy would support this type of landmark development. It is noted that the proposals seek to incorporate the grade II listed Seaton Highlight into the development, through utilising a garden area to showcase it. This approach is supported as it will enhance the heritage asset.

1.28 There has been consideration of various local design elements such as local history colour pallet and proposed materials, which is an approach we support in order to result in a design which is sufficiently modern, whilst reflecting the local area and its heritage. High quality public realm is also of key importance, and incorporation of green infrastructure elements into this will be both visually appealing but also ensure the local environment is enhanced. It is noted that owing to the nature and scale of the development, planning policy consider it appropriate to seek improvement/enhancement to the local green infrastructure network, which can include links to the town centre from the development, in accordance with policy QP1 and the Green Infrastructure/Planning Obligations SPDs. We would like to see a condition on the scheme to improve GI/pedestrian linkages from the town centre to the site is agreed and implemented prior to the facility opening.

1.29 As this is a major new development, we would expect the building to comply with policy CC1 and secure a minimum of 10% of its energy from renewable or low carbon sources (such as solar panels) and would also expect to see opportunities for electric vehicle charging points. The development should be designed and constructed in a way which is energy efficient and comply with the following from policy QP7:

- Ensure the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- Incorporate sustainable construction and drainage methods.

1.30 Having looked at the associated sustainability statement, it is assuring to see that both solar panels and air source pumps will be an integrated part of this



development, and there will be opportunities for electric vehicle charging points. As a result of this, we consider the proposal compliant with QP7 and CC1 as great consideration has been given to ensuring the energy efficiency and minimal energy consumption of the scheme.

1.31 Planning policy note that the Highlight/Jackson's Landing site is currently vacant and acknowledge the benefits that will come from regenerating the area through this major development. We support proposals for leisure development in this area, and support the high quality, landmark design which showcases the prime location. We would expect the Council's Highways team to comment regarding the acceptability of the number of parking spaces proposed as part of the development.

## **PLANNING CONSIDERATIONS**

1.32 The main material planning considerations when considering this application are the principle of development, the impact on visual amenity and the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users, the impact on highway and pedestrian safety, the impact on ecology, the impact on heritage assets, as well as matters of flood risk and drainage and contaminated land. These and all other planning and residual matters are considered in full below;

### **PRINCIPLE OF DEVELOPMENT**

1.33 The application site is located at the Marina on previously developed land. Policy RC12 (The Marina Retail and Leisure Park) of the Hartlepool Local Plan seeks to diversify, support and protect the Marina Retail and Leisure Park. Policy LT1 (Leisure and Tourism) of the Hartlepool Local Plan (2018) is also relevant to the application site and highlights the area as a key location within the borough that is suitable for major leisure and tourism facilities that are likely to attract visitors. Policy LT2 (Tourism Development in the Marina) specifically relates to development within the Marina, and supports the redevelopment of the former Jackson's Landing site, as an opportunity to develop high quality, mixed-use tourism and leisure uses. The policy highlights key development types that would be considered appropriate in this location and includes;

- Landmark development such as a major visitor attraction;
- Cultural offer such as museums, exhibitions and event space;
- Conferencing facilities;
- Educational uses;
- Hotels and tourism accommodation;
- Small scale retail and commercial development, providing an alternative offer to the town centre;
- Residential units as a small ancillary element of mixed use developments will be supported;
- Public realm; and
- High quality design which is complementary to and incorporates the Seaton Highlight, enhancing the setting of the heritage asset within the site.

1.34 The development will consist of a leisure centre with associated uses with an intention to replace the current one at Mill House. It is considered that the proposed

use would therefore accord with the general provisions of Policies RC12, LT1 and LT2 and as such HBC Planning Policy support this type of landmark development in this location. The proposals are also supported by the Council's Economic Regeneration team who welcome the proposals to bring a large prominent vacant site in Hartlepool back into productive use and support the investment being made.

1.35 As required by Policy LT2, the proposal will incorporate the grade II listed building (Seaton Highlight) into the plans for the development, through utilising a garden area to showcase it and enhance its setting. This approach is supported by both HBC Planning Policy and the Council's Heritage and Countryside Manager. As detailed in the background the 'first phase' of the Waterfront project has already been undertaken in the form of the public realm works. With regard to the proposed design, this is considered in further detail below but it is considered that the proposal is of a high quality design and incorporates a mixed palate of materials and will act as a focal point in the area and is considered to be compliant with policies LT1, LT2, RC12 and QP4 (Layout and Design of Development).

#### *Planning Obligations*

1.36 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, HBC Planning Policy consider it appropriate to seek improvement/enhancement to improve Green Infrastructure/pedestrian linkages from the town centre to the site in accordance with policy QP1 and the Green Infrastructure/Planning Obligations Supplementary Planning Documents. In view of the LPA being unable to enter into a section 106 legal agreement with itself, HBC Planning Policy suggested that such a scheme could be secured by a planning condition.

1.37 In response, it has been confirmed by the applicant (HBC) that whilst there are no specific proposals to improve green infrastructure/pedestrian linkages from the town centre to the site as part of this project, the proposal will tie into the highway and footpath connections at the front of the site, linking into Marina Way. The applicant also notes that there are a number of other proposed HBC-led schemes in the vicinity which will look to address this alongside improving cycle linkages. It is anticipated that these proposals will be developed and implemented on a phased basis over the next 2-5 years and therefore some may be operational before the proposed leisure centre is brought into use. It is also understood that there are proposals to undertake improvements to the highway between Marina Way and the site which will incorporate pedestrian facilities.

1.38 In view of the above and whilst the proposal does not fully satisfy the request of HBC Planning Policy and the requirements of any green infrastructure improvements, it is acknowledged that there are other Council schemes proposed to be implemented within the vicinity of the application site. Taking into account the clear benefits of the scheme in the overall planning balance, it is considered that the proposed development is acceptable in this respect and that the lack of direct provision for green infrastructure links as a result of this application would not outweigh the benefits or warrant a refusal of the application.

#### *Renewable Energy and Energy Efficiency*

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

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

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

1.42 The application is supported by a Sustainability Statement, in which the applicant seeks to explain the design approach and energy savings that are proposed to be made. The Council's Planning Policy section has reviewed the submitted information and notes that the applicant seeks to incorporate renewable energy measures which include the provision of solar panels and air source heat pumps into the design of the building. Energy metering systems are also proposed to be installed within the building. The scheme will also including the provision of electric vehicle charging points. Full details of the renewable energy infrastructure including electric charging points, can be secured by appropriate planning conditions.

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

#### *Principle of Development Summary*

1.44 The development provides an opportunity for the redevelopment of a brownfield site that will be beneficial to residents of the Borough providing improved leisure facilities. Whilst the proposal does not provide the requested contribution or direct provision of green infrastructure links to the town centre as requested by HBC Planning Policy, in view of the abovementioned considerations including the significant economic and social benefits as a result of the scheme, and subject to the identified planning conditions, it is considered that the principle of the development is acceptable in this instance, subject to the consideration of all other relevant material planning considerations, as set out below.

## IMPACT ON THE VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA (+ IMPACT UPON DESIGNATED HERITAGE ASSET)

1.45 An objection has been received with regard to the visual impact the proposed development will have on the surrounding area.

1.46 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.

1.47 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.

1.48 The immediate area is characterised by a mix of large and small commercial properties and residential flats consisting of relatively modern buildings along The Landyard, and the Marina with more traditional design at the National Museum of the Royal Navy. The application site which has been vacant for some time and previously housed a substantial modern large retail outlet store.

1.49 The applicant's supporting Design and Access Statement notes that the "building design has been carefully crafted based on a robust site analysis and historical investigation". By the nature of its highly prominent location, the building will become a focal point of the area that will be viewed in almost 360 degrees. The Design and Access Statement also indicates that the design was guided by four 'Strategic Moves' to;

"1) *Maximise views* – to leverage the unique opportunities of this site location  
 2) *Appropriate scale* – to present on a human-scale from the approach to appear welcoming  
 3) *Links across the site* – to create a permeable building and site for users  
 4) *Building integrated in landscape* – for a wider site that presents harmoniously.  
 Inspired by the historic development of the railway and its importance for Hartlepool, the form follows former patterns of the railway on the site."

1.50 The massing of the building has been minimised with stepped volumes to create a 'dynamic' structure that offers interest from all angles. To be more approachable, the building has a lower profile at the western end where users enter, and is considered to be strikingly prominent towards the eastern end to contribute to an landmark of interest that maximises views across the marina. Railway sleepers have also inspired the location of glazing slots on the southern façade, providing rhythm to the fenestration on the extensive elevation. The Design and Access Statement concludes that the "final building form creates a striking design both during the day, and at night".

1.51 The materials and colour strategy has been drawn from the local built heritage and natural environment to create a colour palette consisting of warm earth tones, natural green tones, and warm and cool neutrals. The design incorporates brick, anodised aluminium and equitone panels in these colours, which are considered to allow the building to compliment the wider setting. A light-coloured grey brick is proposed in the plinth material to ground the building, and connect with grey tones in the wider landscape setting. Rising tubes clad in anodised aluminium shingles house the pool on the ground floor, and the fitness studio on the first floor. The submitted Design and Access Statement notes that the shingles are a mix of three warm colours that are indicative of the local area's historical use of sandstone. A third contrasting tube is clad in red brick and appears to weave through the building. The red brick is included to reflect Hartlepool's industrial heritage. Glazing is used at the eastern ends of the tubes to provide views to the marina and sea. A simple curtain wall of glazing is also used on the ground floor where the shingle tubes rise up to the first floor. The plant areas would be primarily screened from view with a panelised fibre cement, providing a simple, natural and unobtrusive covering.

1.52 It is considered that the proposals would provide a landmark feature with a carefully chosen palette of materials that would enhance the building's appearance. It is considered that the proposal would be experienced positively when viewed from the different vantage points including views across the marina. Overall, it is considered that the proposal is of a design and scale that respects the proportions of the established footprint of the application site and the wider area as a whole.

1.53 An objection has been received with regard to the lack of landscaping and trees. Whilst the proposed site plan indicates that the development will provide areas of planting and public realm full details have not been provided at this stage. The development does show areas of both soft and hard landscaping on the proposed site plan. Furthermore, the Council's Landscape Architect and the Council's Arboricultural Officer have been consulted on the proposed development and raise no objection to full details of hard and soft landscaping being provided which can be secured by appropriate condition according. Whilst the site is relatively level, final details of levels can be secured by a planning condition. The proposed development subject to the recommended conditions is acceptable with respect to landscaping.

1.54 As detailed above the Grade II Listed Building (heritage asset) forms part of the site (in the eastern end) as noted in the Heritage Statement the heritage asset has been re-located from its original position and therefore it is considered that the setting does not strongly contribute to the significance of the heritage asset. It is considered that the proposed development will have a positive impact and will provide a landscaped buffer around the asset which will enhance the existing setting. The Council's Heritage and Countryside Manager has been consulted and raises no objection to the proposal.

1.55 In view of the above and subject to necessary planning conditions, it is considered that the proposal is in accordance with the requirements of Policies 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.

#### IMPACT ON THE AMENITY OF NEIGHBOUR LAND USERS

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

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

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

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

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

#### *Impact of Properties to the North*

1.60 The proposed leisure centre building is set back from the access road of Harbour Walk and vehicle access is taken from this road and is located to the north of the proposed building. The building directly north/north west of the site is currently a commercial building housing a gym. There are no windows in the northern elevation of the proposed building, however there are access doors at ground floor which lead to plant rooms and are therefore not open to the public. There is a separation maintained between the site elevation of the existing gym building and the western corner of the new building of approximately 15m; this separation increases due to the design and siting of the building within the site.

1.61 Beyond the gym building and the initial area of the marina water body are 5 blocks of 4 storey residential flats known as Bowline House, Clove Hitch House, Reef House, Jarsling House and Osterman House, sited around a courtyard with Bowline House, Clove Hitch House and Reef House fronting onto the application site. There is a separation distance of approximately 74m increasing to approximately 78m from Clove Hitch House which is the central block of flats closest to the site. There is a similar distance to the flats within Bowline House (with the

presence of the aforementioned gym building in between) and a separation distance of approximately 88m increasing to approximately 92m separation from the end block of flats known as Reef House. These residential properties are separated by the waters of Jackson Dock. Whilst it is acknowledged that the proposal does include recessed terraces, these are fully enclosed at the sides, with the front elevation (east) incorporating a balustrade which will have views looking east on to the marina waters and will not have appreciable views to the properties to the north. It is considered that there is adequate separation between the proposed development and the properties to the north to safeguard against any significant detrimental impact on amenity and privacy in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

*Impact on properties to the west/north west*

1.62 This area is known as Vision Retail Park and has a number of commercial properties, set around the perimeter of a large car park. The closest unit is understood to be a retail shop and beside this unit is a substation has a rear elevation adjacent to the application site. There is a separation of approximately 40m from the front elevation of the proposed Leisure Centre and these nearest commercial properties which do not have any windows in the rear elevations. It is considered that there is adequate separation between the proposed development and the properties to the north/north west to safeguard against any significant detrimental impact on their amenity and privacy in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

*Impact on properties to the west/southwest*

1.63 There is a separation of approximately 57m from the nearest property to the west/southwest which is a public house with outside seating; beyond this are the buildings of the former Historic Quay now known as the National Museum of the Royal Navy. It is considered that there is adequate separation distances between the proposed development and the properties to the west to safeguard against any significant detrimental impact on amenity and privacy in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

*Impact on properties to the east*

1.64 Whilst it is acknowledged that there are residential properties above with commercial units on Navigation Point, these are separated by the waters of the marina and maintain a separation in excess of approximately 230m. Given this substantial separation distance as well as the established mixed use character of the area, it is considered that there would be no appreciable impact on amenity and privacy in terms of loss out outlook, overbearing impression, overshadowing or overlooking.

*Impact on properties to the south and south east*

1.65 The nearest residential and commercial properties to the south and south east are located substantial distances away and across the main water body of the marina (Jackson's Dock), being approximately 240m and 130m away respectively.

Given these substantial separation distances as well as the established mixed use character of the area, it is considered that there would be no appreciable impact on amenity and privacy in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

### Noise

1.66 An objection has been received with regard to noise pollution from the proposed development.

1.67 Paragraph 187 of the NPPF states *Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*

1.68 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.

1.69 It is acknowledged that the proposal by virtue of its scale and siting is likely to introduce an increase in activity and noise to this part of the marina. Notwithstanding this consideration is given to the established footprint of the application site (and its former use) as well as the accepted mixed use nature of the area which already attracts a degree of public use.

1.70 The application is accompanied by a Noise Assessment which includes consideration of the impacts on 'Noise Sensitive Receptors' which are identified as the residential properties on Harbour Walk to the north of the proposed site. The main sources of noise from the actual building are identified as being the air handling unit, air source heat pumps and the mechanical plant which is located on the north elevation at ground floor. The assessment indicates the likelihood of a low impact and that it complies with the requirements of the NPPF. HBC Public Protection have considered the noise assessment and considered the findings to be acceptable. HBC Public Protection have also confirmed that no further requirements regarding noise mitigation from the plant associated with the leisure centre are required.

1.71 Notwithstanding this, the Council's Public Protection team have requested a number of planning conditions to prevent any adverse impacts on the amenity of neighbouring land users primarily in respect of noise disturbance and odours.

1.72 They have requested planning conditions relating to a construction management plan be submitted; working hours restriction during construction and deliveries; and details of extraction/ventilation system details with respect to the proposed café facilities. They also consider it necessary to limit the operating hours relating to the main building (7am – 10pm) and also the use of the outside activity



areas (7am – 9pm). These can largely be secured accordingly in the interests of the amenities of existing and future occupiers of the surrounding area.

1.73 HBC Public Protection have also recommended a condition relating to no open burning on site. The request relating to open burning would be considered through separate environmental legislation but can be appended as an informative for the applicant's attention.

#### Neighbour Amenity Summary

1.74 Overall, the proposed development provides adequate separation between the existing residential properties and the commercial properties within the immediate area. In view of the above and subject to the appropriate conditions, the application is considered, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies LS1, QP4, QP6, LT1, LT2 and RC12 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

#### HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

1.75 An objection has been received in respect to the increase in traffic, car parking and width of footpaths.

1.76 Vehicle and pedestrian routes have been separated, with the vehicular access road to the north of the building feeding into the parking area, and a pedestrianised courtyard to the south adjacent to the existing promenade. The existing access to the previous car park will be updated and improved with footpath links widened and repaved. The car park will provide 99 parking spaces, cycle storage, motorcycle parking and coach parking. The Council's highways, Traffic and Transport section has been consulted on the application and has confirmed that they have no highway or traffic concerns with the proposals. The Council's Countryside Access Officer has commented that the development provides non-vehicular public space, provides safe recreational and entry/access for pedestrians and cyclists.

1.77 The application is therefore considered to be acceptable with respect to highway and pedestrian safety and car parking.

#### ECOLOGY AND NATURE CONSERVATION

1.78 The application site lies within the proposed extension to the Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA).

1.79 The application was accompanied by a 'Wintering Bird Survey' which has been considered by the Council's Ecologist who has commented that the report incorrectly assesses that 'No species associated with designated sites were recorded on site', however he has identified that there are a number of species recorded as occurring on the Ramsar site that are likely to roost and 'loaf' on the site and are likely to use the new roofs. Nonetheless, the HBC Ecologist concludes that the proposed works are assessed as not having an adverse effect on these species.

1.80 Furthermore, the Council's Ecologist agrees with the findings of the submitted Wintering Bird Survey that the site is not considered to be 'functionally linked' to the designated sites of the Teesmouth and Cleveland Coast SPA and Ramsar and therefore a Habitat Regulations Assessment (Stage 1) was not required.

1.81 However, a measure of biodiversity enhancement is required in line with the NPPF. The submitted information details that the south-east elevation indicates that this wall would be suitable for the integration of ten starling nest boxes and ten swift nest boxes. These measures can be secured by an appropriate worded planning condition.

1.82 Taking the above considerations into account, it is considered that the proposal is acceptable in respect of ecology and any identified impacts on protected designated sites.

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.

1.84 In response, the applicant has advised

- The 'Events Space' will typically only be animated on an ad-hoc basis and will be mainly linked to the operation of the leisure facility and other sports related activities (however is subject to programming). Therefore given this, it is anticipated that the majority of users will be from within the Borough/catchment.
- Surface water will primarily be disposed of into the dock with some going to NWL's surface water system. No additional surface water run-off will be generated and disposal will be limited as per agreement with Northumbrian Water.
- Foul water will be disposed to Northumbrian Water's foul water system and will ultimately head to SCWWTW.

1.85 It should also be noted that the leisure centre is in effect replacing an existing facility currently operating within the Catchment. Natural England and the Council's Ecologist share the view that the proposal would not be deemed to be 'in scope' development or require further assessment. As such, it can be concluded that the proposed leisure centre would have no adverse effect on the Teesmouth and Cleveland SPA with regard to nitrate pollution. (It is also noted in any case that Natural England have recently confirmed that that a significant effect on the Teesmouth & Cleveland Coast SPA and Ramsar site from discharges of nitrates from new development to the Seaton Carew Waste Water Treatment Works, where discharges are via the long sea outfall to the North Sea can be excluded). The proposal is considered acceptable in this respect.

## ARCHAEOLOGY & HERITAGE

1.86 A Heritage Statement has been submitted in support of the application. The report is a combined report relating to heritage assets and archaeology. The

heritage statement indicates that there may be the potential for isolated remains associated with the historic land uses (industrial docks) to be identified within site.

1.87 Tees Archaeology agree with the recommendations of the report and it is recommended that an appropriate condition be imposed to secure a documented procedure should there be a discovery of archaeological remains. This is secured accordingly.

1.88 As noted above, the application site is located adjacent to Seaton Highlight, a grade II listed building which is recognised as a designated heritage asset.

1.89 Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 199, NPPF).

1.90 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

1.91 The asset is currently isolated and although accessible to the public, the vacant land surrounding it means that it is likely to be infrequently visited. Bringing this space back into use is a positive move which will allow an increased number of people to access this heritage asset. Furthermore the proposed landscaping plans will provide a further buffer around the asset and enhance the existing setting. The Council's Heritage and Countryside Manager has been consulted and raises no objection to the proposed works. The proposal is therefore not considered to have an adverse impact on the setting and appearance of the listed building.

1.92 In view of the above and subject to the identified condition, the proposal is acceptable in respect of archaeology and heritage matters.

#### FLOOD RISK AND DRAINAGE

1.93 The site falls within Flood Zone 1. A flood risk and drainage assessment have been submitted which has been considered by the Council's Flood Risk Officer who has raised no objection or concerns, subject to a surface water condition being secured, which is applied accordingly.

1.94 The Environment Agency has also considered the submitted information and has raised no concerns to the scheme in this respect, but has offered advice in respect Groundwater Advice which has been forwarded to the applicant and an informative note is recommended accordingly.

1.95 In view of the above and subject to the identified planning condition, the scheme is considered to be acceptable in terms of flooding and drainage related matters.

## CONTAMINATED LAND

1.96 The application is accompanied by a Phase 1 Desk Study Site Assessment. The Council's Flood Risk Officer has been consulted and have not raised any concerns with respect to land contamination however have requested a standard non-residential land condition be attached, and this is recommended accordingly.

1.97 The Environment Agency have no objections in respect of contaminated land but have provided Piling Advice. This has been forwarded to the applicant and an informative note is recommended accordingly.

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

## SAFETY AND SECURITY

1.99 Cleveland Police have been consulted and raise no objection or concerns with the proposed development. Their comments have been forwarded to the applicant and an informative note is recommended.

1.100 Comments have also been received from the CTSA (Counter Terrorism Security Advisor) of West Yorkshire Police, and whilst they raise no objection and support the development, they have advised that current counter terrorism mitigation methods are followed which include the construction of the appropriate standard of vehicle bollard and other crowd protective measures. These details can be secured by appropriate condition with final means of enclosure being secured by a condition including consideration of appropriate bollards.

### Marine Management (MMO)

1.101 The MMO have been consulted and raise no objection or concerns but have advised that any works within the Marine area require a licence which is separate from planning legislation. This advice has been forwarded to the applicant and an informative note is recommended.

## RESIDUAL MATTERS

### *Fire Safety & Access*

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

### *Other Non-material Objections*

1.103 Additional concerns have been raised by 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;

- Competition between similar businesses
- Devaluation of property
- Loss of views

## OVERALL CONCLUSION

1.104 It is considered that the proposed development will see a vacant site in a prominent location within a marina setting being brought back into use. The proposed building will transform the landmark setting which includes a listed building and will give 360 degree views. The design of the scheme strongly reflects and responds to the wider context. It is considered that the scheme represents a flagship development that showcases bold, inclusive and sympathetic design while providing equitable and high-quality indoor leisure facilities within Hartlepool. The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018, and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.105 There is no evidence of equality or diversity implications.

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

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

1.107 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development 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 plans and details:

DWG NO: 300-106-L001 Rev F (Highlight Masterplan),  
 DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0010 - RevP1 (Ground Floor GA Plan),  
 DWG NO: 20036 - GT3 - 00 - 01 - DR - A - 08-0011 - RevP1 (Level 01 GA Plan),  
 DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0000 - RevP1 (Site Location Plan),  
 DWG NO: 20036 - GT3 - 00 - B1 - DR - A - 08-0009 - RevP1 (Basement GA Plan),  
 DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0050 - RevP1 (Sections),  
 DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0051 - RevP1 (Detailed Strip Section 1 - East Elevation (Fitness)),  
 DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0052 - RevP1 (Detailed Strip Section 2 - South West Elevation (Pool))  
 Received by the Local Planning Authority 28th February 2022;  
 Dwg No: 206-66 L002 Rev H (Highlight Site Plan Proposed) received by the Local Planning Authority on 4th March 2022;  
 DWG NO: 20036 - GT3 - 00 - ZZ - DR - A - 08-0021 - RevP1 (True Elevations) received by the Local Planning Authority 14th March 2022.  
 For the avoidance of doubt.

3. Notwithstanding the submitted information, development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
 To prevent the increased risk of surface water flooding from any sources in accordance with the NPPF.
4. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
  1. Site Characterisation  
 An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:
    - (i) a survey of the extent, scale and nature of contamination;
    - (ii) an assessment of the potential risks to:
      - a. human health,
      - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      - c. adjoining land,
      - d. groundwaters and surface waters,
      - e. ecological systems,
      - f. archeological sites and ancient monuments;
    - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

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

## 5. Long Term Monitoring and Maintenance

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

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

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

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.

5. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
To take into account the position of the buildings and impact on adjacent properties and the visual amenity of the surrounding area, in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.
6. Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. The development shall thereafter proceed in accordance with the scheme so approved.  
In the interests of the occupiers of adjacent and nearby premises and highway safety.
7. Prior to any demolition/development commencing on site, a documented procedure for the discovery and recording of any archaeological remains shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the operation of the site shall at all times follow the approved documented procedure for archaeological remains.  
In order to ensure the appropriate treatment of any archaeological features present on the site.
8. Prior to the commencement of development above ground level, a scheme for the provision of 10no. starling nest boxes and 10no. swift nest boxes to be integrated within the south-east elevation, including specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The swift and starling boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.  
To provide ecological mitigation and enhancement in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.
9. Prior to commencement of the works above ground level on site, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be



implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first use 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 and biodiversity enhancement.

10. Notwithstanding the submitted information and prior to commencement of works above ground level on site, details of all external finishing materials and hardstandings 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.

11. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the development hereby approved being brought into use, full details of all secure cycle parking, seating and public realm works (as detailed on Highlight Masterplan Dwg No: 300-106 L001 Rev F, date received by the Local Planning Authority 28/02/2022) shall be submitted and agreed in writing with the Local Planning Authority. The elements shall be carried out in accordance with the details so approved.

In the interests of visual amenity.

12. The café element of the development hereby approved (as shown on Dwg No: DWG NO: 20036 - GT3 - 00 - 00 - DR - A - 08-0010 - RevP1 (Ground Floor GA Plan, date received by the Local Planning Authority 28/02/2022) shall not operate or be open to the public 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.

13. Prior to the commencement of works above ground level on site, details of the location and specification for photovoltaic (PV) panels to be applied and Air Source Heat Pumps to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed/installed in line with the approved scheme prior to the premises being open to the public.

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

14. Prior to commencement of the works above ground level on site, details of electric vehicle charging apparatus, including the location of the apparatus shall be submitted and approved in writing by the Local Planning Authority. Thereafter

and prior to the development being brought into use, the agreed scheme shall be implemented on site.

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

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

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

16. Prior to the commencement of works above ground level on site, details of all walls, fences and other means of boundary enclosure including any vehicle bollard and other crowd protective measures (as may be required) shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.

17. No organised public events shall take place within the hybrid activity space area available within the car park and the main public events space(s) as detailed on Dwg No: 206-66 L002 Rev H (Highlight Site Plan Proposed, received by the Local Planning Authority 04/03/2022) between the hours of 2100 and 0700. In the interests of the amenities of the occupants of neighbouring properties.

18. The premises (Leisure Centre) shall only be open to the public between the hours of 0700hrs and 2200hrs. In the interests of the amenities of the occupants of neighbouring properties.

19. No construction or demolition works shall take place outside the hours of 08.00 hrs and 18.00 hrs Mondays to Friday and 09.00 hrs and 13.00 hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.

20. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a leisure and community centre and for no other purpose within Use Classes E or F.2 (formerly D2 use class) and not for any other use within that use class. To define the permission to which it is based.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=152027>

1.110 Copies of the applications are available on-line:

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

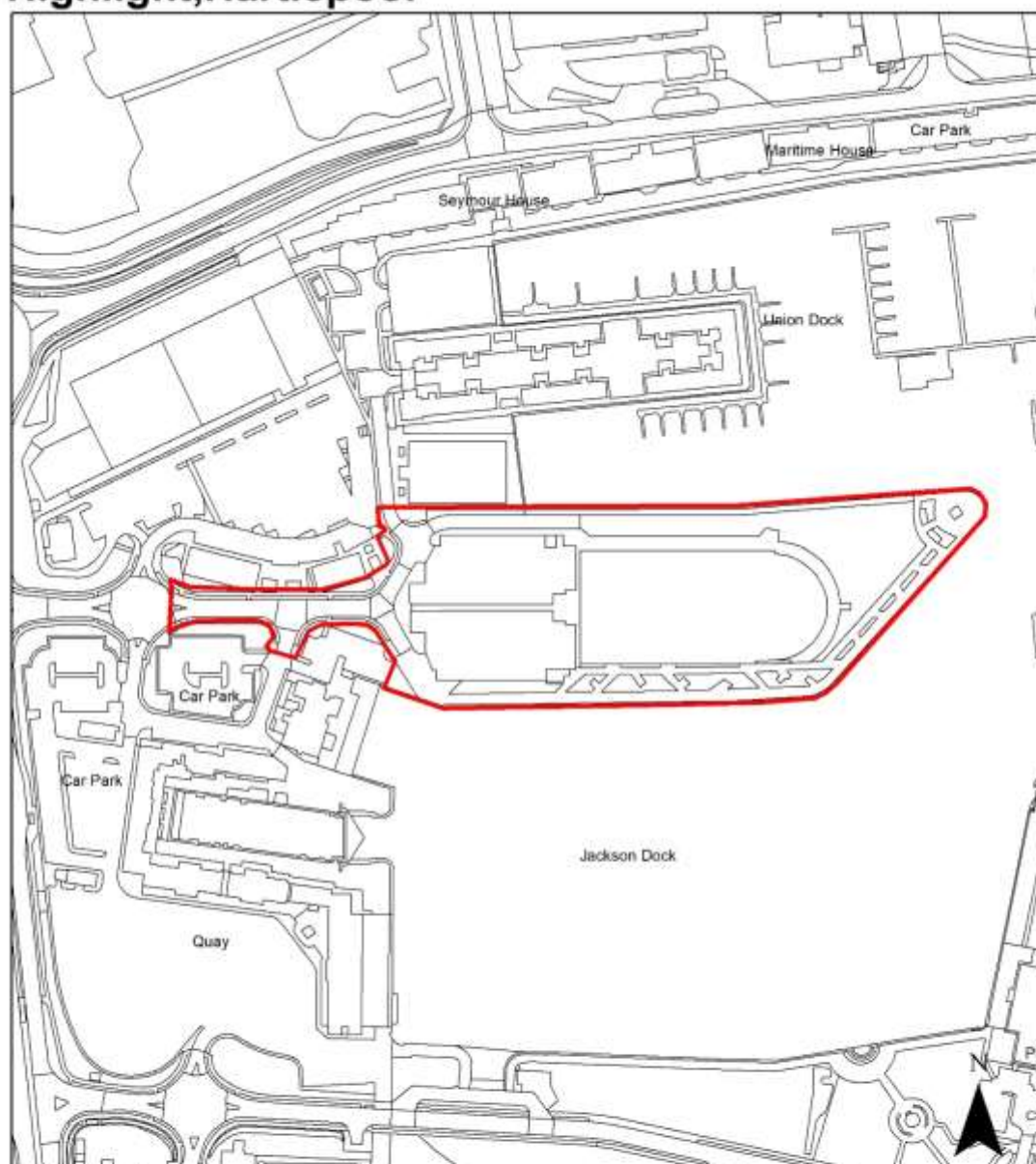
**CONTACT OFFICER**

1.111 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

**AUTHOR**

1.112 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)

## Highlight, Hartlepool



Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>11. 7.2022</b>
	SCALE <b>1:2500</b>	
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0082</b>	REV

**No:** 2.  
**Number:** H/2022/0170  
**Applicant:** MISS LAURA NICHOLLS ROSTHWAITE CLOSE  
HARTLEPOOL TS24 8RE  
**Agent:** FAIRWAY DEVELOPMENT PLANNING HELEN  
SPOORS 47 SEATON CLOSE GATESHEAD NE10 8SF  
**Date valid:** 03/05/2022  
**Development:** Erection of 2m fence to side of property and incorporation  
of land into private garden (retrospective)  
**Location:** 56 ROSTHWAITE CLOSE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

2.2 Permitted development rights to erect enclosures forward of the front of the house or projecting towards a highway were removed as part of condition 7 of the original permission for the estate (approval HFUL/1991/0539, approved 27/04/1993);

*7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval of the local planning authority.*

2.3 This planning application is retrospective and has been submitted following receipt of a complaint received in March 2022 and a subsequent investigation by the Local Planning Authority (LPA) into the erection and relocation of a boundary fence (approximately 2m high) and incorporation of land into private garden to the western side of 56 Rosthwaite Close. The current planning application was subsequently submitted by the owner/occupier. It is of note that a retrospective application for the erection of a fence at 15 Rosthwaite Close (H/2022/0173) also forms part of the same committee agenda.

## PROPOSAL

2.4 The application seeks retrospective planning permission for the relocation of the existing boundary to enclose an open parcel of land to the side into the private curtilage of 56 Rosthwaite Close.

2.5 The area of land enclosed into the garden through the relocated fence position measures approximately 40m<sup>2</sup> in area with the fence projecting approximately 4m at the southern section (adjacent to the front of the dwelling) for a length of

approximately 15m in length, hard up to the adjacent public footpath. It is noted that the submitted plans indicate that the fence is set flush with the principal elevation of the host dwelling whereas on site, the erected fence is actually set back approximately 1m from the principal elevation; an amended plan has been requested by the case officer to reflect this (not received at the time of writing) but in the event that this is not forthcoming, it is considered that officers have sufficient detail to consider the application in this instance, given its retrospective nature. Towards the northern/rear end and adjacent to the driveway of no 58 (north), the fence is stepped in with a chamfered boundary line, tying into the main rear garden boundary of the application site (it is understood to follow the ownership of the applicant based on the red line on the submitted location plan). Following the site visit undertaken by the case officer and concerns relayed to the applicant, the applicant's agent has informed the LPA that planting has been placed to the front/south elevation of the erected fence, with the intention to soften its appearance. The case officer has requested that this be shown on the aforementioned requested amended plan.

2.6 The replacement boundary fence replaces the former fence and measures approximately 2m in height and features an untreated/unstained timber appearance.

2.7 It is noted from a google street view image from 2012 that a low picket fence was present to the front/side of the property. Based on the LPA's complaint case notes, the fence was understood to have been unauthorised but it was understood to have been immune from enforcement action at the time of investigation. In any event, it has since been removed from the site (date unknown). It also appears that some planting has been removed at the point where the boundary fence chamfers (again, date unknown).

2.8 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**

2.9 The application site relates to 56 Rosthwaite Close, a two-storey, semi-detached dwelling in a residential estate in the Headland and Harbour ward of Hartlepool. The property is sited on a prominent corner location within the cul-de-sac, with properties extending to the north and south along the highway of Rosthwaite Close. To the north is 58 Rosthwaite Close, to the east attaches 54 Rosthwaite Close, to the south an area of open green amenity space with residential properties beyond and to the west the highway of Rosthwaite Close with residential properties beyond.

## **PUBLICITY**

2.10 The application has been advertised by way of neighbour letters (13), letters to local ward councillors and a site notice. To date, there has been one response supporting the application.

2.11 Background papers can be viewed via the 'click to view attachments' link on the following public access page: <http://ifs-iaaweb->

[01/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0170](01/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0170)

2.12 The period for publicity has expired.

## CONSULTATIONS

2.13 The following consultation replies have been received:

**HBC Landscape Architect:** The proposed development affects the garden setting of a recently implemented housing scheme. The development negatively impacts the street scene through the loss of openness and introduction of over dominant enclosure to the plot.

**HBC Estates:** no comment received.

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

## PLANNING POLICY

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

### Local Policy

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

SUS1: Presumption in Favour of Sustainable Development

LS1: The Locational Strategy

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

NE6: Protection of Incidental Open Space

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

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

within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 134: Refusing poor designed development

**2.17 HBC Planning Policy:** Planning Policy have concerns regarding this proposal, the estate was built to be open plan and this is particularly important on the key route through the estate. Side gardens and green strips adjacent to side gardens have visual amenity benefits to passers-by, hence rear and side gardens not being enclosed in the original design of the estate. The close board fence appears to dominate the street scene and detracts from the visual amenity along the key route through the estate.

## PLANNING CONSIDERATIONS

2.18 The main material planning considerations when considering this application are the impacts on the character and appearance of the application site and surrounding area, the impact on the amenity of neighbouring land users and highway safety.

### IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

2.19 Paragraph 134 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

2.20 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.



2.21 Furthermore, Policy NE6 (Protection of Incidental Open Space) of the Local Plan seeks to restrict the loss of incidental open space (such as the land enclosed as part of this application), as this land can provide visual amenity or separation of different buildings/land uses.

2.22 By virtue of the layout of the plots within the estate, the host property and its rear/side garden is sited adjacent to the highway of Rosthwaite Close and it is considered that the relocated fence is readily visible along this section of Rosthwaite Close and from many vantage points along this road which runs north to south.

2.23 It is considered that the erected fence being sited hard up to the footpath of the main highway results in a prominent and incongruous feature in the street scene and a visual narrowing at this section of the street. It is further considered that the previously open grassed area to the side (west) of the host property formed a visual continuation of garden areas, leading from the front (south) of the host property and to the north along the front (west) boundaries of properties along Rosthwaite Close. It is considered that such a design leads the eye around the corner into the next section of the street and therefore makes an important contribution to the green and open character of the estate. It is further considered that the untreated and 'new' appearance of the fence adds to its starkness within the street scene.

2.24 It is considered that open, green garden and amenity space areas with intentional landscaping around neighbouring properties to the north, east, south and west of the host property are a characteristic of the area as originally intended on the design for the estate (approval HFUL/1991/0539, approved 27/04/1993 which removed permitted development rights for the erection of enclosures to the front or towards a highway, other than those on the original approved plans). It is considered that the relocated boundary fence at the host property results in a disruption of visual continuation provided by this intentional landscaping and grassed side garden areas. This view is supported by the Council's Landscape Architect.

2.25 Policy NE6 states that the loss of incidental open space will be resisted except where:

- 1) *it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or*
- 2) *it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.*

2.26 In respect of criterion 1, whilst there is no identifiable impacts on the amenity of neighbours (considered in further detail below), there is no evidence to suggest that this established strip of open space is/was difficult to maintain and it is apparent that, this will have been maintained since the conception of the estate. Indeed, an image from Google Street View 2012 shows this as being a well maintained strip of land. Secondly and in respect of criterion 2, the land in question is for the above reasons considered to contribute to the visual amenity and function of the area as part of an open plan estate, and such open space would not be provided elsewhere within the locality as a result of this loss. Taken as a whole the proposal is contrary to the provisions of Local Plan Policy NE6.

2.27 The applicant has indicated/cited other examples of fencing in the area. As noted above, the LPA are aware of an unauthorised fence is under consideration at no.15 Rosthwaite Close which was received as part of an investigation into a number of fences in the area. Notwithstanding this, each application is considered on its own individual merits and in this instance, the erected fencing is not deemed to be acceptable. The applicant has also indicated the provision of some planting to the front of the fence however given that the majority of the fence is still highly prominent within the street scene and that such planting would only be afforded protection (in planning terms) for up to 5 years, it is considered that this would not address or overcome the above concerns and identified impacts.

2.28 Overall, it is considered that the erected fence and enclosure of the parcel of open space (side garden) into the private garden to the side and rear of the host property, by virtue of its design, scale and prominent siting, results in an adverse impact on the character and appearance of the open plan estate, which would not comply with Policies NE6 and QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 130 and 134 of the NPPF (2021). This would therefore warrant a reason to refuse the application in this instance.

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.29 In respect of any impacts on no.58 Rosthwaite Close to the north, the relocated fence to the side of the host property is approximately 4m from the front/side of no.58 (to the north). Given the original presence and siting of a fence along this shared boundary and that the fence as erected chamfers away from the frontage of this property, and the above referenced separation distance, it is considered that the erected fence would not result in an adverse impact on the amenity and privacy of this neighbouring property in terms of overbearing, overshadowing, loss of outlook or overlooking.

2.30 In respect of the adjoining property at no.54 Rosthwaite Close (east), given that the boundary fencing does not project beyond the principal elevation of the host property or that of no.54 and remains separated by the original rear boundary fencing between the two properties, it is considered that the erected fence would not result in an adverse impact on the amenity and privacy of this neighbouring property terms of overbearing, overshadowing, loss of outlook or overlooking.

2.31 In respect of the remaining surrounding neighbouring properties to the west (no.23 Rosthwaite Close, approximately 8.8m away), east (no.54 Rosthwaite Close approximately 8.8m away) and south (no.6, no.8, no.10 and no.12 Rosthwaite Close approximately 41m away), due to an oblique relationship and intervening presence of the highway of Rosthwaite Close and open green amenity space (to the south) and the presence of the existing fence (to the east), it is considered that the erected fence would not result in an adverse impact on the amenity and privacy of these neighbouring properties in terms of overbearing, overshadowing, loss of outlook or overlooking.

#### IMPACT ON HIGHWAY SAFETY

2.32 The application has been considered by the Council's Traffic and Transport section who have confirmed that they have no highway or traffic concerns with the development. Therefore the development is considered to be acceptable in terms of highway safety.

## CONCLUSION

2.33 It is considered that the relocation of boundary fence represents an unsympathetic and visually intrusive form of development, that would significantly diminish the green and open character of the estate and would cause harm to its character and appearance by virtue of the design, scale and siting. It is therefore considered the development is contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, and 130 of the NPPF (2021).

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.34 There is no evidence of equality or diversity implications.

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

2.35 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.

2.36 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, significantly diminishes the green and open character of the estate and causes harm to its character and appearance, contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

## BACKGROUND PAPERS

2.38 Background papers can be viewed by the 'attachments' on the following public access page: [http://ifs-iaaweb-01/PublicAccess\\_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1\\_REF=H/2022/0170](http://ifs-iaaweb-01/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0170)

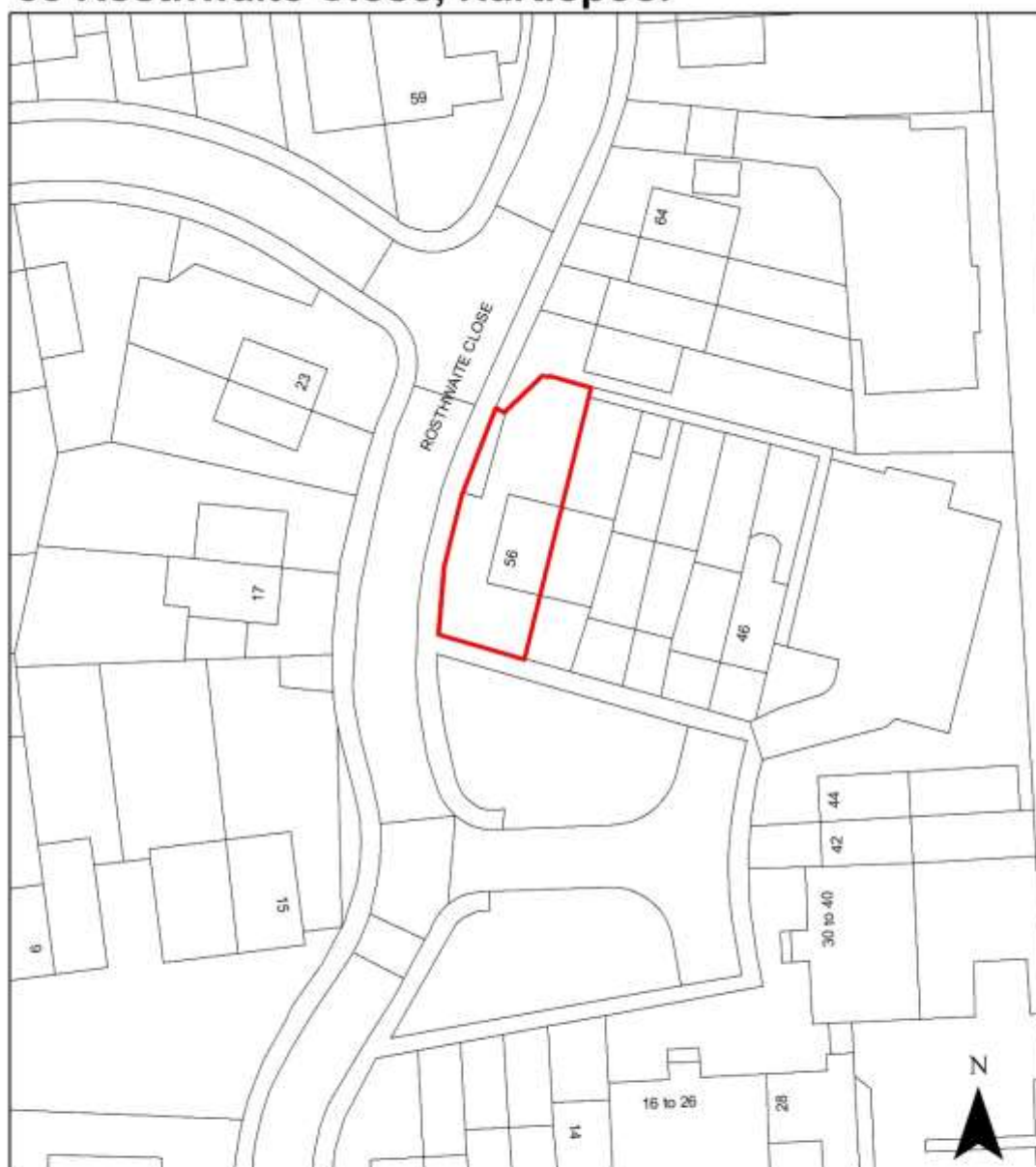
2.39 Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

## **CONTACT OFFICER**

2.40 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## **AUTHOR**

2.41 Nick Robertson  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 806908  
E-mail: [Nick.Robertson@hartlepool.gov.uk](mailto:Nick.Robertson@hartlepool.gov.uk)

**56 Rosthwaite Close, Hartlepool**

Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>11. 7.2022</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0170</b>	REV

**No:** 3.  
**Number:** H/2022/0173  
**Applicant:** MR LEWIS ROBINSON ROSTHWAITE CLOSE  
HARTLEPOOL TS24 8RD  
**Agent:** MR LEWIS ROBINSON 15 ROSTHWAITE CLOSE  
HARTLEPOOL TS24 8RD  
**Date valid:** 31/05/2022  
**Development:** Retrospective application for the erection of a 2m high fence to enclose side garden and driveway (removal of existing boundary fence).  
**Location:** 15 ROSTHWAITE CLOSE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 Permitted development rights to erect enclosures forward of the front of the house or projecting towards a highway were removed as part of condition 7 of the original permission for the estate (approval HFUL/1991/0539, approved 27/04/1993);

*7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval of the local planning authority.*

3.3 This planning application is retrospective and has been submitted following receipt of a complaint in March 2022 and a subsequent investigation by the Local Planning Authority (LPA) into the erection and relocation of a boundary fence (approximately 2m high) and incorporation of land into private garden to the eastern side of 15 Rosthwaite Close. A planning application was subsequently submitted by the owner/occupier.

3.4 By way of further background, a complaint was received in 2016 in respect of shrubs and landscaping that had been removed and the area of land enclosed at the side of 15 Rosthwaite Close up to the adjacent pedestrian footpath. Following an investigation by the LPA, it is understood that the contravener (owner/occupier at the time) subsequently returned the erected fence back to its original position and complaint was subsequently closed. Following investigations that have taken place as part of this application, it appears that the erected fence was not actually returned to its original position and instead was left enclosing some of the original open amenity space to the side. It appears it was relocated to extend straight from the southern corner of the application site (adjacent to the front elevation of the main

property) up to the pedestrian footpath and then chamfered to the west, adjacent to the driveway of no.17 Rosthwaite Close, leaving an open 'D' shape area (as illustrated on google earth images). It appears that this area has since been enclosed as part of the current application by the owner/occupier.

3.5 It is of note that a retrospective application for the erection of a fence at 56 Rosthwaite Close (H/2022/0170) also forms part of the same committee agenda.

## **PROPOSAL**

3.6 The application seeks retrospective planning permission for the relocation of the existing boundary fence to enclose a parcel of land to the side into the private curtilage of 9 Rosthwaite Close.

3.7 Notwithstanding the previous unauthorised enclosure of this parcel of land back in 2016 (and whether the land/boundary was restored to the original permission at that time), the original boundary fence position (as per the original estate plan, the submitted location plan at 1:1250 scale and as shown on google street view image shown in 2012), has resulted in the fence being moved up to the edge of the site boundary, hard up to the adjacent public footpath. This now follows the shape of the plot and encloses the previously open parcel of land as well as enclosing the driveway to the rear of the site (approximately 36m<sup>2</sup> in area) for a length of approximately 24.5m along the eastern boundary. The replacement boundary fence measures approximately 2m in height and replaces the former fence which had a height of approximately 1.8m and was set off from the footpath with planting in between the fence and the footpath as originally intended on the estate (it appears from the aforementioned 2016 complaint, that planting was removed from this area). The boundary fence has been finished in untreated timber.

3.8 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**

3.9 The application site relates to 15 Rosthwaite Close, a single storey, semi-detached dwelling in a residential estate in the Headland and Harbour ward of Hartlepool. The property is sited on a prominent corner location within the cul-de-sac, with properties extending to the north and south along Rosthwaite Close, with the highway of Rosthwaite Close to the east and an area of open green amenity space and residential properties beyond.

## **PUBLICITY**

3.10 The application has been advertised by way of neighbour letters (16) and a site notice. To date, there has been one response not objecting to the application.

3.11 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/2022/0173](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0173)

3.12 The period for publicity has expired.

## CONSULTATIONS

3.13 The following consultation replies have been received:

**HBC Landscape Architect:** The proposed development affects the garden setting of a recently implemented housing scheme. The development negatively impacts the street scene through the loss of openness and introduction of over dominant enclosure to the plot.

**HBC Traffic and Transport:** The new fence line would restrict the sight lines coming out of the driveway of No 17. The fence line from the drive crossing should be stepped back 2 metres and then tapered over 10 metres to maintain the sight line.

Update 15/07/2022: I would like to object to this application in its current form on the grounds of road safety as the new fence line would restrict the sight lines coming out of the driveway of No.17.

**HBC Estates:** no comment received.

**HBC Public Protection:** no comment received.

## PLANNING POLICY

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

### Local Policy

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

SUS1: Presumption in Favour of Sustainable Development

LS1: The Locational Strategy

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

NE6: Protection of Incidental Open Space

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

3.16 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities



should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 134: Refusing poor designed development

**3.17 HBC Planning Policy:** Planning Policy have concerns regarding this proposal, the estate was built to be open plan and this is particularly important on the key route through the estate. Side gardens and green strips adjacent to side gardens have visual amenity benefits to passers-by, hence rear and side gardens not being enclosed in the original design of the estate. The close board fence appears to dominate the street scene and detracts from the visual amenity along the key route through the estate.

## PLANNING CONSIDERATIONS

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

### IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

3.19 Paragraph 134 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

3.20 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. Furthermore, Policy NE6 (Protection of Incidental Open Space) of the Local Plan seeks to restrict the loss of incidental open space (such as the land enclosed as part of this application), as this land can provide visual amenity or separation of different buildings/land uses.

3.21 By virtue of the layout of the plots within the estate, the host property and its rear garden is sited adjacent to the highway of Rosthwaite Close and it is considered that the relocated fence is readily visible along this section of Rosthwaite Close and from many vantage points along this road which runs north to south.

3.22 It is considered that the erected fence being sited up to the footpath of the main highway results in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the street. It is further considered that the grassed area to the side (east) and rear (north) of the host property formed a visual continuation of garden areas, leading from the front (south) of the host property and to the north along the front (east) boundaries of properties along Rosthwaite Close. It is considered that such a design leads the eye around the corner into the next section of the street and therefore makes an important contribution to the green and open character of the estate. It is further considered that the untreated and 'new' appearance of the fence adds to its starkness within the street scene.

3.23 It is considered that open, green garden and amenity space areas with intentional landscaping around neighbouring properties to the north, east, south and west of the host property are a characteristic of the area as originally intended on the design for the estate (approval HFUL/1991/0539, approved 27/04/1993 which removed permitted development rights for the erection of enclosures to the front or towards a highway, other than those on the original approved plans). It is considered that the relocated boundary fence at the host property results in a disruption of visual continuation provided by this intentional landscaping and grassed side garden areas. This view is supported by the Council's Landscape Architect.

3.24 Policy NE6 states that the loss of incidental open space will be resisted except where:

- 3) *it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or*
- 4) *it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.*

3.25 In respect of criterion 1, whilst there is no identifiable impacts on the amenity of neighbours (considered in further detail below), there is no evidence to suggest that this established strip of open space is/was difficult to maintain and it is apparent that, this will have been maintained since the conception of the estate. Indeed, an image

from Google Street View 2012 shows this as being a well maintained strip of land. Secondly and in respect of criterion 2, the land in question is for the above reasons considered to contribute to the visual amenity and function of the area as part of an open plan estate, and such open space would not be provided elsewhere within the locality as a result of this loss. Taken as a whole the proposal is contrary to the provisions of Local Plan Policy NE6.

3.26 Overall, it is considered that the erected fence and enclosure of the parcel of open space (side garden) within the enclosed private garden to the side and rear of the host property, due to its design, scale and prominent siting, results in an adverse impact on the character and appearance of the open plan estate, which would not comply with Policies NE6 and QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 130 and 134 of the NPPF (2021). This would therefore warrant a reason to refuse the application in this instance.

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

3.27 In respect of no.17 to the north, the erected fence is likely to result in a degree of impact in terms of loss of outlook having extended approximately 4.8m along the shared boundary, however it is considered that due a separation distance of approximately 2.8m to the front/east elevation of this neighbouring property (with the presence of their driveway in between), the relatively modest height of the fence (notwithstanding the identified visual impacts) and that the erected fence extends along the side/south boundary only, this identified degree of harm is not considered to be so significant or one that would warrant a refusal of the application. Therefore it is considered that the erected fence would not result in an unacceptable impact on the amenity and privacy of this property in terms of loss of outlook, overbearing, overshadowing or overlooking.

3.28 In respect of the remaining surrounding properties to the east (no.56 Rosthwaite, approximately 9.7m away), south (no.6 Rosthwaite Close, approximately 13m away) and west (no.13 Rosthwaite Close, approximately 13m away), due to these oblique relationships, separation distances and intervening presence of namely the highway of Rosthwaite Close and open green amenity space (to the south) and the presence of an existing fence (to the west), it is considered that the erected fence would not result in an adverse impact on the amenity and privacy of neighbouring properties in terms of overbearing, overshadowing, loss of outlook or overlooking.

#### IMPACT ON HIGHWAY SAFETY

3.29 As noted above, the development results in the loss of the driveway serving the host property, but would also result in a fence along boundary to the driveway serving no.17 to the north.

3.30 The application has been considered by the Council's Traffic and Transport section who have confirmed that the erected fence would restrict the sight lines coming out of the driveway of no.17 Rosthwaite Close to the north, advising that the fence line from the drive crossing should be set 2m at the corner with no.17 from the highway of Rosthwaite Close and then tapered over 10m to the south to maintain the

requisite sight line. An updated response was provided which made clear that the Council's Traffic and Transport section were objecting to the erected fence on the grounds of road safety. These concerns have been relayed to the applicant, but amended plans have not been forthcoming and, in the absence of an amended proposal to address this issue, the development is not considered to be acceptable in terms of its potential impact on highway and pedestrian safety, contrary to the provisions of Policy QP5 and this therefore forms a second reason for refusal of the application.

## CONCLUSION

3.31 It is considered that the relocation of boundary fence represents an unsympathetic and visually intrusive form of development, that would significantly diminish the green and open character of the estate and would cause harm to its character and appearance by virtue of the design, scale and siting. It is further considered that the development would result in adverse impact on highway and pedestrian safety. It is therefore considered the development is contrary to Policies NE6, QP4 and QP5 of the Hartlepool Local Plan (2018) and paragraphs 126, and 130 of the NPPF (2021).

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.32 There is no evidence of equality or diversity implications.

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

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

3.34 There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, significantly diminishes the green and open character of the estate and causes harm to its character and appearance, contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and siting, results in a potential detrimental impact on highway and pedestrian safety, in particular in respect to vehicles

egressing the driveway of the neighbouring property (17 Rosthwaite Close), contrary to Policy QP5 of the Hartlepool Local Plan (2018).

## **BACKGROUND PAPERS**

3.36 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/2022/0173](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0173)

3.37 Copies of the applications are available on-line:

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

## **CONTACT OFFICER**

3.38 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## **AUTHOR**

3.39 Nick Robertson  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 806908  
E-mail: [Nick.Robertson@hartlepool.gov.uk](mailto:Nick.Robertson@hartlepool.gov.uk)

**15 Rosthwaite Close, Hartlepool**

Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>11. 7.2022</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0173</b>	REV

**No:** 4.  
**Number:** H/2022/0145  
**Applicant:** MR MICHAEL O'DONOVAN TANFIELD ROAD  
 HARTLEPOOL TS25 5DD  
**Agent:** MR MICHAEL O'DONOVAN 9 TANFIELD ROAD  
 HARTLEPOOL TS25 5DD  
**Date valid:** 04/05/2022  
**Development:** Removal of part of existing metal railing fence and  
 erection of 2m high timber fence to front boundary  
 (retrospective)  
**Location:** 9 TANFIELD ROAD HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

4.2 Permitted development rights to erect enclosures forward of the front of the house or projecting towards a highway were removed as part of condition 5 of the original permission for the estate (approval H/2012/0427, approved 22/05/2013);

*5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, other than those expressly authorised by this permission shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.*  
*To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.*

4.3 This planning application is retrospective and has been submitted following receipt of a complaint in February 2022 and a subsequent investigation by the Local Planning Authority (LPA) into the erection and relocation of a boundary fence (approximately 2m high) to the north boundary of 9 Tanfield Road. A planning application was subsequently submitted by the owner/occupier.

## PROPOSAL

4.4 The application seeks retrospective planning permission for the removal of low metal fence and erection of 2m high timber fence to enclose a parcel of land to the front and side (to the north) of 9 Tanfield Road.

4.5 The area of land enclosed into the garden through the relocated fence measures approximately 10.5m in width and approximately 4.4m in depth (approximately 46.2m<sup>2</sup>). The replacement boundary fence replaces the original approved open bow top railing fence (painted black) which had a height of approximately 1m-1.2m and projected approximately 10.5m across the front/north boundary). The new timber fence encloses the north eastern element of the front garden, extending from the north-east elevation of the host property, up and along the north boundary and down the east boundary, connecting to the existing fence on this east boundary. The fence encloses an existing timber pylon.

4.6 At the time of the case officer's original site visit, the boundary fence had an untreated timber appearance on its front/north boundary but finished in dark oak colour on its side/west boundary. Following a further site visit by the case officer (14/07/2022), it was noted that the erected fence has now entirely been stained in a dark oak colour.

4.7 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**

4.8 The application site relates to 9 Tanfield Road, a two-storey detached dwelling, in a relatively new residential estate (Approved 22/05/2013, under H/2012/0427) in the Foggy Furze ward of Hartlepool.

4.9 The property is sited on a prominent corner position at the entrance of a cul-de-sac of a new build residential estate, located to the west and south of the application site. To the north, the host property abuts the highway of Tanfield Road, with 7 Tanfield Road to the east (a bungalow from the circa 1960s), 1 Whistlewood Close to the south (which forms part of the same new estate) and the highway of Whistlewood Close to the west, with Stranton Cemetery & Crematorium further west. The application property features a footpath from the front/north and garden to the side/west, front/north and side/east.

## **PUBLICITY**

4.10 The application has been advertised by way of neighbour letters (9), letters to local ward councillors and a site notice. To date, no comments have been received.

4.11 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/2022/0145](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0145)

4.12 The period for publicity has expired.

## **CONSULTATIONS**

4.13 The following consultation replies have been received:



**HBC Landscape Architect:** The proposed development affects the garden setting of a recently implemented housing scheme. The development negatively impacts the street scene through the loss of openness and introduction of over dominant enclosure to the corner plot.

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

**HBC Public Protection:** I have taken a look at the application, there is nothing of concern from Public Protection. No Objection.

**Northern Power Grid: (summarised)** Thank you for your enquiry dated 10/05/2022 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Under the provisions of the above act Northern Powergrid have no objections to make, providing that our rights are not affected and will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

## PLANNING POLICY

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

### Local Policy

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

SUS1: Presumption in Favour of Sustainable Development  
 LS1: The Locational Strategy  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters

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

4.16 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are

no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision-making

PARA 047: Determining applications

PARA 126: Achieving well-designed places

PARA 129: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 132: Achieving well-designed places

PARA 134: Refusing poor designed development

**4.17 HBC Planning Policy:** Planning Policy have concerns regarding this proposal, the estate was built to be open plan and this route along Tanfield Road is a key setting for the estate and on the route into the cemetery. The garden area serves as a visual amenity benefit to passers-by, hence the low rise open fence being installed in the original street design. The close board fence appears to dominate the street scene and detracts from the visual amenity along Tanfield Road.

## PLANNING CONSIDERATIONS

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

### IMPACT ON VISUAL AMENITY OF SURROUNDING AREA

4.19 Paragraph 134 of the NPPF (2021) states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans and supplementary planning documents.

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

4.21 By virtue of the layout of the plots within the relatively new estate, the host property is situated at the entrance of the cul-de-sac (Whistlewood Close) and sited on a prominent corner plot and it is considered that the relocated fence is readily visible on the entrance to the estate (Whistlewood Close) and along the highway of Tanfield Road (to the north). On new open plan estates (that the application site forms an entrance to), it is not uncommon for properties at estate entrances or corner plots to have a property demarcation with low and open boundary treatments to ensure that the open plan nature of the estate is retained whilst preventing desire lines or pedestrians crossing over private land. The adjacent established bungalows along Tanfield Road (to the east) are primarily characterised by low brick walls with a higher concrete wall adjacent to the application site (approximately 1.4m in height) and no.7 Tanfield Road (likely to reflect the end of the built residential development before the adjacent estate of Whistlewood Close was built).

4.22 It is considered that the erected fence being sited up to the footpath of the main highway (Tanfield Road) results in a prominent and incongruous feature in the street scene and a visual narrowing of the street scene at this section of the street. It is further considered that the area of grass which was enclosed by a relatively open bow top railing formed a continuation of garden areas, leading from 9 Tanfield Road to the west, towards the properties adjacent to Tanfield Road and the Stranton Cemetery and Crematorium to the west.

4.23 Although it is noted that following a further site visit (14/07/2022) by the case officer that the erected fence has since been entirely stained in dark oak colour, this does not address the abovementioned harm caused by virtue of its design, scale and prominent siting.

4.24 It is considered that the low height and/or open front boundaries of properties along Tanfield Road (to the east and west) and properties within the cul-de-sac (to the south) are characteristic of the area and the relocated boundary fence at the host property results in a disruption of the visual continuity provided by this intentional low and relatively open front boundary.

4.25 Overall it is considered that the erected fence that has been erected to enclose the front garden within the enclosed private garden into the side and rear of the host property, due to its design, scale and prominent siting, results in an adverse impact on the character and appearance of the area, which would not comply with Policy QP4 of the Hartlepool Local Plan (2018) or paragraphs 126, 130 and 134 of the NPPF (2021). This would warrant a reason to refuse the application in this instance.

#### IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.26 The relocated fence to the side/east of the host property is located adjacent to the shared boundary and extends approximately 4.4m in length, with the neighbouring property (7 Tanfield Road) located approximately 3.4m away from the erected fence. This neighbouring property is a bungalow and features 3no. windows on its front/north elevation (understood to serve a habitable room). The shared boundary separating these neighbouring properties comprises a 1.4m high concrete wall which extends up to the highway of Tanfield Road, with the approximate 2m

high fence extending above this by approximately 0.6m for the length of the boundary.

4.27 Owing to the existing concrete wall and the modest increase in height of the erected fence along this shared boundary (notwithstanding the overall visual impacts), as well the oblique angle and remaining separation distance, it is considered that the erected fence would not result in an adverse impact on amenity and privacy in terms of overbearing, loss of outlook, overshadowing or overlooking for this neighbouring property.

4.28 The remaining neighbouring properties to the north (6 Tanfield Road) is located approximately 11.2m away and to the south (1 Whistlewood Close) is located approximately 9.7m away. Given the satisfactory separation distances and oblique relationship, it is considered that the development would not result in an adverse impact on amenity and privacy in terms of overbearing, loss of outlook, overshadowing or overlooking for these neighbouring properties.

4.29 The Council's Public Protection section have been consulted on the application and have confirmed that they have no objections to the development.

#### IMPACT ON HIGHWAY SAFETY

4.30 The erected fence projects along the shared boundary and driveway with 7 Tanfield Road. It is noted that this features an existing concrete wall, to which the erected fence projects above the wall by approximately 0.6m. In terms of any adverse effect on sight lines for vehicles coming off the driveway of 7 Tanfield Road, the application has been considered by the Council's Traffic and Transport section who have confirmed that they have no highway or traffic concerns with the development. Therefore the development is considered to be acceptable in terms of highway safety.

#### OTHER MATTERS

4.31 Northern Powergrid were consulted on the application owing to the presence of a timber pylon that has been enclosed into the curtilage of the application site as a result of the work. They have provided a standard response with advice on safe working and continued access to their plant, that would have been appended to the decision notice as an informative had the application been deemed acceptable in all other respects. The application is therefore considered acceptable in this respect.

#### CONCLUSION

4.32 It is considered that the relocation of the boundary fence represents an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area by virtue of the design, scale and prominent siting. It is therefore considered the development is contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

#### EQUALITY AND DIVERSITY CONSIDERATIONS

4.33 There is no evidence of equality or diversity implications.

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

4.34 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.

4.35 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, constitutes an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).

## **BACKGROUND PAPERS**

4.37 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/2022/0145](https://edrms2.hartlepool.gov.uk/PublicAccess_Live/SearchResult/RunThirdPartySearch?FileSystemId=PL&FOLDER1_REF=H/2022/0145)

4.38 Copies of the applications are available on-line:

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

## **CONTACT OFFICER**

- 4.39 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

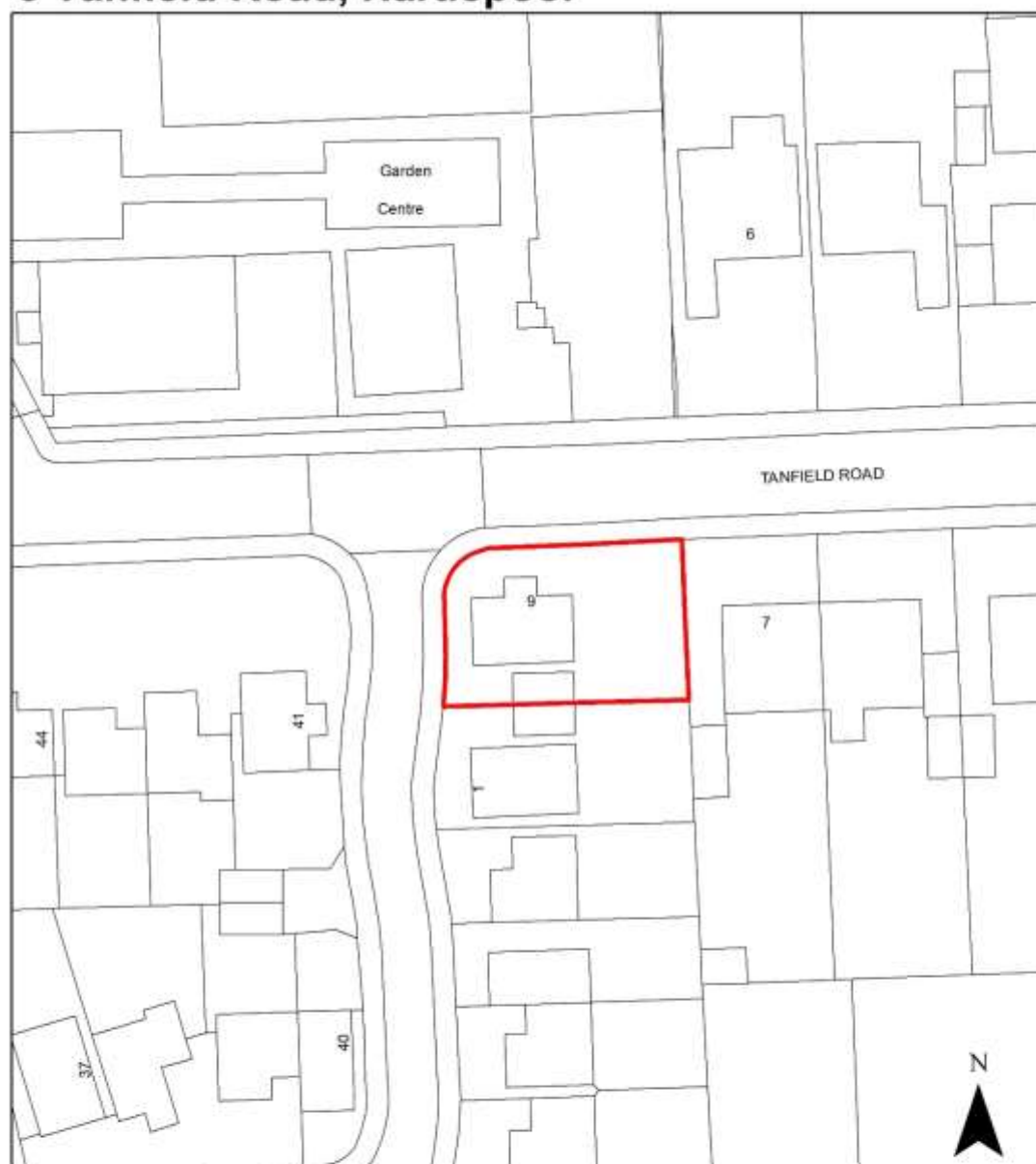
## **AUTHOR**

- 4.40 Nick Robertson

Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 806908

E-mail: [Nick.Robertson@hartlepool.gov.uk](mailto:Nick.Robertson@hartlepool.gov.uk)

**9 Tanfield Road, Hartlepool**

Copyright Reserved Licence No100023390 (2022)

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>11. 7.2022</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0145</b>	REV

**No:** 5.  
**Number:** H/2021/0198  
**Applicant:** MS HELEN BROUGHTON BUTTERSTONE AVENUE  
 HARTLEPOOL TS24 0GA  
**Agent:** MS HELEN BROUGHTON 17 BUTTERSTONE  
 AVENUE HARTLEPOOL TS24 0GA  
**Date valid:** 14/03/2022  
**Development:** Enclosure of balcony to front with glass walls and roof,  
 installation of electric shutters to the ground floor window  
 at the front, erection of a fence to the front (approx. height  
 1.6m) and erection of fence to the both side boundaries at  
 the rear (approx. height 2.1m) (retrospective) and  
 proposed installation of weatherboard cladding to the front  
**Location:** 17 BUTTERSTONE AVENUE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## PROPOSAL

5.2 Retrospective planning permission is sought for the enclosure of a balcony to the front of the property with the installation of glass walls and roof (in effect creating a first floor conservatory to the front); the installation of electric shutters to a ground floor window at the front; the erection of fencing to the both side boundaries at the rear (approximately 2.1m in height) and fencing to the front south east boundary (approx height 1.6m dropping to approximately 1m toward the roadside); and the proposed installation of weatherboard cladding to the front.

5.3 The enclosure of the original balcony comprises a steel and glass framed structure sited within the existing balcony walls, measuring approximately 3.6m in width by approximately 1.6m in width, with a flat roof height of approximately 2.25m (overall height from ground approximately 5m).

5.4 The installed electric shutter to the ground floor front window features a projecting box to the top of the window, when open. When fully closed, the shutter extends down the length of the window. The shutter and box are both finished in black.

5.5 The erected fence to the front extends across the boundary between the host property and the neighbour at No. 15, for a length of approximately 5.4m, at a height of approximately 1.6m dropping to approximately 1m in height where it is approximately 1m from the roadside. The fence to the front comprises open boarded vertical panels. The fencing requires planning permission owing to a planning condition on the original estate which removes the permitted development right to



erect enclosures forward of the front elevation of the dwelling to preserve the open plan design of the estate.

5.6 The erected fences to the rear side boundaries comprise close boarded timber stained fencing consisting of horizontal panels, finished in a grey colour with a height up to approximately 2.1m. Such fencing requires planning permission as it exceeds the permitted development height of 2m.

5.7 The proposed cladding would be sited to the existing brick face of the front elevation (the overall area of which measures approximately 2m in width by approximately 2.2m in height), and would comprise materials similar in appearance (including colour) to that of the existing cladding on the upper part of the front elevation of the host property.

5.8 It is also of note that the retrospective application includes the installation of motorised shutters to 3no. windows and 1no. set of Patio doors in the rear elevation. It is considered that these elements of the proposal would not require planning permission.

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

## **SITE CONTEXT**

5.10 This application site relates to a two-storey detached dwelling located on Butterstone Avenue. The property was built by Persimmon Homes on the recently developed former Britmag site in the Headland area of Hartlepool. The area is predominantly residential in nature. To the south east the application site is bounded by 15 Butterstone Avenue and to the north west is bounded by 19 Butterstone Avenue. To the south west the property is enclosed by the side boundary of the rear garden of 1 The Opal, whilst to the north east the application site is bounded by the public highway of Butterstone Avenue, beyond which lies Public Footpath No.31, Marine Point, and on the same path, the England Coast Path National Trail also runs.

5.11 The rear boundary fence of the host property is served by a close-boarded fence (approx. height 2m) with the unauthorised 2.1m (approx.) high fencing along the adjacent side/rear boundaries. The front of the application site features a private driveway and a small open plan garden (save for the unauthorised fencing) where a number of garden features appear to have been installed.

## **PUBLICITY**

5.12 The application was advertised by way of neighbour letters (4) and a site notice. To date, three representations have been received from neighbours, one raising no objection to the application and two raising objections to the application.

5.13 The objections received from the adjacent neighbouring properties can be summarised as follows:

- The erected fence obstructs the view of vehicles and traffic.
- Installed shutters are unduly large and out of keeping with the aesthetic of the estate.
- The line of the fence encroaches onto neighbouring property.

5.14 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=145784>

5.15 The period for publicity has expired.

## CONSULTATIONS

5.16 The following consultation responses were received:

**HBC Building Control:** I can confirm that a Building Regulation application is required for a 'single storey side/rear extension'

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

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

**HBC Ecology:** No Ecology issues.

**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:** The requirements for visibility along the street edge are quite vague and the requirements are left to the Highway Authority to determine. In a recent similar situation we stipulated that the fence should be lowered for 1.5 metres back from the back of the footway. The lowered portion of the fence should be no higher than 1.05 metres.

**Headland Parish Council:** No objections.

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

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

**HBC Estates:** No comments received.

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

## PLANNING POLICY

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

#### Local Policy

5.18 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)

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

PARA 007: Purpose of the planning system;

PARA 011: Presumption in favour of sustainable development;

PARA 038: Decision-making;

PARA 047: Determining applications in accordance with the development plan;

PARA 124: High quality buildings and places;

PARA 127: Design principles;

PARA 130: Achieving well-designed places.

PARA 212: Implementation

#### **PLANNING CONSIDERATIONS**

5.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the character and appearance of the site and surrounding area, the amenity of neighbouring occupiers, and highway safety. These and all other planning and residual matters are set out in detail below.

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

5.21 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.

5.22 Paragraph 134 of the NPPF (2021) states that permission should be refused for development of a poor design, taking into account any local design standards or style guides in plans and supplementary planning documents.

### *Glazing above balcony/first floor conservatory*

5.23 The retrospective installation of glazing above the existing projecting balcony to the front of the host property to create a first floor conservatory is situated to the front of the host property. In view of this, it is considered that the installation of a first floor conservatory in the front elevation is readily visible from the front of the host property, and it is therefore considered to appreciably alter the character and appearance of the host property as originally intended.

5.24 It is of further consideration that position of the host property within the street scene is such that it is visible on approach onto Butterstone Avenue from the south / south east. Furthermore, beyond the main highway to the front is an open parcel of land and Public Right of Way, with the coastline beyond (north).

5.25 Whilst consideration is given to the modest scale and design of this element of the works, which includes glazing and framework seeking to complement the general character and appearance of the host property, it is of consideration that the existing balcony is a feature of the host property and the frontages of other properties along Butterstone Avenue, which were intentionally designed to be open in nature throughout the new estate to which the application site relates, and therefore it is considered the enclosing of the open balcony results in an unsympathetic form of development to the character and appearance of the host dwelling and in turn results in an incongruous feature within the street scene.

5.26 Overall, it is considered that this element results in a poor design that would warrant a reason to refuse the application.

### *Shutters*

5.27 The installed shutter to the ground floor front window comprises box housing above the window that is readily visible within the street scene, given that it is situated at the front of the host property. It is acknowledged that the installed box shutter was open at the time of the case officer's site visit although the applicant has since provided a photo of the shutter when down. It is of further consideration that the box housing is relatively modest in scale and design and is primarily read against the backdrop of the cladding and other darker features to the front of the host

property (e.g. the garage door), as well as being limited to one window at the front of the host property.

5.28 Whilst the applicant's intention for the shutter is understood to increase the security at their property and notwithstanding the above, it is considered that the scheme ultimately introduces a feature which is more commonly associated with commercial premises than a residential property. It is of further consideration that neighbouring properties along Butterstone Avenue which are relatively uniform in appearance, do not feature windows with shutter security to their frontages, thereby highlighting the incongruous nature of the development.

5.29 In view of the above, the case officer requested that the applicant remove the shutter to the front of the host property. However, the applicant was unwilling to amend the shutter to the front and the application has been considered as originally submitted accordingly.

5.30 Overall, whilst it is considered that this element of the proposal (particularly when the shutter is open) does not, in isolation, result in such a significant adverse impact on the character and appearance of the host dwelling and an incongruous feature in the street scene, taken cumulatively with the installed first floor conservatory structure (detailed above), together these elements are considered to result in an incongruous set of features that are unsympathetic to the character and appearance of the host dwelling and the wider street scene. Such works are therefore considered to be contrary to the requirements of Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF (2021) which states that permission should be refused for development of a poor design.

#### *Fences to front side boundary and to rear side boundaries*

5.31 In respect of the erected boundary fence along the front boundary (between the host property and No. 15), as noted above, the application site is a dwelling within the recently developed former Britmag site in the Headland area of Hartlepool. A planning condition appended to the permission for the wider estate removed permitted development rights for the erection of boundary treatments within the curtilage to the fronts of properties within the estate (i.e. within front garden areas) to ensure a cohesive open plan character is maintained.

5.32 By virtue of the layout of plots within the estate, the host property is situated on a prominent position on approach onto Butterstone Avenue from the west. It is therefore considered that the erected fence to the front is readily visible from the front of this street scene (Butterstone Avenue) as well as from the parcel of land to the front (beyond the main highway) which leads onto the beach/coastal footpaths. In view of this, it is considered that the erected fence (to the front) which spans the length of the driveway of the host property to the main highway results in a prominent and incongruous feature in the street scene at this section of the street to the detriment of the open plan character and appearance of the estate.

5.33 It is further considered that the driveway and garden areas to the front of the host property formed a visual continuation of front garden areas, leading from No. 15 to the south toward the host property as intended on the original estate planning

permission and that the erected fencing results in a prominent and incongruous break in this character.

5.34 It is for this reason that the case officer requested that the applicant consider removing the retrospective boundary fence to the front/side (forward of the host property), however the applicant was unwilling to amend the fence and therefore the application is considered as originally submitted.

5.35 On balance, and in view of the above, it is considered that the erected boundary fence to the front is a form of development that is not sympathetic to the existing host property and results in an adverse impact on the character and appearance of the open plan estate, contrary to the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF (2021) and this is not an acceptable form of development in this instance, which would warrant an additional reason to refuse the application.

5.36 In respect of the erected fences to the rear side boundaries, it is considered that there are limited views from the street scene of Butterstone Avenue and the wider area toward these fences. Furthermore, it is acknowledged that permitted development rights permit (without the need for planning permission) rear boundary fences with a maximum height of 2m. Given that the erected fences are a modest 10cm (approximately) above this 'permitted' height, and taking into account the limited views to the rear garden from the street scene (with the host property in between), it is considered that the siting and scale of the erected fencing to the rear does not result an adverse impact on the character and appearance of the area or result in any incongruous feature in the street scene, in this instance.

#### *Cladding*

5.37 It is acknowledged that the proposed installation of cladding would be similar in appearance to that featured on the first floor of the host property. As such, it is considered that this element of the proposal would not result in any significant adverse impact on the character and appearance of the host property or incongruous feature in the street scene. Notwithstanding this, it is considered that the final colour of the proposed cladding should match the existing cladding, and a planning condition could have ensured this, had the application been considered acceptable in all respects. Subject to this necessary condition, the proposal is considered acceptable in this respect.

#### *Visual Amenity summary*

5.38 Overall, in view of the concerns identified above, it is considered that whilst the erected boundary fences to the rear (with a height of approximately 2.1m) and proposed cladding to the front would be considered acceptable, the proposed boundary fence to the front, proposed first floor conservatory / enclosed glazing to the balcony at the front together with the proposed shutter to the front would be a form of development (particularly when considered cumulatively) that would not be sympathetic to the character and appearance of the host property or wider new housing estate (Butterstone Avenue) by virtue of its design, scale and siting of these elevations. As such, it is considered that the works are contrary to the requirements

of Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 130, 132 and 134 of the NPPF (2021) and this would warrant a reason to refuse the application in this instance.

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

5.39 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.

5.40 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 SPD (2019).

#### Impact on Number 19 Butterstone Avenue (north-west)

##### *Glazing above balcony/first floor conservatory*

5.41 The retrospective installation of glazing above the existing projecting balcony to the front of the host property to create a first floor conservatory is situated with a separation distance of approximately 3.5m from the boundary and approximately 4.8m from the side elevation (facing south east) of No. 19 Butterstone Avenue.

5.42 It was noted by the case officer during the site visit that the front of this neighbour (No. 19) is set forward than the front elevation of the host property. In addition, the south eastern side elevation of No. 19 does not feature windows and it is considered that no direct views would be achievable from the development towards windows in the front (or rear) elevation of No 19. In view of the above relationship, the relatively modest scale of the structure (notwithstanding its visual impact), it is considered that this element of the development does not result in any adverse impact on the amenity and privacy of No. 19 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

##### *Shutters*

5.43 The installed shutter to the ground floor front window is approximately 1m from the boundary and approximately 2m from the side elevation (facing south east) of the neighbour adjacent to the north west at No. 19 Butterstone Avenue. It was noted by the case officer that the neighbour at No. 19 is set forward of the host property by approximately 1.9m. In view of this relationship, together with the modest scale and design of the installed shutter, it is considered that this element of the development

does not result in any adverse impact on the amenity and privacy of No. 19 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

*Fences to front side boundary and to rear side boundaries*

5.44 The installed fencing to the north west boundary (at the rear) runs between the host property and the neighbour to the north west at No. 19. Given that the erected rear fencing marginally exceeds the permitted development height (2m) for such enclosures by a modest 10cm (approx.), it is considered that the development does not result in an unacceptable adverse impact on the amenity and privacy of No 19.

5.45 With respect to the erected fencing to the front, this is installed along the south east boundary adjacent to No 15 and is at a distance (oblique) of approximately 8m from the boundary and front/side elevation of No. 19. In view of the relationship, it is considered that these elements of the development does not result in any adverse impact on the amenity and privacy of No. 19 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

*Cladding*

5.46 It is acknowledged that the proposed installation of cladding would be similar in appearance to that featured on the first floor of the host property. As such, it is considered that this element of the proposal would not result in any significant adverse impact on the amenity and privacy of No. 19 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

Impact on Number 15 Butterstone Avenue (south-east)

*Glazing above balcony/first floor conservatory*

5.47 The retrospective installation of glazing above the existing projecting balcony to the front of the host property to create a first floor conservatory is situated with a separation distance of approximately 1m from the boundary and approximately 2.2m from the side elevation (facing north west) and front elevation (facing north east) of No. 15 Butterstone Avenue.

5.48 It was noted by the case officer during the site visit that the front of this neighbour (No. 15) is set back from the front elevation (of the projecting element) of the host property by approximately 1.7m. It was also noted by the case officer during the site visit that the front of No. 15 features windows at both ground floor and first floor level.

5.49 In terms of amenity, it is of consideration that the design and scale of the first floor conservatory / glazed screened balcony is modest (notwithstanding the identified visual impacts) in overall scale and height and contained within the original footprint of the existing balcony to the front. In view of this, it is considered that this element of the development does not result in any adverse impact on the amenity of No. 15 in terms of overshadowing, loss of outlook or overbearing impression.



5.50 However, in view of the above identified relationship, whilst it is acknowledged that the existing (former) first floor balcony to the front in this location would allow for some views to be achieved toward the above identified windows in the front elevation of No. 15 by virtue of its proximity and low balcony wall, it is considered that the enclosing of the balcony would allow for use of the balcony for longer periods (e.g. during the evenings and during inclement weather conditions) than would ordinarily be the case with an open balcony. As such, it is considered that the development has the potential to result in an unacceptable loss of privacy for occupants of No 15 in terms of both direct overlooking as well as a perception of overlooking.

5.51 In view of these concerns and had the application been deemed acceptable in all other respects (taking into account the design concerns), the case officer requested that the applicant consider applying a glazed screen and return (comprising 1.8m Perspex screen to the equivalent of level 4 Pilkington Scale of obscuration) along the south east section of the installed glazing / first floor conservatory, in order to safeguard the privacy of No. 15. However, the applicant confirmed that they would be unwilling to install this requisite glazed screen, and as such the development has been considered in its current form, and it is therefore considered that this element of the development results in an adverse impact on the privacy of No. 15 in terms of overlooking (including both direct overlooking and perception of overlooking), and that this would warrant an additional reason to refuse the application in this instance.

### *Shutters*

5.52 The installed shutter to the ground floor front window is approximately 6.5m from the boundary and approximately 7.6m from the side elevation (facing north west) of the neighbour adjacent to the south east at No. 15 Butterstone Avenue, with the projecting element of the host property (comprising a garage with first floor conservatory / covered balcony, between). In view of this relationship, together with the modest scale and design of the shutter, it is considered that this element of the development does not result in any adverse impact on the amenity and privacy of No. 15 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

### *Fences to front side boundary and to rear side boundaries*

5.53 The installed fencing to the south east boundary (to the front) runs between the host property and the neighbour to the south east at No. 15, at a distance of approximately 1.2m from the front/side elevation of this neighbour at its closest point. In view of this relationship, it is acknowledged that the erected boundary fence to the front results in a degree of impact for the occupants of No. 15, particularly in terms of the reduced outlook from the closest ground floor window in the front elevation of this neighbouring property. However, given the modest scale (including height under 2m) and oblique relationship between the host property and the installed boundary fence, it is considered that this element of the proposal does not result in such an adverse impact on the amenity or privacy (in terms of outlook, overbearing, overshadowing or overlooking) of No. 15 as to warrant a reason to refuse the application in this instance.

5.54 The installed fence along the south east boundary (at the rear) is a distance (oblique) of approximately 1.2m from side/rear elevation of No. 15. In view of the relationship, and taking into account the scale and design of the erected fences (which are not dissimilar from other fences found within rear garden areas), and that the fencing marginally exceeds the permitted development height (2m) for such enclosures by a modest 10cm (approx.), it is considered that the scale of this element of the proposal is such that it does not result in any adverse impact on the amenity and privacy of No. 15 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### *Cladding*

5.55 It is acknowledged that the proposed installation of cladding would be similar in appearance to that featured on the first floor of the host property, whilst furthermore, it would be sited on the main front elevation of the host property, which would therefore be screened from views from the neighbour at No. 15 by the position of the projecting element of the host property (including the first floor glazed / conservatory element). As such, it is considered that this element of the proposal would not result in any significant adverse impact on the amenity and privacy of No. 19 in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### Impact on No. 1 Opal Close (south west)

5.56 The erected rear boundary fences are a separation distance of approximately 2m from the side elevation of No. 1 Opal Close, which is sited to the south west, at their closest point. Given the design and scale of the fences being such that they are a modest 10cm above what would be allowed under permitted development (as outlined above), and what would commonly be found within rear gardens of private residential properties, it is considered that this element of the proposal would not result in any impact on the amenity or privacy of No. 1 Opal Close in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

5.57 Given that this neighbour (No. 1 Opal Close) is situated to the rear of the host property, with intervening boundary treatments as well as the host property between the elements of the development to the front of the application site, it is considered that no other element of the proposal (including the first floor conservatory / glazed structure to the first floor balcony, shutter to the front, and boundary fence to the front) would result in any impact on the amenity or privacy of No. 1 Opal Close in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### Impact on No. 3 Butterstone Avenue (south east)

5.58 The erected rear boundary fences are a separation distance of approximately 12.8m from the rear elevation of No. 3 Butterstone Avenue, which is sited to the south east, at their closest point. Given the design and scale of the fences being such that they are a modest 10cm above what would be allowed under permitted development (as outlined above), and what would commonly be found within rear gardens of private residential properties, it is considered that this element of the proposal would not result in any impact on the amenity or privacy of No. 3

Butterstone Avenue in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

5.59 Given that the neighbour abounding the host property to the south east (No. 3 Butterstone Avenue) is situated to the rear of the host property, with intervening boundary treatments as well as the host property between the elements to the front and this neighbour, it is considered that no other element of the proposal (including the first floor conservatory / glazed structure to the first floor balcony, shutter to the front, and boundary fence to the front) would result in any impact on the amenity or privacy of No. 3 Butterstone Avenue in terms of overshadowing, loss of outlook, overbearing impression or overlooking.

#### HIGHWAY & PEDESTRIAN SAFETY

5.60 It is acknowledged that a number of neighbouring objections have raised concerns regarding traffic and parking.

5.61 The Council's Highways, Traffic and Transport section have been consulted on the application and consider that the lowered portion of the fence should be no higher than 1.05m for a minimum length of 1.5m from the highway. It is understood that the fence has been lowered to approximately 1m for a length of 1m back from the highway which would not meet highway requirements. As above, the case officer requested that the applicant remove the fence to the front of the application site in its entirety (for visual amenity reasons), however the applicant was unwilling to amend the fence. As such, the application is considered as it was originally submitted, and the potential adverse impact on highway and pedestrian safety would warrant an additional reason to refuse the application in this instance. This view is supported by the Council's Highways, Traffic and Transport section.

#### OTHER PLANNING MATTERS

5.62 The Council's Flood Risk Officer and Ecologist have been consulted on the proposals and have confirmed that the proposal would not give rise to any adverse impacts on flooding and ecology matters respectively. The proposal is considered to be acceptable in these respects.

5.63 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. The proposal is considered acceptable in this respect.

#### OTHER MATTERS

5.64 It is acknowledged that a neighbour objection (detailed above) raises concerns regarding the retrospective erection of the boundary fence to the front encroaching on the boundary with No. 15 to the south west. In response, the applicant has stated that the works are entirely within the boundary of the host property. Ultimately such boundary disputes and the Party Wall Act are civil matters and beyond the remit of planning control.

5.65 In respect of the objection raising concerns that the line of the erected boundary fence restricts access to manhole chambers, again, this is a civil matter and beyond the remit of planning control.

## CONCLUSION

5.66 Having regard for the Policies QP4 and HSG11 the Hartlepool Local Plan (2018) and paragraphs 130, 132 and 134 of the NPPF (2021), it is considered the retrospective first floor conservatory / enclosed glazing to the front balcony, motorised shutter to the front and boundary fence to the front, by virtue of their siting, scale and design would result in an unsympathetic design to the detriment of the visual amenity of the host dwelling and street scene.

5.67 It is further considered that the enclosure of balcony to the front with glass walls and roof at first floor, by virtue of its siting, scale and design, result in an unacceptable loss of privacy for the adjacent neighbouring property (No. 15 Butterstone Avenue).

5.68 It is further considered that the installed fencing to the front) by virtue of its design, scale and siting, has a detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (15 Butterstone Avenue) contrary to Policy QP5 of the Hartlepool Local Plan (2018).

5.69 Therefore the application is recommended for refusal.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.70 There is no evidence of equality or diversity implications.

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

5.71 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.

5.72 There are no Section 17 implications.

## REASON FOR DECISION

5.73 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 reasons below:

1. In the opinion of the Local Planning Authority, the development (enclosure of the first floor balcony to the front with glass walls and roof, and shutters to ground floor window to the front) by virtue of its design, scale and siting, would constitute an unsympathetic form of development to the host dwelling, resulting in a detrimental visual impact on the character and appearance of the area,

contrary to Policies HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraph 134 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and prominent location, significantly diminishes the open plan character of the estate and causes harm to its character and appearance, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).
3. In the opinion of the Local Planning Authority, the proposed development (enclosure of the first floor balcony to front with glass walls and roof) by virtue of its siting and scale, would result in an unacceptable loss of privacy for the adjacent neighbouring property (No. 15 Butterstone Avenue), contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD (2019) and paragraph 130 of the National Planning Policy Framework (2021).
4. In the opinion of the Local Planning Authority, the development (boundary fencing to the front) by virtue of its design, scale and siting, results in a potential detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (15 Butterstone Avenue) contrary to Policy QP5 of the Hartlepool Local Plan (2018).

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145784>

5.75 Copies of the applications are available on-line:

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

## CONTACT OFFICER

5.76 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

## AUTHOR

5.77 Stephanie Bell

Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 523246  
E-mail: [Stephanie.Bell@hartlepool.gov.uk](mailto:Stephanie.Bell@hartlepool.gov.uk)

**17 Butterstone Avenue, Hartlepool**

Copyright Reserved Licence No100023390 (2022)

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/2021/0198</b>	REV

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](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)



# PLANNING COMMITTEE

27 July 2022



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

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

1. The erection of a high timber fence at the front and side of a residential property in Harwich Grove.
2. The replacement of a window at the first floor side elevation of a residential property in Watton Close.
3. The erection of a high fence and wall at the rear of a residential property in Hart Lane.
4. The erection of a porch at the front of a residential property in Ashfield Close.
5. A householder development not carried out in accordance with the approved plans at a residential property in Egerton Road.
6. A driveway access not constructed in accordance with the approved plans at a residential development site at land off Valley Drive.
7. Running a commercial dog breeding business at a residential property in Meryl Gardens.
8. The erection of fences on the side boundaries at the front of two residential properties in Templeton Close.
9. Alterations to a driveway at a residential property in Newark Road.
10. The erection of a high fence at the rear of a residential property in Clifford Close.

11. Non-compliance with a working hours condition at a residential development site at Quarry Farm.
12. Car repairs, scrapping and sales at a residential property in Eskdale Road.

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

1. The painting of the front of a residential property in Grange Road. The paint has since been removed.
2. The material change of use of a residential property in Acclom Street to a dog breeding kennels. It was found that no material change of use had occurred.
3. The material change of use of a car parking area at a commercial premises on Mainsforth Terrace to a hot food takeaway. The hot food takeaway use has since ceased.
4. The erection of a single storey extension at the rear of a residential property in Kilmarnock Road. Permitted development rights apply in this case.
5. The erection of a fence on the side boundary at the front of a residential property in Loyalty Close. The complaint has since been withdrawn.
6. The erection of a double garage at a residential property at Middlethorpe Farm. A retrospective planning application seeking to regularise the development has since been approved.
7. The erection of timber 'pods' and non-compliance with a condition relating to the playing of amplified music at a licensed premises at Slake Terrace. The premises is now operating in accordance with the condition relating to the playing of amplified music, and a retrospective planning application seeking to regularise the erection of the 'pods' has since been approved.
8. Non-compliance with a working hours condition at a residential development site at land east of Brenda Road. The site is now operating in compliance with the working hours condition.
9. Non-compliance with a working hours condition at a residential development site at land off Buttercup Close. The site is now operating in compliance with the working hours condition.
10. The change of use to a hot food takeaway of a former shop on Stockton Road. The premises is now again in operation as a shop, and no material change of use has occurred.

11. The display of a banner advertisement at a public park on Park Avenue. The banner advertisement has since been removed.
12. The installation of a Juliette balcony at a residential property in Serpentine Gardens. It was found that the development at the property is proceeding in accordance with a recent planning approval.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 284291  
E-mail [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

### **AUTHOR**

- 3.2 Tony Dixon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [tony.dixon@hartlepool.gov.uk](mailto:tony.dixon@hartlepool.gov.uk)

## PLANNING COMMITTEE

27<sup>th</sup> July 2022



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

**Subject:** PLANNING APPEAL VACANT LAND ON FENS LANE, HART, HARTLEPOOL,  
APPEAL REF: APP/H0724/W/22/3300990  
Construction of single dwelling house and associated drive.

---

### 1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council decision to refuse a planning application for the erection of a single dwelling house and associated drive. The application was refused by Members at Planning Committee on 15<sup>th</sup> December 2021.

1.2 The planning application was refused for the following reasons:

*1. In the opinion of the Local Planning Authority, the development would result in a new dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The proposal does not meet any of the relevant tests for a new dwelling beyond development limits. The proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1 and H4 of the Rural Neighbourhood Plan (2018) and paragraphs 79 and 80 of the NPPF (2021).*

*2. In the opinion of the Local Planning Authority, it is considered that by virtue of the design, scale and siting of the dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and would be located within the Strategic Gap of the Hartlepool Local Plan and the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed dwelling would compromise the integrity of both the Strategic Gap and Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policies QP4, NE1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 126, 134 and 80 of the NPPF.*

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

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

(Report Attached – **APPENDIX 1**).

1.3 The appeal will determined under the written representations procedure.

## **2. RECOMMENDATIONS**

2.1 That Members note this report.

## **3. CONTACT OFFICER**

3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

## **AUTHOR**

3.2 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523284  
E-mail: [Jane.Tindall@hartlepool.gov.uk](mailto:Jane.Tindall@hartlepool.gov.uk)

## PLANNING COMMITTEE

27 July 2022



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

**Subject:** PLANNING APPEAL AT SEA VIEW GUEST HOUSE,  
11 THE GREEN, SEATON, HARTLEPOOL,  
APPEAL REF: APP/H0724/D/22/3298987  
Replacement of 10no. glazed window inserts with  
uPVC double glazed vertical sliding window inserts.

---

### 1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council's decision to refuse a planning application for the replacement of 10no. glazed window inserts with uPVC double glazed vertical sliding window inserts at Sea View Guest House, 11 The Green, Seaton. The application was refused by Members in the Planning Committee meeting on 16<sup>th</sup> February 2022.

1.2 The planning application was refused for the following reason:

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

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

### 2. RECOMMENDATIONS

2.1 That Members note this report.

### 3. CONTACT OFFICER

3.1 Kieran Bostock  
Assistant Director – Place Management

Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

## **AUTHOR**

3.2     Stephanie Bell  
          Senior Planning Officer  
          Level 1  
          Civic Centre  
          Hartlepool  
          TS24 8AY  
          Tel (01429) 523246  
          E-mail: [stephanie.bell@hartlepool.gov.uk](mailto:stephanie.bell@hartlepool.gov.uk)

## PLANNING COMMITTEE

27<sup>th</sup> July 2021



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

**Subject:** APPEAL AT LAND ADJ. LYNN STREET,  
HARTLEPOOL, TS24 7BY  
APPEAL REF: APP/H0724/W/22/3302368  
Prior notification for proposed telecommunications  
installation of 15m phase 9 super slimline monopole  
and associated ancillary works (H/2022/0139)

---

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application to determine whether the prior approval of the local planning authority would be required as to the siting and appearance of a telecommunication installation of 15m high phase 8 monopole and associated ancillary works at land adj. Lynn Street, Hartlepool.
- 1.2 It was determined that the prior approval of the Local Planning Authority was required and was refused by Officers under delegated power for the following reason;
- 1.3 *In the opinion of the Local Planning Authority, due to it siting, appearance and scale, the proposed development would be an obtrusive feature that would have a harmful effect t on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021). The siting and appearance of the proposed development is therefore considered to be unacceptable.*  
(Report Attached – **APPENDIX 1**).
- 1.4 The appeal will determined under the written representations procedure.

### 2. RECOMMENDATIONS

- 2.1 That Members note this report.

### 3. CONTACT OFFICER

- 3.1 Kieran Bostock



Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: (01429) 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

## **AUTHOR**

3.2 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523284  
E-mail: [Jane.Tindall@Hartlepool.gov.uk](mailto:Jane.Tindall@Hartlepool.gov.uk)

## Appendix 1

## DELEGATED REPORT

<b>Application No</b>	H/2022/0139
<b>Proposal</b>	Prior notification for proposed telecommunications installation of 15m phase 9 super slimline monopole and associated ancillary works
<b>Location</b>	LYNN STREET HARTLEPOOL

PS Code: 27

<b>DELEGATION ISSUES</b>	Neighbour letters:	28/04/2022
	Site notice:	29/04/2022
<b>1) Publicity Expiry</b>	Advert:	N/A
	Weekly list:	01/05/2022
	Expiry date:	26/05/2022
	Extended date:	N/A
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
<p>The application was advertised by way of neighbour letters (8) and a site notice. To date, 1 letter of objection has been received. The concerns raised can be summarised as follows;</p> <ul style="list-style-type: none"> <li>The proposal will impact on the services which use highly sensitive technology</li> </ul>		
<b>CONSULTATIONS</b>		
<p>The following consultation responses were received;</p> <p><b>HBC Engineering</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 Traffic &amp; Transport</b> – There are no highway or traffic concerns.</p> <p><b>HBC Public Protection</b> – No objection.</p>		

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

**HBC Heritage and Countryside Manager** – The proposal is not in close proximity to any heritage assets although it is noted that Church Street Conservation Area is approximately 100m away and the Market Hotel (Grade II Listed) is estimated to be 75m away. Whilst the Act requires regard to be had for the setting of such heritage assets the mast in this location would have very limited views from Church Street Conservation Area, similarly given the distance it is not considered it would impact on the setting of the Market Hotel.

The Conservation Area is the subject of an investment project supported by the National Lottery Heritage Fund, this is part of a wider regeneration project within this part of the town known as the Innovation and Skills Quarter. Over the past few years Church Street has seen investment within the street itself and it is hoped that this will spread more widely within the vicinity of the area, a good example of this is the project supported by the Northern School of Art to convert the former bus sheds into film studios. It is considered that the location of such apparatus on this site would compromise the entrance to this prestigious development in having a negative impact on the street scene.

**HBC Ecology** – No representation received.

**HBC Estates** – No representation received.

**HBC Economic Development** – No objection.

<b>3) Neighbour letters needed</b>	Y
------------------------------------	---

<b>4) Parish letter needed</b>	N
--------------------------------	---

## **5) Policy**

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

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

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

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

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA136: Achieving well-designed places

PARA218: Implementation

#### Hartlepool Local Plan 2018

CC1: Minimising and adapting to climate change

INF5: Telecommunications

LS1: Locational Strategy

LT1: Leisure and Tourism

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RC7: Lynn Street Edge of Town Centre Area

SUS1: The Presumption in Favour of Sustainable Development

**HBC Planning Policy** - Planning Policy note the previous application and appeal decision along with the current concerns raised by the Heritage and Countryside Manger. Planning Policy are of the view that the infrastructure will have a detrimental impact upon the streetscene and upon the setting of the nearby Church Street Conservation Area.

## **6) Planning Consideration**

### RELEVANT PLANNING HISTORY

H/2021/0079 - Prior notification for proposed telecommunication installation of 20m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works – prior approval required and refused, noticed dated 9<sup>th</sup> April 2021.

The applicant subsequently appealed the decision, however the appeal was dismissed (appeal reference APP/H0724/W/21/3273284, decision dated 21/07/2021), the Inspector concluded;

*The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.*

The following planning permissions are relevant to the adjoining site;

H/2018/0506 – Planning permission was granted on 8th March 2019 for change of use of former bus depot into film studio, workshops, storage space and cafe including internal and external improvement works, at Former Bus Depot, Lynn Street, Hartlepool.

H/2018/0507 – Planning permission was granted on 8th March 2019 for change of use of former commercial workshop to create teaching space facilities and associated workshop area, including internal and external improvement works, at Former Edgar Phillips Building, Lynn Street, Hartlepool.

Since the aforementioned appeal decision at the current application site, the following permissions and further regeneration of the nearby area (approximately 66m to the south of the current application site) have been granted and are understood to be currently being implemented on site;

H/2021/0315 - Demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping, approved 17/11/2021.

H/2021/0335 - Listed Building Consent for demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping, approved 17/11/2021.

## SITE AND SURROUNDINGS

The application site is a small rectangular parcel of land, currently part of the existing adopted footpath on Lynn Street, and measuring approximately 1.5m x 6.5m in area. The site is located immediately west of a large former bus depot building, which benefits from an extant planning permission (ref H/2018/0506) for change of use to a film studio and associated facilities, as set out above. To the west of the site is the adopted highway on Lynn Street, with two office buildings at Training and Enterprise House and Northgate House and their associated car parking areas beyond. The site sits within a widened section of footpath adjacent to the vehicular entrance to the adjacent film studio site, and the site is bounded to the immediate south and east by an existing large brick wall measuring approximately 3 metres in height. To the south of the site (Surtees Street) is a recently approved development site for residential dwellings. Approximately 66m to the south are the

aforementioned permissions for residential development that are currently being implemented.

## PROPOSAL

This prior notification submission seeks confirmation as to whether the prior approval of the authority will be required as to the siting and appearance of a telecommunication installation of 15m high 'phase 9 super slimline monopole with associated ancillary works'.

The submitted plans also show 3no. standalone cabinets to the north-west of the monopole, however the applicant's supporting information indicates that they consider the cabinets to be permitted development without the need for Prior Approval. This has not been confirmed by the LPA (it would need to be done by a Lawful Development Certificate) and does not form part of the consideration of this application.

## MATERIAL PLANNING CONSIDERATIONS

Schedule 2 Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits development by or on behalf of an electronic communications code operator for the purposes of the operator's electronic communications network in, on over or under land controlled by that operator or in accordance with the electronic communications code, including the installation, alteration or replacement of any electronic communications apparatus.

In this instance, the proposed mast is located on a part of footpath within the adopted highway, however the height of the mast does not exceed 20 metres, and therefore the mast is permitted development under Schedule 2 Part 16 Class A of the above legislation, subject to conditions.

The conditions to which the permitted development is subject, include a requirement under A.2(3)(c)(i) of the legislation that, on unprotected land where the development consists of the installation of a mast, this is subject to the conditions set out in paragraph A.3 (prior approval) of the legislation.

Paragraph A.3 of the legislation sets out a prior approval procedure, in which the applicant is required to satisfy a number of procedural matters, including; before beginning the development, applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

In accordance with paragraph 116 of the NPPF (2021), there are no spatial policies within the adopted Hartlepool Local Plan (2018) that would direct or restrict the provision of telecommunications in any areas of the Borough. However, policy INF5 (Telecommunications) of the Local Plan is relevant. Policy INF5 stipulates that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported, subject to the proposal addressing a number of criteria, including;

1. Evidence that there will be no adverse impacts on air traffic operations, radio and air navigational systems;
2. Evidence that there will be no adverse interference with electromagnetic transmissions, including radio, television and communication signals;
3. Evidence that the operator has explored all options for using and sharing existing masts, buildings and other structures so that the number of new masts and installations can be kept to a minimum,
4. Have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment,
5. The potential impact of new buildings or other structures interfering with telecommunications services,
6. Evidence that consultation has been undertaken with organisations with an interest in the proposal particularly where a mast is proposed near a school or other educational establishment or within a statutory safeguarding zone,
7. A statement that self-certifies that the cumulative exposure, when the infrastructure is operational, will not exceed international commission on non-ionising radiation protection guidelines,
8. The relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

It is considered that the supporting information provided with the application generally addresses criteria 1, 2, 5, and 7.

In respect of criterion 3 and 6, the LPA consider that the applicant has not fully engaged with the Council with respect to discussing possible, alternative sites, through pre-application discussions which have not taken place; a pre-application letter was submitted to the LPA on 11.02.2021 and within 2 working days was followed by the submission of the previous application (date received 15.02.2021 which was refused, and dismissed on appeal), there has been no further engagement prior to or following submission of the current application (date received 01.04.2022) which clearly does not allow for proper or meaningful engagement. As such, the applicant's supporting information which indicates that such consultation has been engaged is incorrect.

It is of further note that on the previously refused application for a 20m high monopole, that was deemed to be the essential minimum height required to provide the infrastructure and yet the current application seeks to reduce that by 5m (albeit this does not overcome the LPA's concerns for the reasons detailed below). As part of the dismissed appeal decision, the Planning Inspector was "not convinced that alternative options including other sites or redesign of the proposal have been fully explored."

In view of the above, the main issues for consideration when assessing this application are the siting and appearance of the proposed development including; the impact of the proposal on the visual amenity of the application site and the character and appearance of the surrounding area (incl. conservation area), the amenity of neighbouring land users, and highway and pedestrian safety.

**VISUAL AMENITY OF APPLICATION SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCL. CONSERVATION AREA)**

As above, policy INF5 of the Local Plan requires that proposals have regard to design and siting techniques, including screening and landscaping, to minimise the impact of equipment, as well as the relationship of equipment to existing buildings, townscape/landscape, topography, views and vistas.

Policy QP4 (Layout and Design of Development) of the Local Plan also stipulates that development should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area, respects the surrounding buildings, structures and environment, and sustain and/or enhance the historic environment and heritage assets, amongst other provisions.

Paragraph 115 of the NPPF indicates that the use of existing masts, buildings and other structures for new electronic communications capabilities should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designs and camouflaged where appropriate. Paragraph 126 of the NPPF emphasises the importance of good design, whilst paragraph 130 indicates decisions should ensure development adds to the overall quality of the area, is visually attractive and is sympathetic to local character and history, including the surrounding built environment.

Notwithstanding this, whilst it is noted the site sits within a slightly wider section of footpath and is enclosed on 2 sides by a high brick wall, the proposal is still located in a prominent site within the adopted highway on Lynn Street, with no soft landscaping and limited screening given its size. Whilst the most notable difference between the current application and the previously refused application (H/2021/0079) is a reduction in height by 5m, its height is still considered to be significant and overly prominent in comparison to surrounding buildings and structures, it is considered the mast will feature prominently in views along Lynn Street and from surrounding areas.

A number of concerns have been raised by consultees with respect to the visual impacts of the proposed development. The Council's Planning Policy section has highlighted that there does not appear to have been any attempts made to minimise the impact of the equipment on the surrounding area, and there is no screening or landscaping proposed to assist in this. The area surrounding the application site is characterised predominantly of commercial buildings of ranging sizes. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting and road signs. It is therefore considered that the relationship of the equipment to the existing street scene is not positive and does not enhance the setting in its current form as the proposed mast is significantly higher than nearby buildings and will stand out. Whilst it is acknowledged there is other street furniture in the vicinity such as street lighting columns, traffic lights etc. these are not considered to be comparable in scale or visual impact to the proposed apparatus. The Planning Inspector highlighted this concern within the dismissed appeal decision for the previous proposal (APP/H0724/W/21/3273284), noting that "There would be buildings that are higher than the proposed mast however, given



the design, mass and scale of the proposal, it would appear as an unusual feature that dominates the street scene.”

In addition, it is noted that the proposed mast is located within the Council's designated Innovation and Skills Quarter (Policy RC3 of the Local Plan), in which the Council seeks to support appropriate improvements to the public realm and an enhanced physical environment. Furthermore, the proposed mast is located immediately in front of, and adjacent to the entrance to, the site of a recently approved film studio (see above). Concerns with respect to the location of the mast in this location have been raised, the Council's Heritage and Countryside Manager has commented that, whilst the proposals are not considered to have a direct impact on the setting of adjacent heritage assets, the adjacent Church Street Conservation Area is the subject of an investment project supported by the National Lottery Heritage Fund, and this is part of a wider regeneration project within this part of the town known as the Innovation and Skills Quarter. Over the past few years Church Street has seen investment within the street itself and it is hoped that this will spread more widely within the vicinity of the area, a good example of this being the project supported by the Northern School of Art to convert the adjacent former bus sheds into film studios. It is considered that the location of such apparatus on this site would compromise the entrance to this prestigious development, having a negative impact on the street scene. The concern with the proposed apparatus having a negative impact upon the Film Studio has also been reiterated by the North School of Art who object to the proposal. As noted in the background section to the report, further regeneration of the area continues to progress with the approval and recent implementation of the planning permissions H/2021/0315 and H/2021/0343 for residential development within close proximity of the current application site.

In view of the above concerns, whilst the need for such development is noted, and the perceived benefits are acknowledged (5G coverage and improved connectivity), it is considered that the siting and appearance of the proposal in its current form would have an unacceptable impact on the character and appearance of surrounding area due to its siting and appearance and that it would visually jar with its surrounding setting.

It is considered that the proposal has failed to overcome the reasons for refusal of the previous scheme and the Inspector's concerns that that “the proposal would be an obtrusive feature that would have a harmful effect on the character and appearance of the surrounding area”. The proposal would therefore conflict with policies INF5 and QP4 of the Hartlepool Local Plan (2018) and the National Planning Policy Framework which seeks all development to be designed to a high quality and positively enhance their location and setting; and have regard to design and siting techniques.

The siting and appearance of the proposed development is therefore considered unacceptable in this respect.

#### AMENITY OF NEIGHBOURING LAND USERS

The proposal is located immediately adjacent to the town centre at significant distance from the closest residential dwellings (in excess of 80 metres away), with

the immediate area comprising predominantly commercial premises. However, it is acknowledged that there has recently been an approval for residential development on land adjacent to the application site (H/2021/0315 and H/2021/0343, both date approved 17/11/2021). This approved development is approximately 70 metres away from the proposed development. It is therefore considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users through overshadowing, any overbearing effect, poor outlook or undue noise and disturbance.

The Council's Public Protection section has confirmed they have no objections to the proposal. The siting of the proposed development is therefore considered acceptable in this respect.

#### HIGHWAY AND PEDESTRIAN SAFETY

The application site is located within the adopted highway on Lynn Street. The Council's Highways, Traffic and Transport section has been consulted and has confirmed they have no highway or traffic concerns. The siting of the proposed development is therefore considered acceptable in this respect.

#### OTHER MATTERS

No concerns or objections have been received from the Council's Engineering section, Landscape Architect or Ecologist.

#### CONCLUSION

In view of the above, it is considered that the siting and appearance of the proposed development is unacceptable with respect to the impact on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021). The prior approval of the Local Planning Authority is therefore required and is refused.

#### **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

#### **10) Any Declared Register of Interest**

No

#### **11) Chair's Consent Necessary**

N

**12) Recommendation - Prior Approval Required and Refused** for the following reason(s);

**REASONS**

1. In the opinion of the Local Planning Authority, due to it siting, appearance and scale, the proposed development would be an obtrusive feature that would have a harmful effect on the character and appearance of the surrounding area, contrary to policies INF5 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 115, 126 and 130 of the NPPF (2021). The siting and appearance of the proposed development is therefore considered to be unacceptable.

**INFORMATIVE**

**01. Statement of Proactive Engagement**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, acknowledges the need 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 it has not been possible to address the identified constraints and in this instance the applicant/ agent did not take the opportunity to enter into pre-application discussions with the Local Planning Authority.

**Author of Report: Jane Tindall**

**Signed: JT Tindall**

**Dated: 24/05/2022**

**Signed: DJAMES**  
Planning Team Leader DC

**Dated: 24/05/2022**

## **PLANNING COMMITTEE**

**27 July 2022**



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

**Subject:** ENFORCEMENT NOTICE APPEAL AT 38 LINDEN GROVE, HARTLEPOOL,  
APPEAL REF: APP/H0724/C/22/3298586  
Change of use from residential property to mixed use residential and hairdressing salon property.

---

### **1. PURPOSE OF REPORT**

1.1 To advise members of an enforcement notice appeal that has been submitted against the Council's decision to issue an enforcement notice in respect of the change of use from residential property to mixed use residential and hairdressing salon property at 38 Linden Grove. An Enforcement Notice in respect of the unauthorised development was authorised by Members at the committee meeting date of 13/03/2022.

2 It is considered that, on balance and on the basis of the evidence before the local planning authority, that a material change of use from residential to a mixed use residential with hairdressing salon has occurred and that the development results in an unacceptable impact upon the amenity of surrounding residential properties. The development is therefore in conflict with policies RC20 and RC21 of the Hartlepool Local Plan (2018).

2.1 An Enforcement Notice was issued to the occupant, with the following requirements:

- (i) Cease the use of the property as a mixed use residential with hairdressing salon.
- (ii) Return the use of the property to its lawful use before the breach took place, that being residential use only.

1.4 A period of one month from the date that the notice takes effect was given for compliance with the steps specified.

### **2. RECOMMENDATIONS**

2.1 That Members note this report.

### **3. CONTACT OFFICER**

- 3.1 Kieran Bostock  
Assistant Director – Place Management  
Level 4  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel: 01429 284291  
E-mail: [Kieran.Bostock@hartlepool.gov.uk](mailto:Kieran.Bostock@hartlepool.gov.uk)

**AUTHOR**

- 3.2 Stephanie Bell  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523246  
E-mail: [stephanie.bell@hartlepool.gov.uk](mailto:stephanie.bell@hartlepool.gov.uk)