

# PLANNING COMMITTEE

## AGENDA



**Wednesday 19 July, 2023**

**at 10.00 am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Darby, Feeney, Little, Martin-Wells, Morley, Oliver, V Nicholson, Thompson 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 21 June 2023.

#### 4. **ITEMS REQUIRING DECISION**

##### 4.1 Planning Applications – *Assistant Director, Neighbourhood Services*

1. 1 Woodlands Grove, Hartlepool (*page 1*)
2. 49 & 50 The Front, Seaton Carew, Hartlepool (*page 17*)
3. 7 Grange Road, Hartlepool (*page 65*)
4. Seaview Coach and Car Park, The Front, Hartlepool (*page 81*)
5. 7 Henry Smith Terrace, Hartlepool (*page 93*)
6. 23 Linden Grove, Hartlepool (*page 105*)

#### 5. **ITEMS FOR INFORMATION**

- 5.1 Development Management Performance – Fourth Quarter 2022-23 *Assistant Director, Neighbourhood Services*
- 5.2 Update on Current Complaints and Enforcement Actions *Assistant Director, Neighbourhood Services*

### 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.

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

**FOR INFORMATION**

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 16 August 2023 at 10.00 am.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**21<sup>st</sup> June 2023**

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Rob Darby, Tom Feeney, Karen Oliver,  
Veronica Nicholson and Mike Young

In accordance with Council Procedure Rule 4.2 Councillor Phil Holbrook was in attendance as substitute for Councillor Carole Thompson

Officers: Kieran Bostock, Assistant Director (Place Management)  
Neil Wilson, Assistant Chief Solicitor  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Daniel James, Planning (DC) Team Leader  
Jo Stubbs, Democratic Services Officer

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

Apologies were submitted by Councillors Sue Little, Andrew Martin-Wells, Melanie Morley and Carole Thompson

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

None

### **3. Confirmation of the minutes of the meeting held on 19<sup>th</sup> April 2023**

Minutes confirmed

### **4. Planning Applications** (*Assistant Director (Neighbourhood Services)*)

**Number:** H/2022/0472

**Applicant:** MR MRS S CARROLL WOODLANDS GROVE  
HARTLEPOOL

<b>Agent:</b>	PYRAMID ARCHITECTURAL DESIGNS MR BEN WEARS UNIT 8 LEXINGTON BUILDINGS MARSKE BY THE SEA
<b>Date received:</b>	13/03/2023
<b>Development:</b>	Erection of single storey extension to side and rear, single storey extension and porch to front, alteration to roof and render/cladding to all external elevations
<b>Location:</b>	1 WOODLANDS GROVE HARTLEPOOL

The Vice Chair moved that this item be deferred for a site visit. Seconded by Councillor Veronica Nicholson. Unanimously agreed by the Committee.

<b>Decision:</b>	<b>Deferred for a site visit.</b>
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## **5. Update on Current Complaints and Enforcement Action** *(Assistant Director (Neighbourhood Services))*

Members were informed of 21 complaints currently under investigation and 21 which had been completed. Enforcement action had been taken on 3 properties.

### **Decision**

That the report be noted

## **6. Appeal at 17 Butterstone Avenue** *(Assistant Director (Neighbourhood Services))*

Members were informed of the outcome of a joint planning appeal in respect of a refused planning application and against the associated issuing of an enforcement notice for the enclosure of a balcony to front with glass walls and roof, installation of electric shutters to a front ground floor window, erection of fencing to the front and side boundaries at the rear and proposed installation of weatherboard cladding to the front. The appeal was part allowed in respect of the electric shutters to front, fencing to rear and subject to the reduction in height to the fence to the front to the permitted 1m height and part dismissed in so as the balcony enclosure to the front. A copy of the inspector's decision was appended to the report.

### **Decision**

That the outcome of the appeal be noted

**7. Appeal at Raglan Quoit Club, Clarence Road** *(Assistant Director (Neighbourhood Services))*

Members were informed that an appeal in respect of an advertisement consent for the erection and display of a freestanding 48-sheet digital LED advertising unit had been allowed. A copy of the inspector's decision was appended to the report.

**Decision**

That the outcome of the appeal be noted

**8. Planning appeal at Low Throston House, The Bungalow, Netherby Gate** *(Assistant Director (Neighbourhood Services))*

Members were advised that an appeal had been submitted against a decision, made under delegated powers, to refuse an application for the change of use of land to extend curtilage of a dwelling and to enclose land into residential curtilage.

**Decision**

That the report be noted.

The meeting concluded at 10:10 am.

CHAIR

**No:** 1.  
**Number:** H/2022/0472  
**Applicant:** MR MRS S CARROLL WOODLANDS GROVE  
HARTLEPOOL TS26 0EJ  
**Agent:** PYRAMID ARCHITECTURAL DESIGNS MR BEN  
WEARS UNIT 8 LEXINGTON BUILDINGS MARSKE BY  
THE SEA TS11 6HR  
**Date valid:** 13/03/2023  
**Development:** Erection of single storey extension to side and rear, single  
storey extension and porch to front, alteration to roof and  
render/cladding to all external elevations  
**Location:** 1 WOODLANDS GROVE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The application was deferred for a site visit by Members at the previous committee meeting of 21<sup>st</sup> June 2023.

1.3 Following a site visit by the Planning Team Leader ahead of the previous committee meeting (as some works had commenced at the time of the case officer's original site visit in late March 2023), it was observed that the applicant has erected new boundary enclosures to the side and rear of the property. To the side (and partially to the front), previous timber fence panels (above the existing brick wall) have been replaced by higher, unstained fence panels and to the rear of the property, it appears a breeze brick wall has been constructed.

1.4 The applicant was made aware that such works are likely to require planning permission and the applicant has subsequently submitted a retrospective planning application to seek to regularise this (the application remains invalid at the time of writing). Whilst such unauthorised structures do not form part of the consideration of the current application, officers did raise concerns regarding the application proposals and a likely potential future pressure they would place to increase the height of original boundary treatment (as has since transpired with the unauthorised works on site and since the publication of the original committee report). These concerns are set out in paragraph 1.25 in the report below.

## PROPOSAL

1.5 This planning application seeks permission for the erection of single storey extensions to the side and rear, single storey infill extensions and porch to the front, alterations to the roof and render/cladding to all external elevations. The proposed

side/west and rear/north extension would be of an 'L' shaped design and would project approximately 4.35m from the original side elevation for a length of approximately 7.5m and approximately 3.3m from the original rear elevation for a width of approximately 11.3m with a roof height of approximately 5.1m dropping to approximately 2.6m at the eaves. This extension would feature a three pane full length window to the front/south elevation, a walk in bay window and 3 pane bi-fold doors to the side/west elevation and access door and three pane window to the rear/north elevation and is to be finished in off-white render.

1.6 The proposed side/east and rear/north extension (thereafter referred to as the 'infill' extension) would project approximately 2.45m from the existing rear garage elevation and approximately 3m from the original side elevation of the main dwelling (in effect, infilling a gap between the two existing elevations) with a roof height of approximately 5.1m dropping to approximately 2.7m at the eaves. The existing garage is to be converted to a habitable room and 2no. windows are to be installed in to the side/east elevation and is to be finished externally with timber cladding.

1.7 The proposed works to the original front/south elevation include the erection of a single storey porch element and infill extension to the main front/south elevation. The original front/south elevation would extend forward from the original front/south elevation by approximately 0.77m. The proposed front porch element would project approximately 2.1m from the front elevation with a width of approximately 4.4m and a roof height of approximately 4m dropping to approximately 2.7m at the eaves. The proposed porch features an access door with a full length window either side and 3no. window panels to the roof element on the front/south elevation. The front/south elevation is to be finished in an off white render with elements finished in timber cladding.

1.8 The proposal would include increasing the roof height of the main host dwelling by approximately 0.77m and would be finished in black/anthracite tiles.

1.9 The application has been called in to planning committee at the request of a local ward councillor and in agreement with the Chair of Planning Committee, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

1.10 The application site relates to 1 Woodlands Grove, a south facing, detached bungalow in a residential area (Woodlands Grove) within the Rural West ward of Hartlepool. The application site is located in a prominent position at the entrance to the cul de sac of Woodlands Grove. To the side/east is no.2 Woodlands Grove. To the front/south the application site is bounded by the highway of Woodlands Grove with No 10 beyond. Beyond the side/west is the highway of Elwick Road with High Tunstall College of Science beyond. To the rear/north, the site is abounded by a row of formally protected trees (TPOs) and green buffer with a private access road (leading to other properties to the east) and 250 Elwick Road beyond.

1.11 The immediate street scene consists of a mix of detached bungalows and detached two storey/dormer properties most of which are of a traditional design and finished in either brick or render with stone features.

1.12 At the time of the case officer's site visit (late March 2023), the front, side/west, side/east and rear/north garden were undergoing landscaping works with the majority of the turf removed, the original concrete driveway to the front of the property removed and existing front boundary wall demolished. The 2no. sycamore trees (covered by a Tree Preservation Order) and shrubbery to the south/west corner of the front garden were present on site although there were no tree protection measures in place at the time of the case officer's site visit. The applicant's agent was made aware of the ongoing works and that any further works undertaken would be at the applicant's own risk.

1.13 Following the Planning Team Leader's site visit ahead of the previous committee meeting in June 2023, it was noted that tree protection measures were still not in place and the applicant was made of aware of this. In response, the applicant has confirmed that they have erected some protective tree fencing albeit this does not appear to be in the correct location as identified on their Arboricultural Method Statement, although the applicant has advised that they are aware of the tree protection requirements and they would be fully adhered to in the event that the application was approved.

1.14 The host property is enclosed to the front/south by the remaining brick wall approximately 0.5m in height, and prior to the recent unauthorised enclosures being erected, was enclosed to the side/east by hedging approximately 1.5m in height and to the side/west by a brick wall with closed boarded fencing above (cumulative height of approximately 2m in height when measured from the adjacent footpath – the fence was approximately 1m in height when measured within the site) and to the rear/north by a brick wall with shrubbery approximately 2.5m in height leading to an approximately 2m high closed boarded fence. It was noted by the case officer on site that the property is set at a higher level to the land to the south and the highway/footpath to the west.

## PUBLICITY

1.15 The application has been advertised by way of neighbour letters (4 in total) and a site notice. To date, no representations have been received.

1.16 Background papers can be viewed via the 'click to view attachments' link on the following public access page:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156388>

1.17 The period for publicity has expired.

## CONSULTATIONS

1.18 The following consultation replies have been received:

**HBC Building Control:** I can confirm that a Building Regulation application is required 'single storey extension to side and rear, single storey extension and porch to front, alteration to roof and render/cladding to all external elevations'



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

**HBC Arboricultural Officer:** Looking at the application it was requested at validation that the following documents were provided:

BS5837 Tree survey (See below comments)

Tree retention/removal plan (information is provided that both trees will remain)

Retained trees and RPAs shown on proposed layout (no key information as to what circles around trees mean)

Arboricultural impact assessment (no impact stated by no credibility provided to back this up, see below)

Tree protection plan (See below comments)

If works are proposed within the RPA of trees then an arboricultural method statement is needed as well (not needed if works aren't within the RPA)

The applicant has provided a 'Tree survey'. There is no inclination as to who has completed the tree survey and what their level of qualification is to do so. This is highlighted from a statement within 'In all cases, trees benefit from regular care and pruning'. This is untrue, trees do not benefit from pruning. People benefit from pruning but trees suffer as a result of pruning.

There needs to be a tree protection plan in place, the report states that fencing will be erected 1m beyond the dripline of the tree, no crown radius is provided and the fencing should be erected beyond the RPA of tree anyway as stated in BS5837.

The report claims to be BS5837 compliant yet when it talks about grading trees it uses an 'R' category rating, there is no 'R' grading within the British standard, it is 'A', 'B', 'C' and 'U'.

The survey part of the report is missing information and does not comply with BS5837.

Report states no trees are within falling distance of the proposed extension which is 6.5m from T2, T2 is 9.5m tall, this means the tree potentially can fall 3 meters beyond the property.

The report is not fit for purpose and therefore a new report which is compliant to BS5837:2012 Trees in relation to design, demolition and construction - recommendations should be completed by a qualified Arboriculturalist.

#### Updated comments received 02/06/2023

I've had chance to look through the new tree document and it is a lot better. It highlights the issues I would expect and provided by a credible qualified arboriculturalist. I'm happy that the Arboricultural Method Statement inc. Impact

Assessment provided by Elliot's Consultancy Ltd dated May 2023 provides all the necessary information for the development and its impact on trees including the 2 no. Protected trees (T1 & T2) and thus I have no objections to the proposed works providing that the document is followed, specifically the tree protection plan within it. Furthermore I think it expedient in this case to include a pre commencement meeting condition so the tree protection measures that have been put in place can be checked considering the trees are TPO trees.

Condition: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to ensure that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

## **PLANNING POLICY**

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

### Hartlepool Local Plan

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

CC1: Minimising and adapting to climate change  
HSG11: Extensions and alterations to existing dwellings  
LS1: Locational Strategy  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security  
QP6: Technical Matters  
SUS1: The Presumption in Favour of Sustainable Development

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

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

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

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA218: Implementation

## **PLANNING CONSIDERATIONS**

1.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users, impact on trees and highway safety. These and any other planning and non-planning related matters are set out below.

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

1.23 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.

1.24 The surrounding area of the application site has a relatively open plan feel, with low boundary treatments adjacent to the highway (prior to the erection of the higher, unauthorised enclosures as described in the 'Background' section of the report). The application site sits on a corner plot at the entrance to a cul de sac of bungalows and holds a prominent corner position, set on a higher ground level to the

adjacent highway of Elwick Road, and whilst there were existing boundary treatments and mature trees, the property is readily seen when viewed along Woodlands Grove and Elwick Road.

1.25 It was noted by the case officer when on site that a number of bungalows/dormer bungalows appear to have been extended/alterd in the wider street scene, whilst generally maintaining the original design and appearance of the properties. However the host property and the property directly opposite (No 10 Woodlands Grove) are single storey bungalows (as opposed to dormer bungalows) and appear to be a similar design, retaining their original simple character, appearance and form. It was observed that there are other similar scale bungalows within the wider cul de sac.

1.26 In this context, the proposals are of a contemporary design and appearance taking into account the choice of materials (high level glazing, off-white render, anthracite coloured windows, and heavy application of timber panelling), the design of the lean to roof of the side/rear extension, and raising of the roof height, all of which are considered to be at odds with the character and appearance of the existing host bungalow (and others within Woodlands Grove). Furthermore, it is considered that the proposed side/rear extension to the west of the host dwelling is considered to be an overly dominant and unsympathetic design to the appearance of the host dwelling and site as a whole, again exacerbated by the visually jarring roof design, choice of materials and the raising of the main roof height. Furthermore, the proposed single storey extension to the front is also considered to be of a notable and unsympathetic scale, resulting in a prominent projection that is considered to be out of keeping with the scale and appearance of the existing bungalow.

1.27 Furthermore, it is considered that the removal of the previous rear garden boundary treatment to the side (that enclosed the garden to the immediate rear of the property) and the position of the proposed side/rear extension would expose the side elevation of the existing property to views from the wider area even more so than existing. The prominence of this when viewed from the wider area would be exacerbated by the high level of fenestration in the side/west elevation. Given the previous and relatively low boundary treatment (on the western boundary and when measured from within the site), it is considered that this is likely to put pressure for higher boundary treatment to be erected along the western boundary (where it meets the footpath). As set out in the 'Background' section to the report, since the publication of the previous committee report, the applicant has erected higher boundary enclosures that are likely to require planning permission but do not form part of the consideration of this application. Nonetheless and without prejudice to the consideration of a retrospective planning application for such boundary treatments, it does confirm officer's concerns in respect to the visual impact that such new and higher structures can have.

1.28 It is acknowledged that the choice of the proposed external finishing materials (off-white render and timber cladding) are reflective of some of the existing external materials on the host property however at the scale, colour choice and extent proposed, it is considered that this would result in a design and choice of materials that is out of keeping with the character and appearance of the host property and wider street scene, which is generally one of restraint.

1.29 It is acknowledged that the proposed infill extensions to the rear/side and to the original front/south extension (and garage conversion) are generally considered to be modest additions that respect the proportions of the host property that would not adversely affect the character and appearance of the host bungalow or the wider area.

1.30 In view of the concerns outlined above, the Case Officer requested that the applicant amend the design to reduce the scale and provide a more complementary design and appearance, which the applicant's agent has confirmed that they do not wish to do. As such, the application has been considered as submitted.

1.31 Taken as a whole, it is considered that the proposed scheme is out of keeping with design, scale and appearance of the host bungalow and would introduce incongruous features into the street scene to the detriment of the visual amenity of the area, contrary to policies HSG11, QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 130 and 134 of the NPPF (2021) 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. As such, the identified impacts are considered to warrant a refusal of the application in this instance.

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

1.32 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.

1.33 The above requirements are reiterated in the Council's Residential Design SPD (2019).

#### Impact on 2 Woodlands Grove (east)

1.34 Number 2 Woodlands Grove is an 'L' shaped two storey dwelling (with dormer window to rear) which sits further north than the rear of the host dwelling and at an oblique angle to the host property. The neighbouring property features a two pane window to the first floor side/west elevation (likely to serve a bedroom/habitable room although the case officer has been unable to corroborate this) and 3no. single pane, narrow windows below (the use of which has not been confirmed either), which are partially screened by the large, attached garage to the side of No 2 (which features no windows in the side/west elevation) and which is present along the adjacent boundary to the host dwelling. A two pane window to the ground floor side/west elevation of the projecting element to the front.

1.35 The proposed infill single storey extension to the rear/north and side/east would not project beyond the front or rear of this neighbouring property and would be sited approximately 2m away from the shared boundary and approximately 8.9m to the windows in the side elevation of the neighbouring property with a closed boarded fence approximately 1.8m in height and attached garage serving no.2 in between. The proposal would be located at an oblique angle and satisfactory separation distance of approximately 12.7m to the side window in the projecting front element of No 2. In view of the above, and given the modest scale of the proposal, it is considered that there would be no adverse impact on the amenity of this property in terms of overshadowing, overbearing effect and loss of outlook as a result of this element of the scheme.

1.36 In terms of privacy matters, the proposed side and rear infill extension features a blank side and rear elevation but the proposed garage conversion/alterations to the side would feature 2no. windows (both serving en-suites) to the side/east elevation. Consideration is given to the aforementioned separations distances, existing approximately 1.8m high closed boarded fence and existing garage at no.2 which assists in partially screening these elements of the proposal. Furthermore, the proposed windows would be located at oblique angle and separation distance to the nearest windows in the side/west elevations of No 2, including those towards the front part of No 2. Notwithstanding this, had the application been deemed acceptable in all respects, a planning condition could have secured the requirement for these windows to be obscurely glazed with limited opening to address any potential impacts resulting from a perception of overlooking. In view of the above, it is considered the proposed infill extension would not result in an adverse impact on the privacy of No.2 in terms of overlooking towards habitable room windows and the immediate garden area.

1.37 The proposed single storey side/west and rear/north extension would be sited approximately 12m away from the shared rear boundary (east) and approximately 18m away from the main side/west elevation of no.2 (containing windows) with a closed boarded fence approximately 1.8m in height in between. The proposal would be located at an oblique angle to the rear elevation of No 2 including the aforementioned separation distance. As such and in view of this relationship, it is considered that there would be no adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook and overlooking for this property.

1.38 The proposed front/south porch extension would be sited at an oblique angle and separation distance of approximately 6.1m from the shared boundary and approximately 16m to the nearest window in the side elevation of the projecting two storey front element of No 2. There is an approximately 1.5m high hedge separating these two properties at the front with the driveway of No 2 beyond. Due to the satisfactory separation distances and modest scale of the proposal, it is considered that there would be no adverse impact on amenity in terms of overshadowing, overbearing effect and loss of outlook for this property.

1.39 In terms of privacy matters, the proposed front/south porch extension features an access door with a full length window either side and 3no. window panels to the roof element on the front/south elevation. It is considered that there

would be no direct views from the windows within the proposed front porch towards windows in the front and side elevations of no.2 due to the existing relationship between this neighbouring property and given that this property sits at an angle to this neighbour. In view of the above, it is considered that this element of the proposed development would not result in an adverse impact on the privacy of No.2 in terms of overlooking towards habitable room windows.

1.40 The proposal would include the raising of the roof height (ridge) by approximately 0.77m, taking the overall ridge height to approximately 5.13m (the existing eaves height (approximately 2.7m) would remain the same). It is acknowledged that this increase may result in a degree of impact in terms of a change to the outlook of the first floor window in the side/west elevation of No 2. However, consideration is given to the overall modest increase in height and the remaining orientation of the two properties (that would be unaffected) as well as the remaining oblique separation distance of approximately 9m from the increased ridge height to the windows in the ground and first floor side/west elevation of No 2. Further consideration is given to the oblique separation distance of approximately 11.5m to the window in the side elevation of the front projecting element of No 2 and that the ridge would not extend beyond the windows in the front (south) or rear (north) elevations of No 2. In view of the above, it is considered that the modest increase in height would not result in an unacceptable impact on the amenity of No 2 in terms of overbearing, overshadowing or loss of outlook as to warrant a refusal of the application.

1.41 The proposed alterations to infill the existing front elevation which would extend the front/south elevation forward by approximately 0.7m are considered to be of a modest scale and would be located approximately 10m from the nearest window in the side elevation of the front element of No 2. Due to the remaining satisfactory distances between these elements and the nearest windows in the side and front elevations of no.2, it is considered that there would be no adverse impact of amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property as a result of such works, including the application of render and timber panelling.

#### Impact on 250 Elwick Road (north)

1.42 The proposed single storey side/west and rear/north extension would be sited approximately 22m away from the main side/south elevation of 250 Elwick Road with an approximately 1.8m high closed boarded fence, mature trees beyond and private access road and garage serving no.250 Elwick Road between. Due to this satisfactory distance and relationship, it is considered that there would be no adverse impact on amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property.

1.43 The proposed rear and side infill extension would be sited approximately 28m away from the main side/south elevation of 250 Elwick Road with an approximately 1.8m high closed boarded fence, mature trees beyond and private access road and garage serving no.250 Elwick Road between. Due to this satisfactory distance, it is considered that there would be no adverse impact on

amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property.

1.44 The proposed front porch extension and infill extensions to the front would be screened from views by the host property to the neighbouring property located to the rear and separated by a private access road. As a result, it is considered that there would be no adverse impact in terms of overshadowing, overbearing effect, loss of outlook or loss of privacy for this property.

1.45 The proposed alterations to increase the roof height by 0.77m is considered to be of a modest scale in amenity terms. Due to the satisfactory distance between the host property and no.250 Elwick Road, it is considered that there would be no adverse impact of amenity in terms of overshadowing, overbearing effect or loss of outlook for this property, including in respect to the proposed render/application of timber panelling.

#### Impact on 10 Woodlands Grove (south)

1.46 The proposed front porch extension and infill extensions to the front/south elevation would be sited in excess of approximately 21m away from the front/north elevation of no.10 with the adopted highway of Woodlands Grove between. Due to this satisfactory distance which accords with the requirements of Policy QP4 and the aforementioned SPD, it is considered that there would be no adverse impact on amenity and privacy for this property in terms of overshadowing, overbearing effect, loss of outlook or overlooking.

1.47 The proposed side/west and rear/north extension would be partially screened by the siting of the host dwelling whilst the side/west element would be sited approximately 28.8m away from the front/north elevation of no.10 with the adopted highway of Woodlands Grove between. Due to this satisfactory distance and relationship, it is considered that there would be no adverse impact on amenity and privacy for this property in terms of overshadowing, overbearing effect, loss of outlook or loss of privacy.

1.48 The proposed rear and side infill extension would be screened from view to the neighbouring property (by the presence of the converted garage serving the host dwelling) located to the front opposite the site and separated by adopted highway. It is considered that there would be no adverse impact on the amenity and privacy of this property in terms of overshadowing, overbearing effect, loss of outlook or overlooking.

1.49 The proposed alterations to increase the roof height by 0.77m is considered to be of a modest scale in amenity terms. Due to the satisfactory distance between the host property and no.10, it is considered that there would be no adverse impact of amenity as a result of this element or the application of render and timber panelling, in terms of overshadowing, overbearing effect or loss of outlook.



Impact on High Tunstall Youth Centre (and High Tunstall College of Science beyond) (west)

1.50 The nearest element of the proposals are sited in excess of 70m away from the nearest neighbouring property to the west (that being High Tunstall Youth Centre with the main school sited beyond that) with the highway of Elwick Road in between. Due to this satisfactory distance, it is considered that there would be no adverse impact of amenity and privacy in terms of overshadowing, overbearing effect, loss of outlook or overlooking for this property or neighbouring land users

**IMPACT ON TREES**

1.51 The application was accompanied by an initial 'tree survey'. However on review, the Council's Arboricultural Officer commented that the report was not fit for purpose and did not meet British Standards, and requested a number of new assessments be provided by an appropriately qualified person.

1.52 Upon receipt of the requested arboricultural assessments, the Council's Arboricultural Officer confirmed there are no objections provided the statement, specifically the tree protection plan, is adhered to. Had the application been deemed acceptable in all respects, the requirements for tree protection would have been secured by a planning condition including a requirement for such works to be implemented within an appropriate timescale i.e. before any further development commences, given that some clearance and preparation works appear to have commenced on site.

**HIGHWAY SAFETY AND PARKING PROVISION**

1.53 The proposals would not increase the number of bedrooms although the conversion of garage to habitable room would result in the loss of 1no. car parking spaces. The host property would continue to be served by a driveway to the front. In response, HBC Traffic and Transport have confirmed there are no highway or traffic concerns. The proposal is therefore acceptable in this respect.

**OTHER PLANNING MATTERS**

1.54 The '3D Images' accompanying the application indicate an extended area of hardstanding to the front/side of the property in place of the previous grassed area. Such works could constitute permitted development subject to the appropriate use of permeable materials and/or runoff to a soakaway within the site. Had the application been deemed acceptable in all respects, a planning condition would have been secured to ensure the use of appropriate materials in the interests of surface water drainage and to ensure a satisfactory form of development.

**CONCLUSION**

1.55 In light of the above considerations and policies identified within the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021), it is considered that the proposed development, by virtue of the design, use of materials, scale and siting, when taken as a whole, results in an unsympathetic and visually

intrusive form of development, that is out of keeping with the character and appearance of the host property and the wider street scene, to the detriment of the visual amenity of the surrounding area. It is therefore considered the development is contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 130, 132 and 134 of the NPPF (2021) and the application is therefore recommended for refusal.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.56 There is no evidence of equality or diversity implications.

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

1.57 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.

1.58 There are no Section 17 implications.

## **REASON FOR DECISION**

1.59 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 below:**

01. In the opinion of the Local Planning Authority, the proposed development by virtue of its design (including choice of materials), scale and siting, when taken as a whole, would constitute an unsympathetic and visually intrusive form of development, that is out of keeping with the character and appearance of the host property and the wider street scene, to the detriment of the visual amenity of the surrounding 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.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=156388>

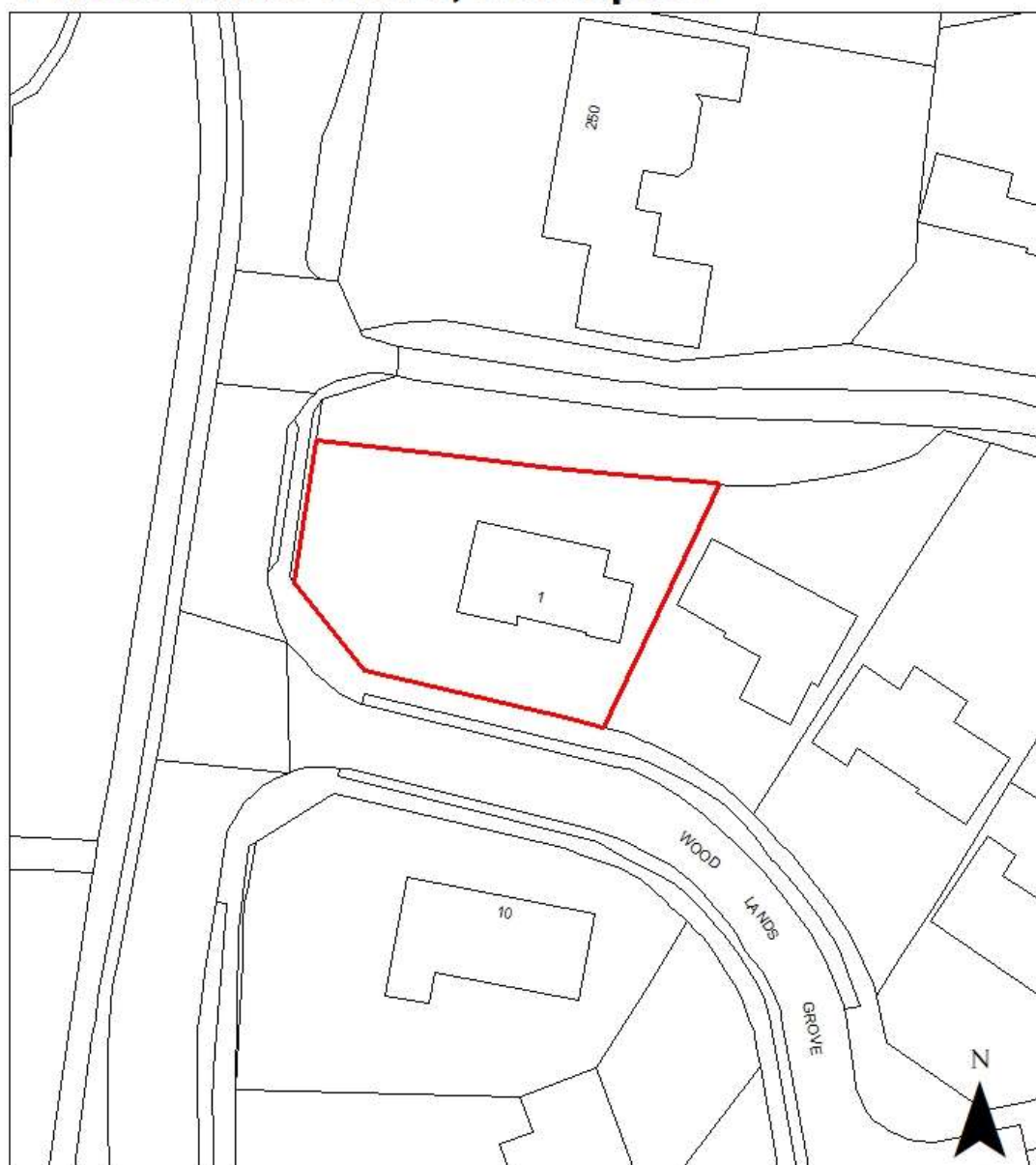
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## 1 Woodlands Grove, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>08.06.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2022/0472</b>	REV



**No:** 2.  
**Number:** H/2022/0032  
**Applicant:** HORIZON VIEW LTD FAREHAM CLOSE HARTLEPOOL TS25 2QS  
**Agent:** ASP ASSOCIATES JONATHAN LOUGHREY 8 GRANGE ROAD HARTLEPOOL TS26 8JA  
**Date valid:** 01/07/2022  
**Development:** Application for the conversion of 49 & 50 The Front from HMO & Self-contained residential flats into 14 No. self-contained residential flats with an element of assisted living care, to include the erection of a three storey extension to the rear, replacement of roof to include the erection of three dormer windows to the front and three dormer windows to the rear, replacement of windows and doors and installation of solar panels to the rear, Installation of ornate fencing to the front, refuse and cycle storage to rear, rear ramped access and rear parking area. Rendered external finish to building. (Demolition of existing two storey rear extension).  
**Location:** 49 & 50 THE FRONT SEATON CAREW HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

### 49 The Front

H/1978/0054 - Use of front room of residential property as shop, Approved 25/04/1978.

H/1979/0819 - Application for the display of adverts. Refused 17/12/1979.

H/1979/0923 - New shop front and replacement balcony. Refused 17/12/1979.

HFUL/1990/0147 - Erection of railings on ground and reinstatement of balcony on front elevation. Approved 11/04/1990.

HFUL/1994/0604 - Change of use from shop to office (Class B1). Approved 24/11/1994.

HFUL/1997/0170 - Change of use to guest house. Approved 04/06/1997.

H/2011/0214 - Change of use and conversion of former Guest house to 3 x 1 bedroom flats and 1 x 2 bedroom flat and alterations to windows including use of UPVC. Approved 01/08/2011.

#### 50 The Front

H/1975/0481 - Proposed winter parking for lorry and trailer. Refused 28/01/1975.

H/1976/0199 - Erection of rear external fire escape and ancillary works. Approved 25/05/1976.

H/1979/0887 - Garage, workshop and storage. Approved 17/12/1979.

H/1981/0233 - Change of use of hotel to include restaurant and erection of canopies. Approved 02/06/1981.

H/1981/0278 - Timber arch & candle symbol. Refused 02/06/1981.

HADV/1987/0179 - Erection of a 48 sheet advertisement panel. Refused 27/05/1987.

HFUL/1990/0147 - Erection of railings on ground and reinstatement of balcony on front elevation. Approved 11/04/1990.

HFUL/1997/0169 - Change of use to house in multiple occupation (retrospective application). Approved 02/07/1997.

HFUL/1998/0381 - Renewal of planning consent for the use of the property as house in multiple occupation. Approved 19/11/1998.

HFUL/1999/0576 - Renewal of planning consent H/FUL/0381/98 for use of the property as house in multiple occupation. Approved 19/01/2000.

### **PROPOSAL**

2.3 Planning permission is sought to convert the adjoining two properties of 49 & 50 The Front from a House in Multiple Occupation (HMO) and self-contained residential flats into 14 No. self-contained residential flats with an element of assisted living care (C2 Use), to include the erection of a three storey extension to the rear, the replacement of the main roof of the buildings to include the erection of three dormer windows to the front and three dormer windows to the rear, the replacement of windows and doors and installation of solar panels to the rear of the properties.

2.4 The proposal would also involve the installation of ornate fencing to the front. Associated refuse and cycle storage would be contained at the rear, where associated parking is also proposed and a pedestrian ramped and stepped access would be provided to the rear of the building. The proposed works including the existing building would also be finished in render.

2.5 The proposed three storey rear extension would be of a centralised and tiered gabled design, with a larger gable element attached to the main rear elevation of the buildings and a further gable projection would then project from the larger rear extension. The overall length of the combined three storey extensions towards the rear would be approximately 11.2 metres. The larger aspect of the three storey works would be set off the shared boundary either side by approximately 2.6 metres and would project a length of approximately 7.7 metres before stepping in by approximately 2.2 metres and would then project a further approximate 3.5 metres.

2.6 The larger gable would have an overall span across the back of the properties of approximately 12 metres with a dual pitched height peaking at approximately 11.2 metres, with the smaller gable spanning a width of approximately 7.5 metres, with a lower gable height of approximately 10 metres and both projections would have an equal eaves height of approximately 8.1 metres. A total of 12 windows would feature within the rear elevation and three windows would be installed within the southern side elevation (one on each respective floor). An access door would be installed within each side elevation, closest to the existing rear elevation of the properties with the door proposed on the north elevation featuring a ramped access and associated railing down to the lower ground level (west) and the access door on the south elevation would feature a stepped rear access with associated railings. The proposed ramped access would slope from a raised height of the floor level of approximately 0.65 metres down to the ground level over a length of approximately 6.5 metres. The proposed stairway access would step down from the same internal floor level height for a length to the rear of approximately 1.9 metres. The proposal would also include the erection of a boundary fence along northern boundary that would extend at a height of 2.5 metres (approx.) for the first three metres from the main rear elevation of the application building, which would then taper down to a height of 2 metres (approx.) along the shared boundary.

2.7 The proposed works to the roof slope would replace the existing timbers and roof tiles on a like for like basis, but would also provide three dual pitched dormers to the front and three dual pitched dormers within the rear facing roof slopes. Each of the six dormer structures would measure approximately 1.6 metres in width by a maximum height to the the dual pitch peak of approximately 2 metres.

2.8 The replacement of the windows to the front of the properties would consist of the instalation of Upvc style slide and sash and two composite doors. To the side a composite door Upvc style slide and sash and casement windows would be installed and to the rear of the building Upvc windows would be installed.

2.9 The proposed ornate railings fencing to the front would measure approximately 1.5 metres in height from the external ground level.

2.10 Associated refuse storage is illustrated on the submitted site plan to be provided along the southern shared boundary and the associated cycle storage would be located on the opposite side, towards the northern boundary. Five vehicular parking spaces are also illustrated to be provided within the rear yard area with access gained via a section of unadopted and adopted highway that connects into the south west of the site through a proposed gated access.



2.11 Both the existing building and the proposed extensions would be rendered an Ivory/cream colour. In addition it is detailed within the submitted information that solar panels would be fitted to the roof structures of the rear projecting extensions, although no illustrative details are shown within the submitted drawings. The existing two, two storey rear offshoots would be demolished as a consequence of the proposed works.

2.12 The 14 separate flats would also have access to a communal lounge, kitchen and dining room, which would all be contained within the ground floor of the existing buildings along with a staff room and staff office. 8 of the flats would be contained within the existing first and second floor of the building and 6 flats would be created from the proposed rear extension works. The submitted Planning Design & Access Statement details that 2 staff members would work at the site at any one time, with 6 staff being employed overall.

2.13 Within the submitted Planning Design & Access Statement, the agent's applicant describes the proposals as follows: *'The current owners have been approached by a private firm which provides assisted living facilities to individuals that require assisted living but are able to live independently and do not require 24-hour care....The accommodation is provided for those that still hold a large element of independence and are able to live, comfortably on their own but also offers 24/7 on site care and assistance.'*

2.14 During the course of the planning application the proposals (including the application description) were amended from the original submission to include the residential care element (C2 Use), which has subsequently been subject to an additional consultation period for the revised proposals which has since ended. Any responses are taken into account under the 'Publicity' section below.

## **SITE CONTEXT**

2.15 The application site relates to two, terraced, three storey properties of 49 and 50 The Front, located at the southern aspect of the Seaton Carew Conservation Area. The main highway of 'The Front' running through Seaton Carew is to the east of the application site and runs in a north to south direction with the Grade II listed building bus station and clock tower (north east) and beach/sea front beyond. To the north, attached to 49, is the two storey property of 48 The Front and to the south attached to 50 The Front is the currently redundant, single storey former arcade building.

2.16 To the rear (west), is the residential street of Deacon Gardens, with 1-4 (consecutive) at the closest aspect within Deacon Gardens to the application site. Between Deacon Gardens and the application site, is a parcel of land, understood to historically have stored showman's equipment. This site currently has a planning application registered with the Local Planning Authority, which is under consideration at the time of writing for the erection of a habitable chalet (reference H/2022/0217). To the south-west of the application site, there is a terrace of residential properties of 5-9 South End (consecutive) of which 5-8 (consecutive) are Grade II Listed buildings. Access to the properties located on South End are served by a vehicular highway to

the south of the application site that circulates around towards the rear of the application site (consisting of adopted highway and un-adopted highway).

## **PUBLICITY**

2.17 The application has been advertised by way of neighbour letters (26), a site notice and press notice. To date, there have been 18 letters of objection (which include multiple letters from the same household). Following the submission of an updated proposal and associated elevations and layout plan changes, an additional 6 letters of objection have since received. A further consultation period was carried out following the submission of boundary treatment details and some minor changes to the submitted plans. A further single letter of objection was received.

2.18 The concerns and objections raised by those objecting can be summarised as follows:

- Parking problems within the area exacerbated by the proposed development.
- An increase in anti-social behaviour and crime.
- Undue impacts on residential amenity in terms of overlooking of neighbouring properties and loss of privacy to neighbouring garden areas; that the building would have an overbearing and loss of light impact.
- The proposed development would not enhance the building or surrounding area.
- Concerns have been raised that the development as proposed is 'vague'.
- Concerns that the development would not be implemented in accordance with the proposals, which would result in detrimental impacts on the surrounding area.
- There is an over-concentration of assisted living uses within the area.
- The bin storage proposed would not be sufficient for the proposed use.
- Concerns that the red line extends beyond the application site to the rear and that the proposed development may affect the existing rear access utilised by residents.
- Concerns that the proposal would create drainage & flooding issues.
- Comments note a separate planning application under consideration immediately to the rear of the application site and suggest that both applications should be assessed at the same time.
- A comment received has highlighted that part of the rear yard area of the application site historically served an alleyway access point.

2.19 Background papers can be viewed via the ‘click to view attachments’ link on the following public access page:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151384>

2.20 The period for publicity has expired.

## CONSULTATIONS

2.21 The following consultation responses have been received:

### **HBC Head of Service for Heritage & Open Space:**

#### Comments received 29/04/2023

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

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

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

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

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

Comments were previously provided on the proposal to convert the property to form 14 no self-contained flats, and associated works to facilitate this. The application has subsequently been amended to propose that the flats will include an element of assisted living care, which will require the introduction of amended associated work including a three storey extension to the rear of the building.

The property comprises two houses to the southern end of the conservation area. Whilst there are no objections to the proposed creation of self-contained flats the works proposed are extensive in order to facilitate the change of use.

To the front elevation the character of the original property remains with only the windows and doors being altered. It is noted that a picture is provided in the heritage statement which indicates a shallow balcony at first floor level and railings enclosing the front garden. To the roof is a small dormer window and a single rooflight.

Extensive alterations are proposed comprising replacement windows and doors in modern materials, the reinstatement of the railings and the insertion of three dormer windows to the front of the building. The restoration of the railings are welcomed as, if appropriately detailed, these will restore some of the original character to the property. With regard to the dormer windows, it is noted that the design of these has been amended, however they do appear to be modern in appearance. It is still considered that they are out of keeping with the wider conservation area and the scale and number would dominate the front elevation of the property. In most instances where dormers are present these were an integral part of the design of the property or modest additions at a later date.

As noted in previous comments, photographic evidence would suggest that the buildings are Georgian (see attached) and there were multi-paned windows to both buildings. The introduction of UPVC sliding sash windows and mock sash windows to the front of the property would introduce a window design which is inappropriate to the property and the wider conservation area. Such extensive works are an opportunity to restore traditional features and a more appropriate solution would be to restore the bay window structures and install multi-paned timber sliding sash windows. Whilst it is noted that the existing windows are UPVC and these feature elsewhere in the conservation area, recent appeal decisions have acknowledged that, traditional timber sash windows positively influence the appearance of the street scene contributing to the significance of the area. An Inspector considering a planning appeal regarding the retrospective installation of UPVC mock sash windows at 8 The Front in 2019 noted that, "Whilst some of the windows facing The Front

have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the [conservation area's] character and appearance.”

Further to this modern doors are also proposed to the front of the property. Similarly to the windows whilst the original doors have been lost this would be an opportunity to restore traditional detailing to the property in the form of timber doors. UPVC doors have a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. For this reason the doors are not considered to be appropriate for use within the conservation area.

With regard to the works to the rear of the property the previous proposal looked to retain the existing offshoots and extend these. The revised design looks to demolish both rear offshoots and replace these with a substantial three storey extension which is of a comparable scale to the host properties. In addition no historic detailing is retained with the design of the proposal appearing modern. The identity of the two separate buildings would be lost with such a wide extension covering the rear elevations. It is considered that the proposal would cause less than substantial harm to the designated heritage asset, by virtue of the scale and design of the proposed extension.

The proposed installation of three dormer windows to the rear of the building is in principle acceptable, and it is acknowledged that these have been reduced in scale from the previous proposal. The detailing of these appears to be modern, and further consideration should be given to this. Design cues, may be taken from those properties elsewhere in the conservation area which feature dormer windows such as those on The Front, in particular No. 11 which has retained its traditional details.

Finally it is proposed that the structure is rendered. Such works would be acceptable subject to an appropriate mix of render being used.

As stated in previous comments whilst it would be welcome to see these properties brought back into use, there is concern when considering the whole proposal. In particular it is considered that the extension to the rear, the dormer windows to the front of the building and the windows and doors to both the front, side and rear will cause less than significant harm to the designated asset that is Seaton Conservation Area. No information is provided on the public benefit of the proposal which would suggest this harm would be outweighed.

### **HBC Traffic & Transport:**

#### *Updated comments received 12 June 2023*

There are no objections to this planning application in relation to highway safety and parking related matters.

It is noted that the area surrounding the application site has historically experienced parking related problems. The application site relates to the two existing three storey properties, where when fully occupied could generate a degree of activity from

comings and goings from residents without the need for planning permission. The proposed development would provide a total of 14 single occupancy residential flats with an element of care, where two employees would work at the site at any one time. The proposed development would also provide parking within the rear yard area of the property with 5 vehicular spaces proposed. The 5 vehicular parking spaces would be welcomed, although it is acknowledged that the additional spaces would not provide parking to cover all of the residential units.

It is noted that there are 5 resident parking permit holder parking bays at the front of the buildings, although these spaces act as a parking area for those properties in Church Street, where there is little or no resident parking availability and the developer cannot rely on any inclusion within the existing resident permit scheme. Any additional parking demand generated from this development generates would need to utilise the pay and display parking spaces or the developer potentially purchasing a number of business permit spaces outside of the planning process (currently £350 per annum).

Paragraph 111 of the NPPF (2021) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the existing problems within the area are acknowledged, regard has been given to the fact that there is a level of activity that could already be generated by the existing two, three storey buildings and having regard to the addition of the 5 additional vehicular parking spaces in association with the proposed use, it is considered that the proposal would not generate an identifiable unacceptable impact or result in a residual cumulative impact on the road network that would be severe. Should any breaches in parking activity take place, Highways legislation can be enforced to address such issues outside of the planning process and therefore the proposal would not warrant an objection to the application on the grounds of highway safety and parking related matters. In the event of a planning approval, an informative is recommended to direct the applicant to parking permits schemes.

#### **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.

**National Highways:** Referring to the consultation on a planning application dated 29 March 2023 referenced above, in the vicinity of the A19 that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is/is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [Planningyne@nationalhighways.co.uk](mailto:Planningyne@nationalhighways.co.uk).

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

**HBC Flood Risk Officer:**

Further comments received 12/04/2023

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.

In respect of demolition of any existing building, the applicant's attention is drawn to section 80 of The Building Act 1984 that requires the applicant to give notice to and receive permission from Hartlepool Borough Council for the intended demolition should that be required by the criteria stated in section 80 (1) of that act. This requirement is separate and in addition to the planning application and is administered by [jack.stonehouse@hartlepool.gov.uk](mailto:jack.stonehouse@hartlepool.gov.uk)

**HBC Ecology:** I have prepared a Habitats Regulations Assessment (HRA) for this scheme in July 2022 and have updated it and submit it as version 1B.

I agree that the submitted nutrient budget calculator is correct.

The HRA finds that nutrient pollution is mitigated via the Seaton Carew WwTW and that recreational disturbance has already been Appropriately Assessed as the Local Plan Hartlepool Coastal Mitigation Scheme, meaning that the required financial contribution can be applied without the need for a specific HRA AA.

A financial contribution of £4,900 should be secured.

#### Bats

I have undertaken a preliminary bat risk assessment from available photographs and assess the risk of harm to bats as low, with no requirement for a bat emergence survey. However, as there is to be demolition and roofing works, the Hartlepool Bat informative should be issued. It is the responsibility of the owner to ensure that the works are undertaken in a lawful manner regarding bats, which are protected by the Wildlife and Countryside Act 1981.

*Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats (such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately, and advice sought from Natural England. Failure to do this may result in the law being broken. The National Bat Conservation Trust or Natural England. Failure to do this may result in the law being broken. The National Bat Helpline number is: 0345 1300228.*

#### Mitigation

The site is close to the seafront and Seaton Park, which support declining birds such as swift, house sparrow, tree sparrow and starling, which could benefit from the provision of integral bird nest bricks. To meet current Ecology planning requirements, the following should be conditioned:

The building should include 1no integral 'universal' nest brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

This will satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain is appropriate to the scale of the development and should be conditioned.

See: <https://drive.google.com/file/d/1ljcJ7rlkNMrr4lxd41XcBU3YC6IFKM6z/view>

#### Further Comments received 02 June 2023

In light of the information that the proposed number of additional dwellings over and above the existing dwellings at the site would be less than 10, then I can confirm that the proposed development will not be required to pay any contributions towards



recreational disturbance as this is covered by the wider HBC mitigation scheme and the development is considered acceptable in this respect.

Further Comments received 26 June 2023

Stage 1 findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	The scheme is screened out.
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Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment is required.
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Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

HRA Stage 2 - Appropriate Assessment (summarised)

European Sites and issues requiring Appropriate Assessment

That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- ☐ Teesmouth and Cleveland Coast SPA and Ramsar
- ☐ Northumberland Coast SPA and Ramsar
- ☐ Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

- ☐ Increased recreational disturbance.

Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site. Hartlepool Borough Council Local Planning Authority can lawfully permit this development. Natural England must be consulted on the HRA Appropriate Assessment.

Updated comments received 06/07/2023

2. Introduction

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the

competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

### 3. HRA Stage 2 - Appropriate Assessment

European Sites and issues requiring Appropriate Assessment

That HRA stage 1 screening for Likely Significant Effect (LSE), screened in the following European Sites:

- Teesmouth and Cleveland Coast SPA and Ramsar
- Northumberland Coast SPA and Ramsar
- Durham Coast SAC

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

This AA assesses whether increased recreational disturbance causes an Adverse Effect on Integrity of the Site (AEIOI) and if so if this can be removed through mitigation.

#### Adverse Effect on Integrity findings

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Increased recreational disturbance LSE is mitigated by the Hartlepool Coastal Mitigation Scheme for all housing development included in the Hartlepool Local Plan 'HSG1 policy: New Housing Provision'. All housing applications for allocated sites only require a HRA stage 1 screening. 'Windfall' housing site applications are not covered by this agreed mitigation and the People Over Wind Ruling means that they must be HRA stage 2 Appropriately Assessed.

### 4. Mitigation measures

Measures to avoid and mitigate Adverse Effects on Integrity

The Hartlepool Local Plan (adopted May 2018), policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme.

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) are not covered by the Hartlepool Coastal Mitigation Scheme and must be Appropriately Assessed in their own right.

#### This application is Appropriately Assessed below:

The project is the conversion of two town house buildings (one building is a house in multiple occupation and the second building is divided into four flats) to two town houses which in combination create 14 self-contained flats. However, because there

are some existing dwellings (equivalent to a minimum of five) the number of new dwellings must be less than 14. As there are a minimum of five existing dwellings the number of new dwellings created by this project is a maximum of nine. This HRA AA has assessed likely impact based on nine new dwellings, and this situation is accounted for in the Hartlepool Coastal Mitigation Scheme, as described below.

The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments of nine or fewer new dwellings are mitigated by the combined Local Plan 'HSG1 New Housing Provision' allocated developments, which fund it. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is set at £424,000.

This sum was used to calculate the 'per house' financial contribution formula and includes a contingency portion to cover the housing applications for nine or fewer dwellings.

## 5. Conclusion

The increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be no Adverse Effect on Integrity of any European Site.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development. Natural England must be consulted on the HRA Appropriate Assessment.

### **Natural England**

#### Comments received 05/07/2023

As discussed, I agree with the approach and rational that you set out on the call. That because the proposal will only result in a net additional 9 dwellings it falls under the threshold of Hartlepool's coastal mitigation scheme.

#### Updated comments received 07/07/2023

I can confirm that I have reviewed the Habitats Regulations Assessment and agree with its conclusions. Based on the number of additional unit this proposal would create, it falls below the threshold of requiring a financial contribution to Hartlepool's Coastal Mitigation Service.

Therefore, Natural England has No Objections to this proposal.

### **HBC Public Protection:**

#### Updated comments received 06 June 2023

I have provided comments on the planning application and include the following updates in light of the further consultation exercise:

I am aware that I have asked for conditions for sound insulation between the accommodation units and also adjoining properties (as set out below), although I believe this can be covered under Building Regulations.

Prior to the development being brought into permitted end use a scheme of sound proofing showing measures to deal with sound insulation of walls and/or floors between the proposed development and adjoining properties shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

Reason: In the interest of neighbour amenity.

Prior to the development being brought into permitted end use, a scheme which outlines the proposed sound insulation measures of walls and floors to be implemented between each flat shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the end use of the development and shall thereafter be retained.

Reason: To minimise the disturbance by noise of future residential occupiers of the flats hereby permitted and in the interest of neighbour amenity.

The following condition is recommended in respect to operating hours/days of use and for deliveries.

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 with no working at any time on Sundays or Bank Holidays.

Reason: In the interest of neighbour amenity.

I would also ask the following be noted:

The submitted Design & Access statement sets out that two employees would work on shift at a time and that the facility would employ up to six employees working on a shift pattern 24 hours per day. It is also noted that the proposals would utilise the existing rear yard area, which would also provide for vehicular parking for up to 5 vehicles. It is considered that subject to good management practices of the operator, given the small scale nature of the associated activity of the proposed facility, the proposal would not give rise to any significant noise and disturbance issues and no associated conditions would be required in this respect.

Also prior to installation of any external lighting at the development, details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

If any issues are identified with regards things such as refuse collection once the units are occupied then this will be addressed directly with the owner/company operating the accommodation.

**Cleveland Police:** I note the reference on page 18 of the Design and Access statement, referencing Section 9 of the Local Plan We would strongly recommend that the site 'be developed in a way that minimises crime and the fear of crime, 75 amongst other things, incorporating Secured by Design principles as appropriate'

CCTV should cover entrances and exits.

Reference to sliding sash windows and 6 panel composite UPVC doors into the property.

I would recommend that external doors and windows conform to at least the police preferred 'minimum' standards:

PAS 24:2016, or  
PAS 24:2022, or  
STS 201 Issue 12:2020, or  
LPS 1175 Issue 7.2:2014 Security Rating 2+, or  
LPS 1175 Issue 8:2018 Security Rating A3+, or  
STS 202 Issue 10:2021 Burglary Rating 2, or  
LPS 2081 Issue 1.1:2016 Security Rating B, or  
STS 222 Issue 1:2021

Cycle storage should be 'Secured by Design' and ideally benefit from formal and informal surveillance and be provided with secure ground anchors, be covered by CCTV and lit after dark when in use.

Good outdoor lighting can support CCTV systems and put off or draw attention to possible offenders. The most appropriate form of lighting to use is high-efficiency, low-energy lighting, controlled by a dusk 'til dawn switching arrangement, so that it comes on only when it is dark. This provides a constant and uniform level of light and can be particularly useful in the winter months to ensure sufficient visibility at entrance and exit points, and highlight unwanted visitors around the perimeter.

Access to the rear should be restricted by a robust fence and gate of the same quality, ideally 2 metre with a 400mm box trellis topping.

I would also recommend self-closing gates to go along with the proposed wrought iron fencing, to deter casual access to the main doors.

Consider access control with video door intercom. Fitting of access control systems should not reduce the security offered by the proposed police preferred standard for doors.

Further comments received 02 June 2023

Further to my recent comments in relation to the development of 49 & 50 The Front, Seaton Carew, from HMO & Self-contained residential flats into 14 No. self-contained residential flats with an element of assisted living care.

I've had chance to speak to colleagues who have policed this area of Seaton Carew, and they report that the buildings concerned have had a chequered past, however, there is reason to believe, going forward, that the proposals for the buildings will likely have a more positive effect on this run down property.

Whilst the proposals do not indicate who will be taking up residence, the fact that there is a 'staffing element', should improve matters over the previous situation.

In addition to my recommendations to enhance the security of the property, there should be robust management procedures in place to prevent any likely nuisance that could be potentially generated by the facility.

**HBC Community Safety:** I concur with the police view (02 June 2023) in relation to this application and have no additional comments to add.

**HBC Arboricultural Officer:** There are no arboricultural concerns with the proposed application.

**HBC Landscape Architect:** Material choice and detailing is critical to the street frontage. Full details of hard surface materials and enclosure should be provided.

Further comments received 01/04/2023.

There are no landscape and visual issues with the proposed development.

**HBC Economic Development:** We have reviewed the proposals and would support from an Economic Growth perspective. It is bringing a derelict building back into use at a key location at the entrance to Seaton Carew Front.

**HBC Housing Standards:** I would advise that the proposed development would be required to be a licensed House of Multiple Occupation (HMO) under part 2 of the Housing Act 2004, this is due to the shared lounge, dining and kitchen facilities located on the ground floor. The property licence holder would be subject to a number of conditions relating the management of the property, fire safety, space and amenity standards etc.

I would recommend the applicant to contact the private sector housing team directly where we can provide guidance on the required space and amenity standards for the appropriate category of HMO. I would advise that when determining the permitted occupation consideration will be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation by. Visually looking at the proposed floor plans the accommodation units would meet the minimum space requirements.

Housing Standards would welcome the building to be brought back into use and the change of use to self-contained units with shared facilities would represent an improvement.

**Tees Archaeology:** Thank you for the consultation on this application. We note the inclusion of a heritage statement, which states an intent to retain and upgrade the property's "original appearance and character." We have no archaeological concerns, but suggest that the developer use timber framed windows rather than uPVC so as to positively enhance the property (HER 8418) and the conservation area.

**Building Control:** I can confirm that a Building Regulation application will be required for the work described.

**Cleveland Fire Brigade:** Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

**HBC Housing:** no comments received

**HBC Waste Management:** no comments received

**HBC Estates:** no comments received

## PLANNING POLICY

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

### Local Policy

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

### Hartlepool Local Plan 2018

SUS1: The Presumption in Favour of Sustainable Development;  
 LS1: Locational Strategy;  
 CC1: Climate Change;  
 QP3: Location, accessibility, highway safety and parking  
 QP4: Layout and Design of Development;  
 QP5: Safety and security;  
 QP6: Technical Matters;  
 HSG1: Delivery of Housing Provision within the Borough;  
 HE1 : Heritage Assets;  
 HE3 : Conservation Areas.  
 HE7: Heritage at Risk  
 LT3: Development of Seaton Carew

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

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

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

PARA 001: Policies for England;  
 PARA 002: Planning Law;  
 PARA 003: NPPF as a whole;  
 PARA 007: Purpose of the planning system;  
 PARA 008: Sustainable development;  
 PARA 009: implementation of plans and relating to local circumstances;  
 PARA 010: Planning in a positive way;  
 PARA 011: Presumption in favour of sustainable development;  
 PARA 012: Status of the Development Plan;  
 PARA 038: Decision-making;  
 PARA 047 : Determining applications in accordance with the Development Plan;  
 PARA 055: Planning Conditions;  
 PARA 056: Planning Conditions;  
 PARA 124: Design;  
 PARA 126: High quality buildings and places;  
 PARA 129: Design principles;  
 PARA 130: Design;  
 PARA 132: Achieving well-designed places;  
 PARA 134: Refusing poor design;  
 PARA 159: Inappropriate development in areas at risk of flooding;  
 PARA 167: Determining applications in flood risk areas;  
 PARA 189: Importance of heritage assets;  
 PARA 195: Significance of a heritage asset;  
 PARA 196: Neglect or Damage to Heritage Asset;  
 PARA 197: Determining applications.

### **HBC Planning Policy Comments:**

2.25 Thank you for the re-consultation on this amended application. The change in description and proposed layout and external alterations are all noted. The principle of development remains acceptable, and our previous comments concerning parking, ecology and heritage still stand. It is positive to note the revised proposals for the front dormers.



2.26 Notwithstanding the proposed communal facilities on the ground floor and care staff presence, the residential units (flats) are capable of being used as independent dwellings (even with an element of care provided). It would not be necessary for the LPA to restrict the occupation of the flats with reference to any Local Plan policy, and therefore for the purposes of Planning Obligations, those set out below are all still considered to be triggered.

- 9 x £250 built sport = £2250
- 9 x £250 play facilities = £2250
- 9 x £57.02 tennis court = £513.18
- 9 x £4.97 Bowling Green = £44.73
- 9 x £233.29 playing pitches = £2099.61
- 9 x £250 green infrastructure = £2250

Total = £9,407.52

## PLANNING CONSIDERATIONS

2.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan (the principle of the development), the impact on the character of the Conservation Area, Listed Buildings and wider surrounding area, landscaping and trees, the impact on the amenity and privacy of neighbouring land users and future occupiers, highways and pedestrian safety, ecology, nature conservation flood risk and drainage, and archaeology. These and all other material planning and residual matters are considered in detail below.

### PRINCIPLE OF DEVELOPMENT

2.28 The application seeks planning permission for the changes of use of 49 and 50 The Front into 14 residential flats with an associated element of assisted living residential care.

2.29 Within the submitted Planning Design & Access Statement, the agent's applicant describes the proposals as follows: *'The current owners have been approached by a private firm which provides assisted living facilities to individuals that require assisted living but are able to live independently and do not require 24-hour care....The accommodation is provided for those that still hold a large element of independence and are able to live, comfortably on their own but also offers 24/7 on site care and assistance.'*

2.30 Given the nature of the proposed use as described and as illustrated on the submitted floor plans, where such care elements would be provided, it is considered that the proposed development would represent a form of a C2 Use for a residential care facility. Residential care is a form of residential development, which is considered suitable to be located within residential areas. It is noted, however that through the course of the planning application, a number of representations have raised concerns with respect to the unknown prospective end user. The C2 use class is made up of two categories, which consist of C2 and C2A facilities. C2 would represent general residential care facilities, whereas C2A would represent more secure care environments. The current proposals, as described above are

considered to represent general C2 care and has been assessed against this consideration accordingly. For the avoidance of doubt, and had the application been deemed acceptable in all respects, a planning condition could have been secured to define and control the proposed use in this respect.

2.31 The application site is located within the development limits, as defined by Policy LS1 of the Hartlepool Local Plan (HLP) and would be located within the residential/commercial area of Seaton Carew, which is considered to be a sustainable location for residential and commercial development. Taking account of the nature of the proposed use within a sustainable location, the principle of the proposed change of use is considered acceptable, subject to further consideration concerning the associated works proposed as detailed below.

2.32 The associated works to facilitate the proposed change of use would be extensive and would involve extensions and alterations to the existing properties. It is acknowledged that the proposals would offer some benefit of bringing a derelict building back into use at a key location at the entrance to Seaton Carew and this has been reflected within the comments of the Council's Economic Development section.

2.33 Notwithstanding this, the application site is located within the Seaton Carew Conservation Area, where any development proposals require sensitive consideration, as to their impacts on the application site and on the wider surrounding heritage assets. The proposed works are therefore subject to the considerations of policies Policy HE1, HE3 and HE7 of the Local Plan, which seek to preserve, protect and positively enhance all heritage assets including those considered to be 'at risk'. The principal of development is therefore considered acceptable, subject to the considerations of following assessment on the impacts on the designated heritage asset and surrounding area as considered within the following section.

### Planning Obligations

2.34 Local Plan Policies QP1 and HSG9 together with the Council's Planning Obligations Supplementary Planning Document (SPD) set out the Council's approach to securing planning obligations, in the interests of mitigating the impacts of new development upon existing infrastructure and achieving sustainable development.

2.35 The number of residential units proposed (a net addition of 9 units) is such that the HBC Planning Policy team consider that the scheme meets the threshold for the following contributions, as set out in paragraph 2.27 of the Planning Policy comments above, with total contributions amounting to £9,407.52

2.36 The applicant has confirmed in writing their agreement to the payment of the planning obligations accordingly to meet the requirements of the Local Plan and had the application been deemed acceptable in all respects, the necessary planning obligations and contributions would need to have been secured through a section 106 legal agreement.

## IMPACT ON THE CHARACTER + APPEARANCE OF THE EXISTING BUILDINGS, CONSERVATION AREA, LISTED BUILDINGS AND WIDER SURROUNDING AREA

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

2.38 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

2.40 The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century. To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

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

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

2.43 The proposed development for the conversion of the two properties of 49 and 50 The Front into 14 residential flats with assisted care living would involve extensive external works to both buildings, consisting of the erection of a sizable three storey rear extension, the replacement of the existing roof to include the introduction of dormer windows to the front and rear, the replacement of windows and doors with Upvc materials, the installation of railings, re-rendering of the property amongst some further associated minor works. It is acknowledged that the proposed development would offer the benefit of bringing a substantial and long redundant building (50 The Front) back into use. Notwithstanding this as a considered benefit of the proposed scheme, comments have been received through the consultation exercise that the development as proposed would fail to enhance the buildings and surrounding area and that no such impacts are outweighed by any public benefits, which are deemed to a high threshold to satisfy. Consideration of the different aspects of the proposed works are considered below.

#### Proposed three storey extension to rear

2.44 Through the course of the planning application, alterations were made to the development proposals, which now seeks to demolish two existing two-storey rear offshoots and replace them with a substantially sized, tiered three storey rear extension. The body of the existing buildings main dual pitched aspect has a depth of approximately 11 metres. The proposed extension would project off the main rear elevation of both properties approximately by a further 11 metres (approx.), and would span a width of approximately 12 metres across both buildings. The proposed extension works would therefore approximately double to the depth of the two buildings.

2.45 Views onto the proposed extension works would be visible from a number of publicly accessible vantage points. When entering Seaton Carew from the south travelling northwards, both on foot and by motorised vehicle, views would be achievable onto the side of the proposed rear extension, where the proposed extension would protrude above the neighbouring flat roofed single storey arcade building. In addition, to the front, similar views would also be achievable along the promenade area (south/east). To the side of the application site (south), is a road and a footpath that currently provides pedestrian and vehicular access to the properties located on South View, where views would also be achievable onto the proposed rear extension. At the opposite side (north), there would be views achievable onto the proposed rear extension along the residential access road of Crawford Street, and to the rear of the application site (east), the residential street of Deacon Gardens would also have views onto the proposed rear extension. Having regard to the numerous achievable vantage points onto the proposed extension works, it is considered that the proposed three storey extension would be highly prominent within the immediate and wider surrounding area. Given the prominence of the building, it is noted that the Council's Landscape Architect has emphasised the importance of controlling the external finishing details, should the application be considered acceptable.

2.46 Whilst noting the prominence of the rear aspect of the application site, it is acknowledged that such historic buildings within Seaton Carew, along The Front do feature offshoot extensions at the rear. In acknowledging the presence of offshoot

rear extensions on such buildings within the area, it is noted that they are limited in scale and appropriately designed, which are subservient to the main body of the respective buildings. The proposed extension works would approximately double the depth of the building and would span a similar squared width across the rear aspects of both buildings. When viewed from the various vantage points, the proposed three storey extension is considered to create an undue, extensive scale and mass of the built form that is unsympathetic and fails to respect the character and proportions of the host buildings and application site as a whole. Along both side elevations, it is considered that the building would appear overly dominant and stretched, which would be detrimental to the character of the main body of the dual pitched buildings. Viewed from the rear, the combined squared width and depth of the proposed three storey extension is considered to appear uncharacteristic of such offshoot extensions, which are traditionally smaller and narrower. As a result, the proposed three storey extension is considered to appear overly dominant, which would also result in the loss of the historic features of the rear elevation of the application site.

2.47 The Council's Head of Service for Heritage and Open Space has been consulted and has raised concerns with respect to the extensive nature of the proposed rear extension works, where no historic detailing would be retained and the identity of the two separate buildings would be lost with such a wide extension covering the rear elevations. Whilst there are no objections to the principle of the proposed creation of self-contained flats with assisted living care, the associated external works would be extensive in order to facilitate the change of use and the Council's Head of Service for Heritage & Open Space considers that the proposed extension works would therefore result in less than substantial harm to the designated heritage asset of the Seaton Carew Conservation Area.

2.48 Consequently, taking account of the above considerations and having regard to the comments of the Council's Head of Service for Heritage & Open Space, the proposed three storey extension works are considered to be unacceptable and the proposed development and to which there are no identified public benefits that would outweigh this level of harm. As such, the application is recommended for refusal on these grounds.

#### Proposed Dormer Windows to front and rear elevations

2.49 The development proposes to install dormer windows within both the front and rear roof slopes of the application buildings with three dormer windows proposed to the front and three dormer windows proposed to the rear. It is acknowledged that dormer windows feature within a number of properties along The Front, within proximity to the application site, although the application buildings of 49 & 50 The Front benefit from characteristics unique to the application site, when compared to the neighbouring buildings. The application site are a pair of imposing three storey buildings where the roof design is relatively plain with the presence of only a single, modest dormer structure within the front roof slope of 50 The Front. The plain nature of the roof area of the application properties focuses the architectural merit of sizable the buildings towards the openings within the front elevation of the respective properties.

2.50 Through the course of the planning application, changes were made to the proposed dormer windows to reduce their scale and alter their appearance. These changes have been reflected within the comments of the Council's Planning Policy section, who note the improvement from the initially submitted design.

2.51 Notwithstanding the revised design of the proposed dormer windows, the Council's Head of Service for Heritage & Open Space considers that the proposed dormer windows would draw attention to and dominate the front elevation of the property, which would contrast with the original design of the buildings. The Council's Head of Service for Heritage & Open Space considers that the proposed dormer windows would provide a modern appearance to the historic properties at the application site.

2.52 Given the value of the buildings to the Conservation Area, such changes to the historic value of the application properties are therefore considered to result in less than substantial harm to the character of the Seaton Carew Conservation Area, to which there are no identified public benefits that would outweigh this level of harm. As such, this would contribute towards a reason for refusal of the application.

2.53 With respect to the dormer windows to the rear, the Council's Head of Service for Heritage & Open Space has commented that whilst the dormer windows in this location are considered to be acceptable in principle, further consideration should be given to their modern appearance and detailing. Whilst noting the comments, being positioned at the rear with limited views onto them from within the wider Conservation Area, the Head of Service for Heritage & Open Space considers that such detailing in isolation would not result in an impact to cause less than substantial harm on the character of the Seaton Carew Conservation Area.

#### Proposed Replacement Windows & Doors

2.54 The proposed development would provide UPVc sliding sash windows and mock sash windows to the front elevation of the application site, with UPVc casement windows provided within the rear of the application site. The Council's Head of Service for Heritage & Open Space has indicated that 49 & 50 The Front are of the Georgian period and the photograph provided within the submitted Heritage Statement illustrates that the application site historically featured multi-paned windows within both buildings.

2.55 The buildings currently feature UPVc casement style windows throughout the application site. Whilst acknowledging the applicant's attempts to improve upon the current windows installed within the buildings, the Council's Head of Service for Heritage & Open Space considers that the proposed UPVc sliding sash windows and mock sash windows to the front of the property to introduce a window design and material that is inappropriate to the property and the wider Conservation Area.

2.56 It is considered that given the level of intervention proposed, the proposed development represents an opportunity to restore traditional features, where a more appropriate solution would be to restore the bay window structures and install multi-paned timber sliding sash windows.

2.57 The presence of uPVC windows within the application site and within the wider Conservation Area are not disputed, however they do not diminish the need to ensure future developments are more appropriate. The Head of Service for Heritage & Open Space has highlighted this point within the submitted comments, where reference is made to a fairly recent planning appeal from 2019, within proximity to the application site at 8 The Front (*Appeal Reference: H0724/W/19/3238154*). Within the appeal, the inspector remarks that the use of the traditional design and materials positively influences the appearance of the streetscene contributing to the significance of the area. In the case the Inspector commented *“Whilst some of the windows facing The Front have unsympathetic replacement windows many include either original, refurbished or new wooden sliding sash windows and these windows notably contribute to the [conservation area’s] character and appearance.”* These comments have also been reflected within the comments of Tees Archaeology, who have echoed the desire for the building to provide the appropriate timber frames within the replacement openings.

2.58 With respect to the replacement doors, it is proposed that composite doors are installed to the front and rear of the buildings. The Council’s Head of Service for Heritage & Open Space has commented that composite doors differ from traditional timber doors in their texture, colour and critically, as they do not age in the same way as a traditional timber doors do. Consequently, it is considered that the use of composite doors are not appropriate for use within the Conservation Area and that timber replacement doors should be installed to both the front and rear of the application site in order to enhance the existing appearance of the building within the wider heritage asset. The use of more traditional style materials is considered to reflect the age of the property and would reflect national and local policy where proposals should, ‘demonstrate that they will conserve or positively enhance the character of the Conservation Areas.’

2.59 By virtue of the design, detailing and materials proposed, the Council’s Head of Service for Heritage & Open Space considers that the use of replacement Upvc windows and composite doors at the application site to cause less than substantial harm to the character and appearance of Seaton Carew Conservation Area to which there are no identified public benefits that would outweigh this level of harm and are therefore considered unacceptable in this respect.

#### Proposed Railings works

2.60 The proposed development would provide railings enclosure across the ground floor front elevation of both buildings. The Council’s Head of Service for Heritage & Open Space notes that railings had historically featured along the front elevation of the properties and in the event of a planning approval would welcome their contribution to the restoration of the historic character of the building. Such specific detailing could have been appropriately conditioned, had the application been deemed acceptable in all respects.

#### Proposed Rendering works

2.61 Both the existing buildings and the proposed three storey tiered extension would finished in a rendered Ivory/cream colour. With respect to the use of render

and the proposed colour, these materials and colour are already present on the buildings and the replacement proposed render is considered not to result in any harmful impacts to warrant the refusal of the proposed development. Such specific detailing and specific colours could have been appropriately conditioned, had the application been deemed acceptable in all respects.

2.62 It is noted that a consultee response received has suggested that the historic painted sign on the northern side gable elevation should be retained, should the proposed development be approved, which the proposed rendering works would cover. Whilst acknowledging the merits of the proposed signage to the history of the property, the sign in itself is not specifically protected and the Council's Head of Service for Heritage & Open Space has not identified the sign as a feature that due to its loss would result in any harm to the application building and the wider heritage asset. Consequently the loss of the painted signage raises no reason to warrant the refusal of the planning application on such grounds.

### Solar Panels

2.63 Whilst not illustrated on the submitted plans and elevations, the provision of solar PV panels are detailed to be provided on the rear roof slope of the proposed extension. Given the concerns raised in respect to the proposed extension works, the installation of solar panels in this location would also raise some concerns, although specific details would need to be provided in order to assess the acceptability of solar panels. It is noted however that as part of the initial scheme, which did not propose a large three storey rear extension, the Council's Head of Heritage and Open Spaces considered that solar PV panels to the rear, where they would be integrated into the roof design would be acceptable in principle. It is therefore considered that the provision of some solar panels located on the rear roof slope of the existing building may be the most appropriate location in this instance. It is considered that such specific detailing could have been appropriately conditioned, had the application been deemed acceptable in all respects.

### Other Works

2.64 Associated works at the rear of the application site would include the use of the rear yard area for vehicular parking, the installation of a ramped and a stepped rear pedestrian access points into the rear of the building with associated railings, a proposed boundary fence enclosure and bin and bike storage provision. Such works are considered to be minor alterations that would not result in any harmful impacts on the character of the area and wider Seaton Carew Conservation Area given the scale, nature and siting to the rear of the application site with limited views from wider areas. Again, had the application been deemed acceptable in all respects, further details could have been secured by appropriate planning conditions.

### Impact on the Setting of Surrounding Listed Buildings

2.65 The application site is within proximity to a number of Listed Buildings. To the Front (north east/east) is the grade II listed bus station, clock tower and amenity block. To the rear/side are the grade II listed residential cottages of 5-8 South End (consecutive). With respect to the considered impacts of the proposed works on the



neighbouring Grade II Listed Buildings to the front and rear/side, the Council's Head of Service for Heritage & Open Space has raised no objections in this respect and the proposed works are therefore considered not to result in a harmful impact on the listed buildings and the proposed development would therefore not warrant refusal of the planning application on these grounds.

#### Care home provision within the Area

2.66 It is noted that a consultation response has suggested that there is an over-concentration of assisted living uses within the immediate area, given the presence of a neighbouring care facility at Seymour House Nursing Home to the north of the application site. Whilst the comments are noted, the proposed development is a form of residential use within a residential area and subject to the considerations of the associated activities of the proposed use, as discussed within the following amenity section, the addition of a further care use facility within the area is considered not to create such a significant detrimental impact on the character of the residential area to warrant the refusal of the planning application on these grounds.

#### Impact on Character and Appearance Conclusion

2.67 Paragraph 202 of the NPPF (2021) requires that works that would result in 'less than substantial harm' (which is within the scale of harm set out in the NPPF, namely "substantial harm, total loss or less than substantial harm" to the significance of a heritage asset) requires that this harm be weighed against any public benefits of the proposal. Whilst acknowledging the benefit provided by bringing a longstanding redundant building (50 The Front) back into use and that the proposed development would likely provide some economic investment in the area, this would be limited given the size of the application site. The Council's Head of Service for Heritage & Open Space has identified these works as causing less than substantial harm where the public benefits have not been identified by the applicant. Furthermore, it is considered that any benefits would amount to very limited public benefit that would not outweigh or justify the harm caused by the proposed development. Officers are not persuaded that any public benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage assets.

2.68 Through the course of the planning application, discussions with the applicant's agent sought to reduce the size of the projection of the three storey rear extension, in order to overcome the concerns that the size of the extension raises. The applicant's agent was also asked to consider making changes to the design and materials of the proposed windows and doors and to consider making changes to the front and rear dormer windows, in line with the comments of the Head of Service for Heritage and Open Space. No changes were made to the scheme and the application has therefore been considered on this basis accordingly.

2.69 Overall, it is considered that the proposed three storey extension to the rear, the proposed dormer windows to the front of the building and the replacement windows and doors to both the front, side and rear would cause less than substantial harm to the designated heritage asset of the Seaton Conservation Area, where no information is provided on the public benefit of the proposal that would suggest this harm would be outweighed.

2.70 The proposal is therefore considered to conflict with the provisions of the NPPF (2021) and relevant policies of the Hartlepool Local Plan (2018), which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Consequently, the proposed development is considered to be unacceptable in respect to the impact on the character of the Seaton Carew Conservation Area and is recommended for refusal on these grounds.

#### AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.71 Paragraph 127 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

2.72 Policy QP4 (Layout and Design of Development) of the HLP 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.

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

2.74 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.

2.75 Objection comments have been received considering that the proposed development will impact on the residential amenity of surrounding neighbouring occupiers in terms of overlooking of neighbouring properties and loss of privacy to neighbouring garden areas, and that the size of the building would have an overbearing and loss of daylight and sunlight impact; that the 24 hour use would result in increased noise and disturbance and that the demolition and construction would also result in an undue impact on neighbouring residents. These matters are addressed below.

#### Operational Development

2.76 The proposed extension and alteration works include the erection of a three storey tiered extension to the rear and the erection of dormer windows to the front

and rear. The proposed three storey extension would be a notable change to the rear aspect of the application site, which is surrounded by residential properties to the side (north), rear (west) and side/rear (south-west).

#### 48 & 47 The Front (North)

2.77 The attached neighbouring property to the side (north) is 48 The Front (with No 47 adjoined beyond that), where an existing two storey offshoot off the rear of part of the application site of 49 The Front currently forms a walled boundary with the neighbouring dwelling. As a result of the proposed development, this existing two storey offshoot along the shared boundary would be demolished and a proposed three storey extension would be erected that would be set in off the shared boundary by approximately 2.6 metres, where it would have a tiered projection of approximately 7.6 metres before stepping further away from the shared boundary by approximately 2.2 metres before then projecting a further 3.5 metres, resulting in an overall three storey rear projection of approximately 11.2 metres. As the attached neighbouring property is set further back than the application site, the extent of the existing and proposed side wall along the shared boundary would extend approximately 15.2 metres.

2.78 The proposed three storey extension would result in an overall increase in height of the proposed extension with an eaves height of approximately 8.1 metres and an overall ridge height of 11.8 metres compared to the existing flat roof height of approximately 7.6 metres. Notwithstanding the increased mass of the proposed extension, it is acknowledged that the proposed works would be set off the shared boundary with the neighbouring property to the north, where the dual pitched roof would be at its lowest (eaves) height nearest the shared boundary, before increasing the ridge height at approximately 8.7 metres away from the shared boundary.

2.79 In addition, it is noted that the length of the proposed extension would be a similar length projection than the existing two storey rear offshoot along this shared boundary. Having regard to consideration of the existing relationship and taking account of the proposed works, with the distance between the shared boundary and the comparative rear projection with the existing two storey rear offshoot, it is considered that whilst there would be a degree of impact on the neighbouring property in terms of outlook and the considerations of overbearing and over shadowing, it is considered not to significantly worsen the existing arrangement and the proposed development is considered not result in an unacceptable impact upon the amenity of No 48 (or properties beyond that) that would warrant the refusal of the planning application on these grounds. Beyond 48 to the north along the same terrace of properties is 47 The Front, which is also within proximity to the proposed rear extension works. Whilst acknowledging the relatively close relationship to the application site, this property would be beyond the immediate (above mentioned) neighbouring property of 48 The Front and having regard to the remaining separation distance and relationship, the proposed development would not raise any significant loss of privacy and amenity related matters for this residential property.

2.80 It is noted that within the representation comments have been received from the neighbouring residents at 48 The Front, concerns have been raised that there was no detail submitted in respect to the shared boundary arrangement that would

replace the demolished two storey extension works. The applicant has since updated the submitted drawings detailing the proposed boundary and some changes within the side/north elevation of the application site (removing a number of windows) and a consultation with the surrounding neighbouring properties has taken place.

2.81 Within the side elevation of the proposed extension facing towards the shared boundary with the attached neighbouring property of 48 The Front would be an access door serving a disabled ramped access. It is acknowledged that at the point adjacent to the rear of the application building, the raised ramped access could give rise to the potential for overlooking to occur when occupants and staff enter and exit the building at the highest point, which would be adjacent to the rear of 48 The Front. As the area adjacent to the rear would be raised at approximately 0.65 metres, a standard 2 metre high close boarded fence enclosure would not provide a sufficient level of screening from these occurrences. In this instance, a higher boundary enclosure is proposed for the first three metres at a height of approximately 2.5 metres before the ground levels fall away and the proposed fence enclosure would taper down to a level of 2 metres.

2.82 Whilst the height above two metres would be greater than standard fence enclosures between residential and commercial properties alike, it is considered that given the existing arrangement with the two storey walled boundary, the combination of the proposed rear projection set off the boundary and the limited projection of a 2.5 metre high (approx.) close boarded fence, reducing down to two metres thereafter, which could be conditioned, would not lead to any significant occurrences of overlooking/loss of privacy and would not lead to any cumulative overbearing, loss of light or loss of outlook impact on the residential occupier of 48 The Front to warrant the refusal of the planning application on such grounds.

2.83 Through the course of the planning application, two upper floor level windows within the side/north elevation of the proposed rear extension were removed from the proposals, which in turn removes any concerns with respect to loss of privacy and perceived overlooking from the application site towards the rear garden area and property of 48 The Front or properties beyond that. It is also considered that given the oblique relationship, no significant views would be achievable from the proposed rear facing windows towards the property and garden area of 48 The Front or properties beyond that.

2.84 With respect to the proposed dormer windows, the rear facing dormers would be directed to the rear (west) and whilst some views towards the rear amenity space of 48 The Front may be achievable, such views would not be direct and would be limited and it is considered that the proposed dormers would not lead to any significant loss of privacy in this respect. With respect to any overbearing considerations, the proposed dormers located on the roof would be situated at a distance and an oblique relationship to the neighbouring property and it is considered that no significant loss of amenity in respect to overbearing or loss of light/overshadowing would occur that would warrant refusal of the application in this respect.

2.85 With respect to the dormer windows proposed at the front of the property, they would face towards the sea front and would be oblique from any views towards

the attached neighbouring property to the north and it is considered that no significant loss of privacy and amenity would occur in terms of overlooking, overbearing, overshadowing/loss of light, and loss of outlook from the proposed dormer windows to the front.

2.86 A set of ornate railings are proposed to the front elevation of the application site. Views onto the railings would be possible from the front aspect of the neighbouring property, although given their open nature and their relatively limited height, it is considered that there would be no significant loss of privacy and amenity in terms of overbearing, overshadowing/loss of light, and loss of outlook from the proposed railings.

#### 1-5 Crawford Street (North West)

2.87 To the north-west of the application site (rear/side) are the residential properties of 1 to 5 Crawford Street, where the rear of these properties and their rear garden areas would have views towards the rear aspect of the proposed development. It is acknowledged that the proposed extension works would be a notable change for part of the outlook for the properties in this area with views onto the large tiered gable elevations.

2.88 No 1 Crawford Street is the nearest of the properties located on Crawford Street to the application site, where there would be an approximate 21 metre separation distance between the proposed rear extension and the neighbouring property, with other properties within Crawford Street at increased distances moving west. Consequently, the proposed relationship would not lead to any conflict with separation distances set out within Policy QP4 and the aforementioned Residential Design Guide SPD. Whilst acknowledging the change in outlook, the proposed relationship between the neighbouring properties and the application site, it is considered that the relationship would not be a direct one and given the remaining separation distances, the proposed extension works including the introduction of the rear facing dormer windows, would not lead to any undue overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for these residential occupiers to the north-west to warrant the refusal of the planning application on such grounds.

2.89 With respect to the works to the front including the front dormer and the proposed railings, such works would be screened by the presence of the application properties and no impact is considered to result from these such works.

#### 1 & 2 Deacon Gardens (west)

2.90 The residential properties directly to the west of the application site are 1 & 2 Deacon Gardens, where the rear aspect of the respective properties and rear garden areas would have an outlook onto the rear of the application site with a rear to rear relationship. There would be an approximate separation distance in excess of 40 metres between the proposed extension works and the rear of the nearest property of 2 Deacon Gardens, with a marginally greater distance to 1 Deacon Garden. It is acknowledged that the proposed extension works including the erection of the rear facing dormer windows would be a notable change in outlook for the properties in

this area. Whilst acknowledging the change in outlook for the properties to the west, the proposed relationship between these properties would benefit from a sizable separation distance, in excess of the planning policy requirements as set out within QP4 of the adopted Local Plan (and the aforementioned Residential Design Guide SPD), where the proposed extensions would be seen against the backdrop of the existing buildings, and notwithstanding the considered impact in respect to character of the buildings and on the conservation area as set out above, it is considered that the proposed extension works including the rear facing dormer windows would not result in a significant undue overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for the residential occupiers of 1 and 2 Deacon Gardens.

2.91 With respect to the works to the front including the front dormer and the proposed railings, such works would be screened by the presence of the application properties and no impact is considered to result from these aspects of the proposals.

### 3 to 10 Deacon Gardens (west/south-west)

2.92 The properties of 3 to 10 Deacon Gardens (consecutive) are located to the rear of the application site (west/south-west), where the rear elevation of the proposed development would face towards the side of the most nearest property and would also have an oblique relationship with the front elevations of 3 to 10 Deacon Gardens. With respect to these neighbouring properties, the nearest of this group of residential properties to the application site is 3 Deacon Gardens, where there would be an approximate separation distance of 30 metres, which increases with the relationships with those properties located further to the west. Some views would be achievable from the windows of the front elevations of these properties onto the proposed extension works and the rear facing dormer windows and views would also be achievable from within the street of Deacon Gardens.

2.93 It is acknowledged that the proposed extension works would be a notable change in outlook for the properties in this area, particularly with respect to views onto the large tiered gable elevations. Whilst acknowledging the change in outlook for the properties to the west/south-west, the proposed relationship between these properties would benefit from a sizable separation distance, where the proposed relationship would not lead to any conflict with separation distances set out within planning policy. In addition, the proposed extensions would be seen against the backdrop of the existing three storey buildings, and notwithstanding the considered impact in respect to character of the buildings and on the conservation area as set out above, it is considered that the proposed extension works including the rear facing dormer windows would not result in a significant undue overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for the residential occupiers of 3 to 10 Deacon Gardens.

2.94 With respect to the works to the front including the front dormer and the proposed railings, such works would be screened by the presence of the application properties and no impact is considered to result from these aspects of the proposals.

### 5 to 9 South End (south west)

2.95 Located to the south-west of the application site is the row of terraced cottages of 5 to 9 South End (consecutive). As detailed within the above section, properties 5 to 8 South End are listed buildings. Some views would be achievable from the windows of the front elevations of these properties onto the proposed extension works and the rear facing dormer windows and views would also be achievable from within the street of South End over and above the single storey arcade building, which sits between the application site and these residential properties.

2.96 It is acknowledged that the proposed extension works would be a notable change in outlook for the properties in this area, particularly with respect to views onto the large tiered gable elevations. Whilst acknowledging the change in outlook for the properties to the south-west, and notwithstanding the considerations as set out within the above section in terms of impact on character of the conservation area and the impact on the listed buildings, it is recognised that with respect to these properties, there would be an oblique relationship between the rear of the application site, where the main outlook from the properties along South End faces towards the sea front (east) and in the opposite direction to the application site, towards the respective rear garden areas (west).

2.97 In addition, the nearest property of 5 South End would be situated at approximately 21 metres from the proposed rear extension works, with the other properties located along the terrace of South End at increased distances moving southwards. Consequently, the proposed relationship would not lead to any conflict with separation distances set out within planning policy. Having regard to the distances and the relationships, it is considered that the proposed extension works including the rear facing dormer windows would not result in a significant undue overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for the residential occupiers of 5 to 9 South End located to the south-west.

2.98 With respect to the works to the front including the front dormer and the proposed railings, such works would be screened by the presence of the application properties and the arcade building attached to the side and no impact is considered to result from these aspects of the proposals.

#### 'Showman's Yard' (west)

2.99 Immediately to the rear of the application site (west), between the properties located on Deacon Gardens is a parcel of land, which at the time of writing is subject to consideration of a submitted planning application for the erection of a residential chalet building (H/2022/0217). The proposed chalet would be at the most northern aspect of this parcel of land, which proposes an elevated porch area to the front. Any amenity space associated with the proposed chalet would also be located to the front (south) of the proposed residential chalet.

2.100 With respect to the proposed three storey extension at the application site, there would be an approximate 15 metre separation distance between the rear of the proposed three storey extension and the side of the chalet building and an approximate 10 separation distance from the rear of the proposed extension to the shared boundary, where the land beyond would serve the associated amenity space.

Given the scale of the proposed works for the tiered three storey rear extension and given the immediate proximity of the neighbouring site, it is considered that the introduction of such a relationship would give rise to an undue overbearing impact on the proposed chalet building and site. In addition, given the introduction of the windows serving the flats of the proposed extended building, including the introduction of the rear facing dormer windows, it is considered that such a relationship would also create a loss of privacy for the future occupiers of the residential chalet.

2.101 Notwithstanding the considerations of the potential future relationship between the application proposal and the proposal at the neighbouring site, given the status of the pending planning application on the adjacent site (H/2022/0217), where no determination has taken place at the time of writing, only limited weight can be attributed to this poor relationship and the impacts of the proposed development on the potential neighbouring site would therefore not warrant a sufficient reason for the refusal of the current planning application on such grounds. It is noted however, that should the application here under consideration be approved, the neighbouring chalet application will be required to give full weight to any extant planning permission for this application site, which includes considerations on the future occupiers of the chalet development.

#### 50 The Front (former arcade building) (south)

2.102 Attached to the side of 50 The Front (south) is the single storey flat roof arcade building, which at the time of writing is understood to be vacant. Given the commercial nature of the attached building to the south and having regard to the scale and nature of the proposed works, the relationship between the application site and the neighbouring building (which extends along the northern/rear boundary to the application site and features a blank side/northern elevation) is considered not to lead to any significant loss of privacy and amenity in terms of overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for the neighbouring commercial unit.

#### Impact on land users to the front (east)

2.103 The proposed works to the front of the buildings would include the erection of three dormer windows within the front facing roof slope and the erection of an approximately 1.5 metre high ornate railing feature at ground level, with the replacement of existing front windows and doors. As the application site faces towards the sea front, with no residential or commercial buildings directly opposite (east), there would be no adverse loss of any privacy and amenity in terms of overbearing, loss of outlook, loss of light/overshadowing or loss of privacy impact to any properties or neighbouring land users to the front of the application site as a result of the proposed works.

#### Other amenity related issues

2.104 A comment received through the consultation exercise raised concerns that the additional windows within the proposed extension would lead to a significant number of lights within the respective rooms creating increased light pollution issues



on a nightly basis. Whilst the concern is acknowledged, the use of curtains and responsible individual behaviour and/or management of the facility can deal with any such occurrences of such circumstances and the matter would not amount to a reason for the refusal of the planning application on such grounds. In any event, should such issues occur these could be considered through separate environmental legislation.

#### Impact on Amenity of future occupiers

2.105 Each of the proposed flats would provide sufficient amenity standards for each of the occupants and the Council's Housing Standards section have considered the application and have raised no concerns or objections in this respect. The Council's Public Protection officer notes that noise insulation between walls and floors of the proposed and neighbouring property can be achieved through the Building Regulations process to provide suitable mitigation from noise transference related matters. It is acknowledged that the proposed development would not provide an external garden area for external amenity space, with the rear yard area being converted into a parking area. Whilst acknowledging the point, it is considered that given the location, adjacent to the sea front, there would be able public amenity space for any future occupants to achieve any necessary external amenity needs and this matter would not lead to any significant loss of amenity to future occupiers to warrant the refusal of the planning application on these grounds.

2.106 Taking account of the proposed development and having regard to the relationship with the surrounding neighbouring properties, whilst the proposed extension works would be a notable change in outlook for the surrounding neighbouring properties, it is considered that the proposed development would not result in any significant loss of privacy and amenity to warrant the refusal of the planning application.

#### Use

2.107 It is recognised that beyond the physical works, the way a building functions can also give rise to activity in terms of the associated operations in and around the site and any noise and disturbance activity including any such associated comings and goings. As set out within the principle section, the proposal would still constitute a residential use, although the assisted care aspect would add a degree of commercial activity. The submitted Design & Access Statement details that the proposed use would have two members of staff on duty at all times and would look to employ up to 6 full time members of staff to operate the facility. The use of the rear yard area for parking for staff and residents, including utilising the rear access into the building would mean that a degree of activity would occur within this area, including for the storage of waste provision.

2.108 The proposed facility would operate with two employees working at the site over a single shift pattern. Whilst it is acknowledged that the proposed use of the rear yard area would introduce a new relationship into this area, the rear parking area would be limited with the parking provision to 5 available spaces, thereby limiting the scale and degree of the use of the associated access road and the parking area. The Council's Public Protection team have been consulted on the

proposals, having regard to the relationship between the proposed use and the surrounding residential properties. The Public Protection team have commented that given the small scale nature of the proposed facility, the proposal is considered not to give rise to any significant noise and disturbance, where the parking area would be relatively enclosed and no objections or concerns are raised in this respect. With respect to the consideration of the shift pattern changeover, this is something that can be managed by the facility through good in-house management and given the limited number of staff operating at the site at one time, this is considered not to give rise to any significant issues. Should the occurrence of noise be generated from shift pattern change over or any other associated nuisance activity such as refuse collection, the Council's Public Protection team can investigate and address such matters through statutory nuisance legislation. In addition, it is also noted that the existing rear yard area could be capable being utilised by vehicles from the existing use of the buildings, without the need for any planning permission.

2.109 Having regard to the scale and nature of the proposed use, taking account of any associated activity and comings and goings, and having regard to the comments and considerations of the Council's Public Protection section, it is considered that the proposed use would not lead to any significant adverse impacts in terms of loss of privacy and amenity for the surrounding neighbouring residential occupiers to warrant the refusal of the planning application on such grounds.

2.110 In the event of a planning approval The Council's Public Protection section would recommend a number of planning conditions relating to external lighting, hours of construction and deliveries. Such conditions are considered to be reasonable and could have been secured by separate planning conditions had the application been deemed acceptable in all respects.

#### Residential Amenity Conclusion

2.111 Whilst having regard to the comments of the surrounding neighbouring occupiers received through the public consultation exercise, taking account of the proposed extensions and alterations and any associated impacts of the proposed use, the proposed development is considered not to lead to any significant loss of privacy and amenity to warrant the refusal of the planning application on these grounds.

#### HIGHWAY SAFETY

2.112 Objection comments have been received detailing that the immediate surrounding area experiences vehicular parking problems and that the proposed development for 14 flats with a number of employees working at the site at any one time would further exacerbate the parking situation for existing residents within the area.

2.113 The Council's Traffic & Transport section have been consulted on the planning application who acknowledge that the area surrounding the application site has historically experienced parking pressures, although the highways section also note that the application site relates to the two existing three storey buildings, where a degree of activity could already take place should both buildings be fully occupied,

where neither building currently provides any in-curtilage or dedicated on-street parking provision.

2.114 The proposed development would provide an additional 5 vehicular parking spaces within the rear yard area of the application site. In terms of traffic movements and manoeuvrability considerations, the Council's Traffic & Transport section has raised no concerns with respect to the use of the rear access road and yard area for parking provision and has welcomed the additional spaces proposed.

2.115 Paragraph 111 of the NPPF (2021) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the proposed scheme would not provide parking provision for all of the 14 flats proposed and any employees working at the site, regard has been given to the fact that there is a level of activity that could already be generated by the existing two, three storey buildings, and with the additional 5 vehicular parking spaces proposed, it is considered that the proposed development would not generate an identifiable unacceptable impact on highway safety or result in a residual cumulative impact on the road network that would be severe. Consequently, the Council's Traffic & Transport section raises no objections to this planning application in terms of highway safety and parking related matters.

2.116 A comment has been received from a neighbouring resident suggesting that should the proposed development be approved, a permitting scheme should be introduced to reserve existing spaces for the existing residents. These comments are noted, although this is a matter that would have to be considered and addressed outside of the planning process through the appropriate highways legislation. In addition, and had the application been deemed acceptable all respects, the Council's Traffic & Transport section recommends that an informative directs the applicant to the available parking permitting schemes.

2.117 With respect to the occurrence of any nuisance parking breaches that may take place within the area, the Council's Traffic & Transport section have commented that the appropriate highways legislation can enforce such circumstances outside of the planning process.

2.118 In addition consideration is given to any potential impacts on the wider strategic Network and National Highways have therefore been consulted. National Highways have raised no objections to the proposed development and the proposal therefore raises no issues in respect to these matters.

2.119 With respect to consideration of public rights of way and footpaths running through, adjacent or affected by the site, the Council's Countryside Access Officer has been consulted and raises no objections or concerns in respect to proposed development, with no access points impacted as a result of the proposed development.

2.120 Having regard to the considerations as set out above, whilst acknowledging the existing parking pressures within the surrounding area, it is considered that the proposed development would not result in an unacceptable impact on the highway

network when assessed against the provisions of the NPPF to warrant the refusal of the planning application on the grounds of highway safety and parking related matters and the proposed development is considered acceptable in this respect.

## ANTI-SOCIAL BEHAVIOUR & CRIME

2.121 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour.

2.122 Comments have been received concerning the nature of the proposed use and the occupiers who would inhabit flats, where residents have suggested that the proposed development would lead to an increase in anti-social behaviour and crime; would introduce undesirable occupants into the area and as a result would also likely impact on insurance prices for surrounding residents.

2.123 It is understood that the host property of 50 The Front has previously experienced occurrences of anti-social behaviour and criminal activity, which has been referenced within both the neighbouring consultation responses and through the comments of Cleveland Police. Notwithstanding the previous history of part of the application site, the proposed development does not reflect the previous use of the building and relates to a flatted development with an element of assisted living care (C2 use). Had the application been deemed acceptable in all respects, a planning condition could have been applied to control the type of residential care that would be provided within the building to ensure that it is suitable for the surrounding residential area.

2.124 Furthermore, through the course of the planning application, Cleveland Police have commented that the care aspect of the proposed development, where the managed nature and additional surveillance of the application site, over and above the current run down state of the building, would be a positive benefit to the application site. This view has also been reflected by the Council's Community Safety section who echo the comments of Cleveland Police. , Cleveland Police recommend informatives in relation to secure by design principles and in respect to consideration of suitable management procedures. ). Had the application been deemed acceptable in all respect such informatives could be passed on to the applicant as part of the decision notice to consider these matters further.

2.125 Taking account of the considerations as detailed above, having regard to the comments of both Cleveland Police and the Council's Community Safety section, the proposed development raises no issues in respect to anti-social behaviour and crime related matters that would warrant the refusal of the planning application on these grounds.

## ECOLOGY & NATURE CONSERVATION

2.126 The Council's Ecologist has provided response to the planning application having regard a number of potential impacts ('Likely Significant Effects') on the designated sites from the proposed development to include the potential for increased nitrate pollution, as a result of increased overnight accommodation being provided; the assessment of recreational disturbance, as a result of increased

populations utilising public amenity areas, where protected birds and vegetation communities co-habit these spaces. The consideration of the potential for the application site to contain bat populations is also taken into account. These matters are duly considered below.

### *1) Nitrate Pollution*

2.127 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the river Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment. A Nutrient Budget Calculator (NNBC) has been undertaken, which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. The discharge location has also been confirmed by the utility operator, Northumbrian Water Limited. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist, which confirms there would be No Likely Significant Effects on the designated sites in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

### *2) Recreational impacts on designated sites*

2.128 Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites. Increased recreational disturbance (including dog walking) is linked to an increase in new residents, which is a consequence of new and increased forms of residential development.

2.129 The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments could be suitably mitigated. The scheme is structured where developments of more than 9 properties would contribute towards the mitigation scheme to the value of 424,000 through the creation of 6,150 new houses through the plan period. Those developments below 10 would be covered by the wider mitigation scheme.

2.130 Whilst the proposed scheme would create 14 residential flats, the existing buildings already provide 5 residential units and therefore the net new residential units to be created by the proposed development would be 9 units. Consequently, the Council's Ecologist has appropriately assessed the application and considers that in this instance the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be No Adverse Effect on the Integrity of any European Site or other designated site. The HRA Stage 2 (AA) has been agreed/confirmed by Natural England as is formally required.

### *3) Bats*

2.131 The Council's Ecologist has carried out a preliminary bat risk assessment and considers the likelihood of bats inhabiting the existing building to be low risk and does not require any further additional survey works to be carried out. In the event of a planning approval, the Council's Ecologist does however recommend an informative be placed on the decision notice to notify the applicant of their legal responsibilities in the event that bats are discovered when carrying out works to the existing roof structure. Furthermore, had the development been considered acceptable in all respects, the Council's Ecologist requests that the proposed development provide a universal nest brick to support the declining bird population within the area, which could have been conditioned accordingly.

2.132 In conclusion, the application is therefore considered not to raise any significant issues in respect to any associated impacts on Ecology and Nature Conservation and is acceptable in this respect.

## FLOOD RISK AND DRAINAGE

2.133 The application site is located within Flood Zone 1 (low risk of flooding from rivers or the sea). The submitted nutrient neutrality statement details that the proposed development would utilise the existing drainage solution, where both the foul and surface water drainage would discharge directly into the main sewer system. The Council's Flood Risk Officer has been consulted on the application and has confirmed that they would have no objection to the proposed development.

2.134 In addition, Northumbrian Water Limited (NWL) have been consulted and have not raised any concerns or objections with respect to the planning application, subject to a recommended condition for a detailed scheme for the disposal of foul and surface water being submitted to and approved by the Local Planning Authority, in consultation with NWL. In addition, NWL note that a public sewer crosses part of the site boundary and may be affected by the proposed development, where NWL do not permitting to build over or close to NWL apparatus. NWL have however detailed that they would work with the applicant should there be any requirements for diversion of sub-level infrastructure. Had the application been deemed acceptable in all respects, the appropriate planning condition and informative could have been secured with respect to these matters.

2.135 It is considered that having regard to the comments of both the Council's Flood Risk Officer and Northumbrian Water Limited, subject to the identified planning condition and the recommended informative, the proposed development raises no issues to warrant the refusal of the planning application in respect to matters of flood risk and drainage.

## OTHER PLANNING MATTERS

### *Trees & Landscape*

2.136 No existing trees or landscaping would be affected by the proposed development or would be provided. Both the Council's Arboricultural officer and the Council's Landscape Architect have raised no objection to the proposed development in this respect.

### *Renewables and Energy Efficiency*

2.137 The development proposes to install solar PV panels on the roof of the proposed three storey rear extension. As detailed within the above character section of this report, as the proposed three storey rear extension raises concerns, any subsequent additions would also contribute to the considered harm caused by the proposed development. Notwithstanding this point, it is considered that solar PV panels could, in principle, be installed sensitively on the rear of the application site and in principle could be acceptable and should the application have been considered acceptable in all other respects, such a matter could be suitably conditioned to control these details. The proposed development is therefore considered to be capable of satisfying the requirements of Local Planning Policy CC1 (9). Had the application been deemed acceptable in all respects, a planning condition could have been applied in respect to securing a minimum of a 10% energy supply from decentralised and renewable or low carbon sources to meet these requirements.

2.138 In respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and in the event of a planning approval, any forthcoming Building Regulation application would now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition would not have been required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15<sup>th</sup> June 2022) and such matters would need to be addressed through the new Building Regulations requirements.

### *Land Contamination*

2.139 The HBC Flood Risk Officer has been consulted and have advised that they have no objection to proposals in respect to considerations regarding potential contaminated land, although the applicant's attention is drawn to the requirements of section 80 of The Building Act (1984), in respect to any proposed demolition works. In the event of a planning approval, an informative could have been recommended on the decision notice to remind the applicant of these responsibilities. Subject to these considerations, the application raises no concerns in respect to contamination related matters.

### *Archaeology*

2.140 Through the course of the planning application, Tees Archaeology have been consulted and have no objections with respect to archaeological considerations and the proposed development therefore raises no issues in this respect.

### *Waste Management*

2.141 The proposed layout plan indicates space for the storage of bins within rear yard area of the application site. A comment has been received from the consultation exercise that the waste storage area would not be sufficient to provide for the proposed use. Whilst acknowledging the comments, the bin storage area is considered to be sizable and the regularity of collection periods can suitably

managed by the operators of the site. The applicant has confirmed that the waste would be collected from the site by a private contract arrangement. The Council's Waste Management section were consulted, although no comments have been received. The Council's Public Protection team have provided comments, as detailed within the amenity section, detailing that they are satisfied with this arrangement. Having regard to the above considerations, the proposed development raises no significant issues with respect to waste management related matters.

#### *Sustainable Transport & Low Carbon Materials*

2.142 Contained within the comments of Highways England is a section of Standing Advice to Local Planning Authorities in relation to the Climate Change report 2022, which advises how the planning system should assist in helping to provide opportunities to contribute towards the 2050 net zero target through the use of and the promotion of varied modes of sustainable transport and through construction, the use of low carbon materials. The relevant Local and National Planning policies concerning sustainable development have been taken into account in the determination of this planning application.

#### OTHER MATTERS

##### *Objection Comments Received*

2.143 An objection comment received through the consultation exercise notes that a separate planning application is currently under consideration on land immediately to the rear of the application site. The comment suggests that both the current application and the planning application at the neighbouring site should be considered together at the same time. Whilst the comments are noted, each application is assessed on its own merits, where due regard and the appropriate weight are given to any other live planning applications within the determination of the planning application.

2.144 An objection comment has been received highlighting that part of the rear yard area of the application site has historically served as a looped through access that linked the rear of the site to the Front. In response to the comments, through the course of the planning application, the applicant's agent has provided web-based images evidencing that the land at the rear area of the application site has formed part of the rear yard areas of the application site for a period in excess of 20 years (albeit the formal way to evidence this in planning terms would be through a Lawful Development Certificate Application). The applicants' agent has also confirmed that the rear yard area of the application site is within the ownership of the applicant and there is no reason or evidence provided to dispute this claim. In addition, it is noted that the area concerned is not adopted and no concerns or objections have been received from the highways or public rights of way officer, as set out within the above highway safety section. Furthermore, any disputes relating to land ownership would constitute a civil matter that would need to be addressed through civil legislation outside of the planning process.

2.145 A comment has been received raising concerns that the submitted red line boundary of the planning application extends beyond the application site to the rear



towards the highway, where the proposed development may affect the existing rear access utilised by residents. A requirement of the planning application is to illustrate access up to the adopted highway and the submitted red line plan, in doing so, does not illustrate the curtilage of the application site. As a result of the red line plan, the applicant's agent has served the appropriate notice on the submitted planning application form and carried out the appropriate publicity, in line with the planning legislation requirements. Thereafter, any land ownership issues are a civil matter. In the event of a planning approval, details of a plan could have been conditioned to define the limits of the curtilage.

2.146 A representation comment has been received raising concerns that if approved, the proposed development would not be implemented in accordance with the approved use. Whilst the concerns are acknowledged, such suspicions would not be a reason to warrant the refusal of a planning application on these grounds and such speculative comments cannot be substantiated. Any breach in planning legislation can be investigated at such a time when should a breach occurs.

#### *Fire Safety and Access*

2.147 Cleveland Fire Brigade has been consulted and have provided advice in respect of the carrying capacity of shared driveways, access for emergency vehicles and water supplies, confirming that further comments may be made through the Building Regulations consultation process as required. An informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects, however these are principally Building Regulations matters and therefore this would be dealt with through the Building Regulations process accordingly should the proposed development reach that stage.

#### *Building Regulations*

2.148 The Council's Building Control section has confirmed that a Building Regulation application is required for the proposed works as described and in the event of a planning approval an informative note would be provided on the decision notice to make the applicant aware of this requirement accordingly.

#### *Housing Standards*

2.149 The Council's Housing Standards section have noted within their comments that the proposed use of the application site would also require the appropriate licence. In the event of a planning approval, an informative note would be provided on the decision notice to make the applicant aware of this requirement accordingly.

### CONCLUSION

2.150 Whilst acknowledging the benefits of bringing a long standing redundant building (50 The Front) back into use, it is considered that the proposed three storey rear extension, the dormer windows within the front roof slope of the application site and the replacement of windows and doors of the buildings would cause less than substantial harm to the designated heritage asset (The Seaton Carew Conservation

Area) by virtue of the scale, design and use of materials proposed. It is considered that the works would detract from the character and appearance of the application site and the wider designated heritage asset, where there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development.

2.151 The proposed development is therefore considered contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018), and paragraphs 126, 130, 189 and 196 of the National Planning Policy Framework 2021.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.152 There is no evidence of equality or diversity implications.

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

2.153 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.

2.154 There are no Section 17 implications.

## **REASON FOR DECISION**

2.155 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 within the Officer's Report.

## **RECOMMENDATION - REFUSE** for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the proposed three storey rear extension, the dormer windows to the front and the replacement of windows and doors of the buildings would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the scale, design and use of materials proposed. It is considered that the works would detract from the character and appearance of the application site and the wider designated heritage asset, where there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposed development is therefore considered contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018), and paragraphs 126, 130, 189 and 196 of the National Planning Policy Framework 2021.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151384>

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

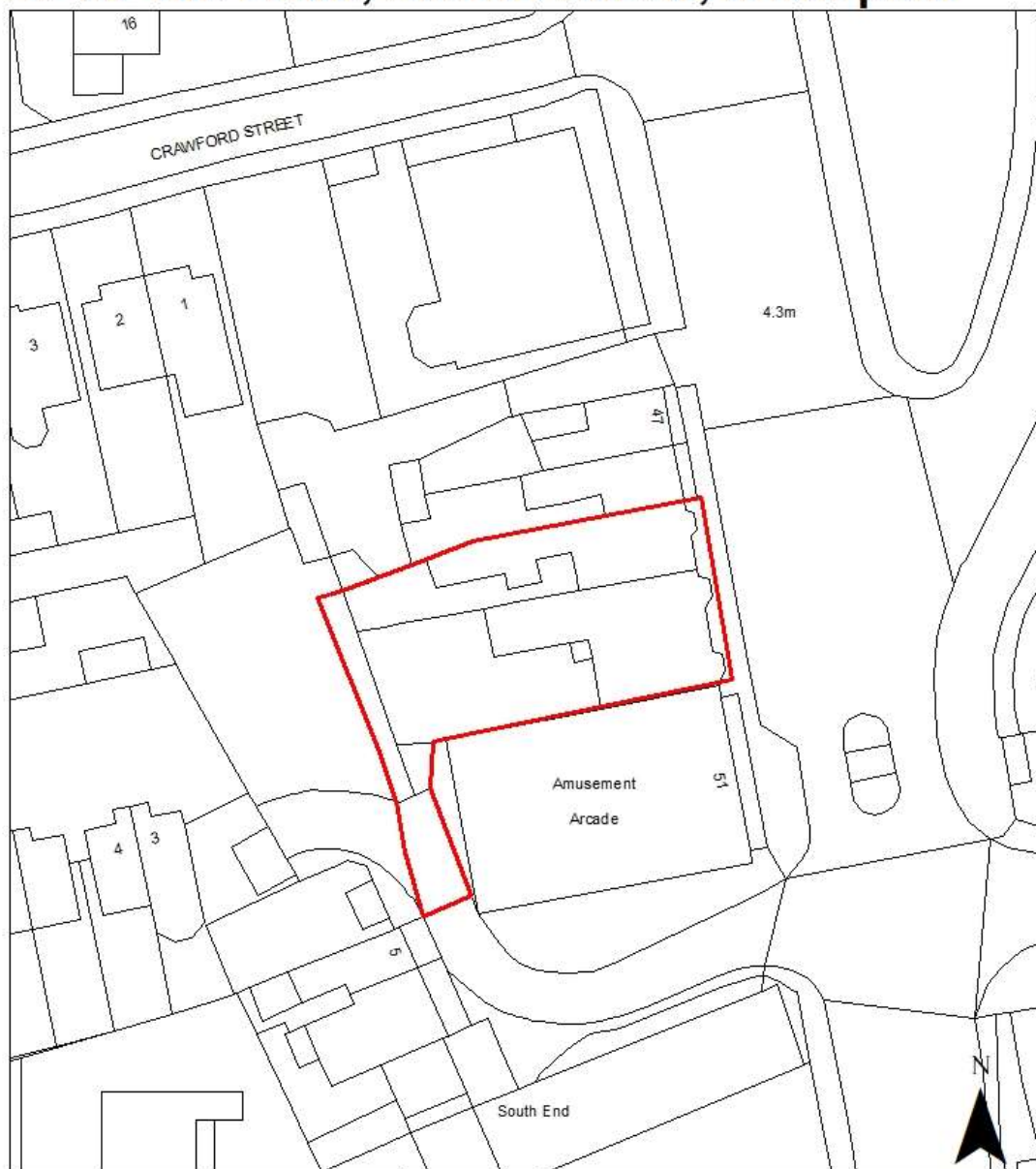
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## 49-50 The Front, Seaton Carew, Hartlepool



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2022/0032</b>	REV



**No:** 3.  
**Number:** H/2023/0124  
**Applicant:** AJ STANTON PROPERTIES, 7 GRANGE ROAD  
 HARTLEPOOL TS26 8JE  
**Agent:** PYRAMID ARCHITECTURAL DESIGN MR BEN WEARS  
 UNIT 8 LEXINGTON BUILDINGS MARSKE BY THE  
 SEA TS11 6HR  
**Date valid:** 28/04/2023  
**Development:** Change of use of dwelling (C3 Use Class) to 8 person  
 House in Multiple Occupation (Sui Generis Use Class)  
**Location:** 7 GRANGE ROAD HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 None.

## PROPOSAL

3.3 Planning permission is sought to change the use of the property from a six bedroom dwelling (C3 use class) to an eight person House in Multiple Occupation (HMO) (Sui Generis use class).

3.4 Although the plans originally submitted included proposals for extraction vents to the front of the property, this element of the proposals has now been revised and vents are only proposed to the rear of the property instead. Given the nature and scale of the changes, the consultation was limited to the Council's Heritage and Open Spaces Manager, which is considered to be reasonable and proportionate in this instance. No other external alterations are proposed to the main dwelling.

3.5 The submitted plans indicate that secure cycle storage facilities would be provided to the rear yard with a fence separating the yard into two areas (primarily for cycle storage and waste storage) with an interconnecting access gate in between (no elevations of these elements have been provided and this is discussed in further detail within the main body of the report).

3.6 The application has been referred to Planning Committee due to the number of objections received (more than 3), in line with the Council's Scheme of Delegation.

## SITE CONTEXT

3.7 The applicant property is a Victorian mid-terraced, two and a half storey property with rooms in the roof served by a dormer window to front and roof lights to the front and rear. The property is situated on the south side of Grange Road, approximately 26m west of the junction with Grosvenor Street; surrounding properties are predominantly in residential use. The property is within the Grange Conservation Area.

## PUBLICITY

3.8 The application has been advertised by way of neighbour letters (19), site notice and press advert. To date, there have been six objections received from separate addresses (with one other received from another occupant of the same property).

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

- Parking,
- Loss of property value,
- Impact on the character of the conservation area,
- Noise nuisance,
- Anti-social behaviour,
- Waste generation,
- Already too many HMOs in the area.

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

3.11 The period for publicity has expired.

## CONSULTATIONS

3.12 The following consultation replies have been received:

**HBC Traffic & Transport** – The parking requirement for an 8 bed HMO is less than a 4 bedroom house. I therefore have no objections to this application.

**HBC Community Safety** – I note the Police comments however I can't see why there would be an increase in crime and disorder. There are already a number of HMO's in the area and there is no evidence to suggest that another would cause any problems. Issues which could arise are if the residents own vehicles as parking is already limited and restricted in Grange Road and the surrounding areas.

*Additional comments received from the HBC Neighbourhood Safety Team Leader:*

Community Safety have no concerns. I would echo the comments made on 07.06.23 by the Designing Out Crime Officer for Hartlepool Gerry McBride.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre.

The proposal is the change of use of a dwelling to a House in Multiple Occupation. In principle, there would be no objection to the change of use.

It is noted that in order to facilitate the change of use air extraction vents are proposed to the front of the dwelling. Five units are proposed to the front of the property, in particular it would appear that no consideration has been given to the decorative courses of brick below the guttering. It is therefore requested that further consideration is given to the location of these air extraction vents and where possible these are removed from the front elevation and relocated to the roof or rear of the property.

Updated Comments received 06/06/2023 following amended plans:

Amended plans have been submitted in relation to the proposed air extraction vents in order to address the concerns raised. The proposed changes with the vents relocated to the rear of the property are welcomed.

It is considered that the proposal will not impact on the significance of the designated heritage asset, namely Grange Conservation Area, no objections.

**HBC Housing** – I have no problem with HMOs as long as they are licensed appropriately and the correct legal standards are followed. We have a shortage of



one bed affordable accommodation and such accommodation can offer an opportunity to fill such gaps.

**HBC Public Protection** – I would have no objections to this application subject to the following:

The installation of a suitable sound insulation scheme to the party walls to the neighbouring residential premises' 5 and 9 Grange Road. The scheme shall ensure adequate protection is afforded against the transmission of noise between the neighbouring properties on either side. I understand that the requirement of adequate sound insulation between the internal individual residential accommodation units will be included in building regulation requirements.

No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

**HBC Housing Standards** – I would advise that the proposed development would be required to be a licensed House of Multiple Occupation (HMO) under part 2 of the Housing Act 2004 and would be subject to a number of conditions relating to the management of the property, fire safety, space and amenity standards.

I would recommend the applicant to contact the private sector housing team directly where we can provide guidance on the required space and amenity standards for the appropriate category of HMO. I would advise that when determining the permitted occupation consideration will be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation by.

**HBC Ecology** – No ecology issues. The application form states that the public mains sewer is to be used. Therefore, all additional nutrient pollution will be processed by the Seaton Carew WwTW and the application is screened out of requiring a Habitats Regulations Assessment.

Update 13/06/2023

No ecology issues. I have undertaken HRA screening and Appropriate Assessment (submitted separately) and the project is fully compliant with the legislation. The application form states that the public mains sewer is to be used (Figure 1). Therefore, all additional nutrient pollution will be processed by the Seaton Carew WwTW and this is screened out of HRA.

**Natural England** – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. We advise that the Council completes a Habitat Regulations Assessment HRA (Stage 1 – screening).

Additional comments received 05/07/2023:

Thank you for your email.

Our advice letter dated 2.6.23 (our ref 432880) addressed the ‘nutrient neutrality’ theme with respect to the Teesmouth & Cleveland coast SPA and Ramsar Site. Thank you for providing a copy of your HRA screening assessment for our information accordingly.

We acknowledge the Council’s Habitats Regulations Assessment (HRA) stage 2 – Appropriate Assessment – in respect of recreational disturbance effects arising from the development (coastal Habitats Sites). We note and agree with the assessment’s narrative and conclusions and have no objection. This advice is in the context of the provisions of local plan policy HSG1.

I hope this is helpful.

**HBC Building Control** – I can confirm that a Building Regulation application will be required if any additional bedrooms are being formed, en-suites are being fitted or bathrooms are being located.

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

**Cleveland Police** – These type of premises have the potential to increase the risk of crime and disorder in the locality, which in turn, can have an adverse effect on the local community, and increased demand on our service.

In order to reduce the risk, it is vital that the building has robust management procedures in place, and is well managed. Potential tenants should be suitably vetted.

Good security measures should be in place on the communal door. All entrance doors including flat doors and accessible windows should be certified to PAS 24 2022.

The rear of the property can be particular vulnerable and entry to rear of premises needs to be restricted with a robust secure gate and a boundary to minimum of 2m. Dusk ‘til Dawn lighting should be fitted to all entrance doors.

Secure mail delivery should be provided. I note that secure bin and cycle storage has been provided. This should conform to Secured by Design standards. CCTV should cover all entrances.

**HBC Waste Management** –no comments received.

**Northumbrian Water** – no comments received.

**Chief Fire Officer** - Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in: Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5

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

## **PLANNING POLICY**

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

### Local Policy

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

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

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

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

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  
 PARA124: Achieving appropriate densities  
 PARA126: Achieving well-designed places  
 PARA130: Achieving well-designed places  
 PARA134: Achieving well-designed places  
 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

### **HBC Policy Comments;**

3.16 Planning Policy have no objection to the principle of the change of use. The proposed development is in a conservation area hence requirements of Local Plan policy HE3 need to be met to ensure that the development will conserve or positively enhance the character of the conservation area.

## **PLANNING CONSIDERATIONS**

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, amenity of neighbouring occupiers, crime and anti-social behaviour, impact on highway safety and car parking, impact on the conservation area and ecology. These and any other planning matters are set out below.

### **PRINCIPLE OF DEVELOPMENT**

3.18 The application site is located in a predominantly residential area, within the Grange conservation area and therefore the principle of a change of use to a house in multiple occupation (sui generis use class), which is also a residential use, is acceptable in planning policy terms. As detailed above the Council's Planning Policy section have raised no objections to the proposed development. The proposal is considered to be acceptable in principle subject to consideration of other material planning considerations, as detailed below.

### **AMENITY OF NEIGHBOURING PROPERTIES + FUTURE OCCUPIERS**

3.19 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.

3.20 The above requirements are reiterated in the Council's Residential Design SPD (2019).

3.21 It is considered that the amenity and privacy of the neighbouring properties would not be adversely impacted upon by the proposed development, given that there are no proposed alterations to the fenestration of the existing property that could affect privacy. Furthermore, the proposal would not reduce existing separation distances and relationships between the host property and neighbouring properties. It is also noted that the majority of the existing window openings would continue to serve rooms of a similar nature (i.e. existing habitable rooms would continue to serve habitable rooms, existing non-habitable rooms would continue to serve non-habitable rooms), with the exception of an existing bathroom window on the first floor to the rear, that would become a bedroom window. This window overlooks the car park of the church to the south of the site (St Joseph's Roman Catholic Church), with the nearest residential property to the south being on the south side of Hutton Avenue and approximately 78m away. At such a distance it is considered that there would not be any adverse impact in terms of overlooking as it would be well in excess of the requirement to maintain a 20m separation between habitable room windows set out in Policy QP4 of the Local Plan.

3.22 Finally, there are no extensions or alterations to the main building that would result in a loss of light or overbearing impact to neighbouring properties.

3.23 With respect to the proposed covered cycle storage (and 'separating fence') located to the rear, it is anticipated that this is likely to be of a modest scale formed by erecting a fence, and enclosed by current yard walls, which are approximately 2.5m in height which are likely to screen such an addition from the adjoining properties. As above, given the relationship with the car park to the rear of the property and intervening alleyway, as well as the relationship to the adjacent properties, it is considered that such a structure is unlikely to have an adverse impact on the amenity of neighbouring land users in this context. Notwithstanding this, final details can be secured by way of a planning condition.

3.24 While it is noted objectors raise concerns with respect to noise nuisance and it is acknowledged that an HMO would have the potential to be a more intensive use than a single dwelling with regular comings and goings in comparison to those that might be associated with a residential property, given that the proposal would result in an additional 2no. bedrooms overall, it is considered, on balance that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues. Furthermore and significantly, the Council's Public Protection Service have been consulted on the application and have raised no objections in relation to matters of amenity, subject to conditions regarding noise attenuation between the applicant property and adjoining neighbouring properties, and

limitations on the hours of work during construction/conversion. Such planning conditions are duly recommended.

3.25 Subject to the identified planning conditions, it is considered that the proposal would not result in an adverse loss of amenity for existing neighbouring properties or future occupiers of the proposed HMO in terms of noise disturbance.

3.26 With regard to the amenity of future occupiers of the property, it is noted that a bedroom is to be introduced on the ground floor (towards the rear elevation), this room would have a view into the rear yard. The bedroom would be adjacent to the shared living accommodation (kitchen diner) that is present in the offshoot element, proposed to serve all occupants. Given that the adjacent window serving the dining area would have an oblique view towards the proposed bedroom window overall, it is considered that this relationship would result in such an unacceptable impact on the amenity and privacy of future occupiers as to warrant refusal of the application.

3.27 Given the assessment above, the proposals are, on balance, considered to be acceptable in respect to the amenity and privacy of neighbouring properties and future occupiers.

#### CRIME, FEAR OF CRIME, AND ANTI-SOCIAL BEHAVIOUR

3.28 A number of the objections received refer to concerns that the nature of the use proposed would have the potential to increase anti-social behaviour and crime in the area. While this concern is noted, it must be recognised that this is primarily a management and licencing issue rather than a planning issue. As noted in the comments from HBC Housing Standards, the premises will be subject to licensing and will need to be managed appropriately, however no objections are raised in relation to the potential for anti-social behaviour from HBC Community Safety, HBC Housing Standards, HBC Housing or HBC Public Protection.

3.29 Cleveland Police have indicated they consider there is the potential for this type of accommodation to give rise to matters of crime and disorder, however they make a number of recommendations as to how to address that. This would fall within the need for good management and the recommendations can be passed to the applicant for information by way of an informative on the decision notice.

3.30 Furthermore, no objections have been received from HBC Community Safety in this respect, commenting that there is no evidence to suggest that the proposed HMO (in addition to existing HMOs in the area) would cause any problems in so far as anti-social behaviour and crime. The Council's Neighbourhood Safety Team Leader also echoes the comments from Cleveland Police.

3.31 The Council's Housing Standards team have also advised that the proposed application would be required to be a licensed HMO under part 2 of the Housing Act 2004 and would be subject to a number of conditions relating to the management of the property, fire safety, and space and amenity standards. An informative can relay this advice to the applicant and the proposal is therefore considered to be acceptable in this respect.

3.32 Overall, the proposal is considered to be acceptable in this respect.

## HIGHWAY SAFETY AND PARKING

3.33 The existing use of the property as a six bedroom dwelling is similar to the current proposals, albeit with two additional bedrooms to be accommodated at the property, and the Council's Traffic and Transport team have confirmed that the parking requirements for the proposed 8-bed HMO are less than a 4-bed dwelling and therefore raise no objections on highway safety or parking grounds.

3.34 In addition, the site is within a short walking distance of the town centre and associated services and public transport links, whilst the proposals are to make provision for secure cycle storage (the final details of which are to be secured by a planning condition) and therefore any future occupants would not be reliant on the use of a car.

3.35 The proposed development is therefore considered to be acceptable in this respect.

## CHARACTER + APPEARANCE OF THE CONSERVATION AREA + EXISTING BUILDING

3.36 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.37 The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

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

3.39 As identified in the comments received from the Council's Heritage and Open Spaces Manager above, the principle of the proposed change of use is not considered to be detrimental to the character of the conservation area. The submitted scheme has been amended, following concerns raised, and as a result there are now no external alterations proposed to the front of the property as part of the development and only minor alterations (installation of vents) to the rear. This will protect the decorative brickwork to the front of the property and will mean there are no perceptible changes to the appearance of the property from Grange Road itself.

3.40 With respect to the proposed cycle storage area to the rear, given the positioning and the indicated modest scale of the storage facility within the existing rear yard, screened by the existing yard wall, it is considered that such works are unlikely to result in an adverse impact on the character and appearance of the host

building or conservation area. Notwithstanding this, final details (including those of the 'separating fence') can be secured by way of a planning condition, which is considered to be acceptable in this instance.

3.41 As such, it is considered that there would not be any impact on the character and appearance of the host dwelling or the Grange Conservation Area and the Council's Heritage and Open Spaces Manager has confirmed there are no objections. The proposed development is considered to be acceptable in this respect.

## ECOLOGY

3.42 The Council's Ecologist has been consulted on the application and has raised no concerns or objections to the proposed development. The Council's Ecologist has completed a stage 1 Habitat Regulation Assessment (HRA) to consider any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast SPA (and Ramsar) arising from nitrate enrichment and increased recreational disturbance.

3.43 Due to the proposed creation of additional overnight accommodation (i.e. additional bedrooms), it is necessary to consider any Likely Significant Effects of the proposals as a result of nutrient neutrality. The application form states that the public mains sewer is to be used and as a result, all additional nutrient pollution will be processed by the Seaton Carew Waste water Treatment Works and HBC Ecology have advised that any Likely Significant Effects from the application can be screened out at Stage 1 of the Habitats Regulations Assessment. Natural England have also confirmed they have no objections in this respect.

3.44 HBC Ecology have undertaken and HRA Stage 1 and HRA Stage 2 (Appropriate Assessment) to take account of the potential for recreational disturbance and any Likely Significant Effects on the designated sites and have concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme and there would be no Adverse Effect on the Integrity of any European. Natural England have been consulted on the Appropriate Assessment have confirmed their agreement with the Council's assessment.

3.45 Given the above points, the proposed development is considered to be acceptable with regards to ecology matters.

## OTHER PLANNING MATTERS

3.46 One of the objections received identifies generation of rubbish from the premises and how waste bins are stored as a concern, however the proposals make provision for secure storage of bins in the rear yard area, to which no objections have been received from technical consultees, including from HBC Public Protection or HBC Waste Management (to which no comments or objections have been received). As details have been given for waste storage these details can be secured by an appropriate planning condition. The proposals are therefore considered to be acceptable in this regard.



3.47 The Council's Flood Risk Officer has raised no objections or requirements to the proposal with regards to surface water management or contaminated land.

#### OTHER MATTERS

3.48 Some of the objections received raise concerns about the potential impact of the proposals on property value, however this is not a material planning consideration.

3.49 As noted above, the Council's Housing Standards team have advised that the proposed application would be required to be a licensed HMO, subject to a number of conditions relating to the management of the property, fire safety, space and amenity standards. The Council's Housing Standards team can provide guidance on the required space and amenity standards for the appropriate category of HMO. An informative is recommended to relay this to the applicant.

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

#### CONCLUSION

3.51 The application proposes a change of use from a six bedroom dwelling to a large house in multiple occupation with eight bedrooms, both of which are similar residential uses that are considered to be acceptable in what is broadly a residential area.

3.52 It is considered there would not be a significant negative impact on neighbour amenity, parking, highway safety, crime and anti-social behaviour or the character and appearance of the conservation area as a result of the proposed development, as such the officer recommendation is to approve the application subject to the conditions identified below.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

3.53 There is no evidence of equality or diversity implications.

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

3.54 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.

3.55 There are no Section 17 implications.

**REASON FOR DECISION**

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: Location Plan at scale of 1:1250, Block/Site Plan at scale of 1:500, Proposed Plans - Page 03 Rev 1, and Proposed Plans (Fire boarding and fire escape) - Page 05 Rev 1, received by the Local Planning Authority 19/04/2023; Proposed Elevations - Page 04, Rev 1 and Proposed Plans (Drainage & electrical) - Page 06 Rev 2, received by the Local Planning Authority 05/06/2023.  
For the avoidance of doubt.
3. Prior to the development hereby approved being occupied, a scheme demonstrating suitable noise insulation between the application site and adjoining neighbouring properties at 5 and 9 Grange Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development. In the interests of the amenity of future occupiers of the development and neighbouring occupiers.
4. Prior to occupation of the development hereby approved, final details of the cycle store (and separating fence) to be positioned within the rear yard as illustrated on plan reference Proposed Plans - Page 03 Rev 1 (received by the Local Planning Authority 19/04/2023) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and following the written agreement of the Local Planning Authority, the agreed scheme shall be implemented prior to the occupation of the development hereby approved and retained thereafter for the lifetime of the development.  
In the interests of the amenity of future occupiers of the development and sustainable development.
5. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.

6. The use of the property as a large House in Multiple Occupation (Sui Generis Use) hereby approved shall be limited to a maximum of eight occupants. For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.
7. The waste storage arrangements as shown on plan reference Proposed Plans - Page 03 Rev 1 (received by the Local Planning Authority 19/04/2023) shall be implemented prior to first occupation of the development hereby approved and retained thereafter for the lifetime of the development. In the interests of visual amenity and the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

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

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

3.58 Copies of the applications are available on-line:

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

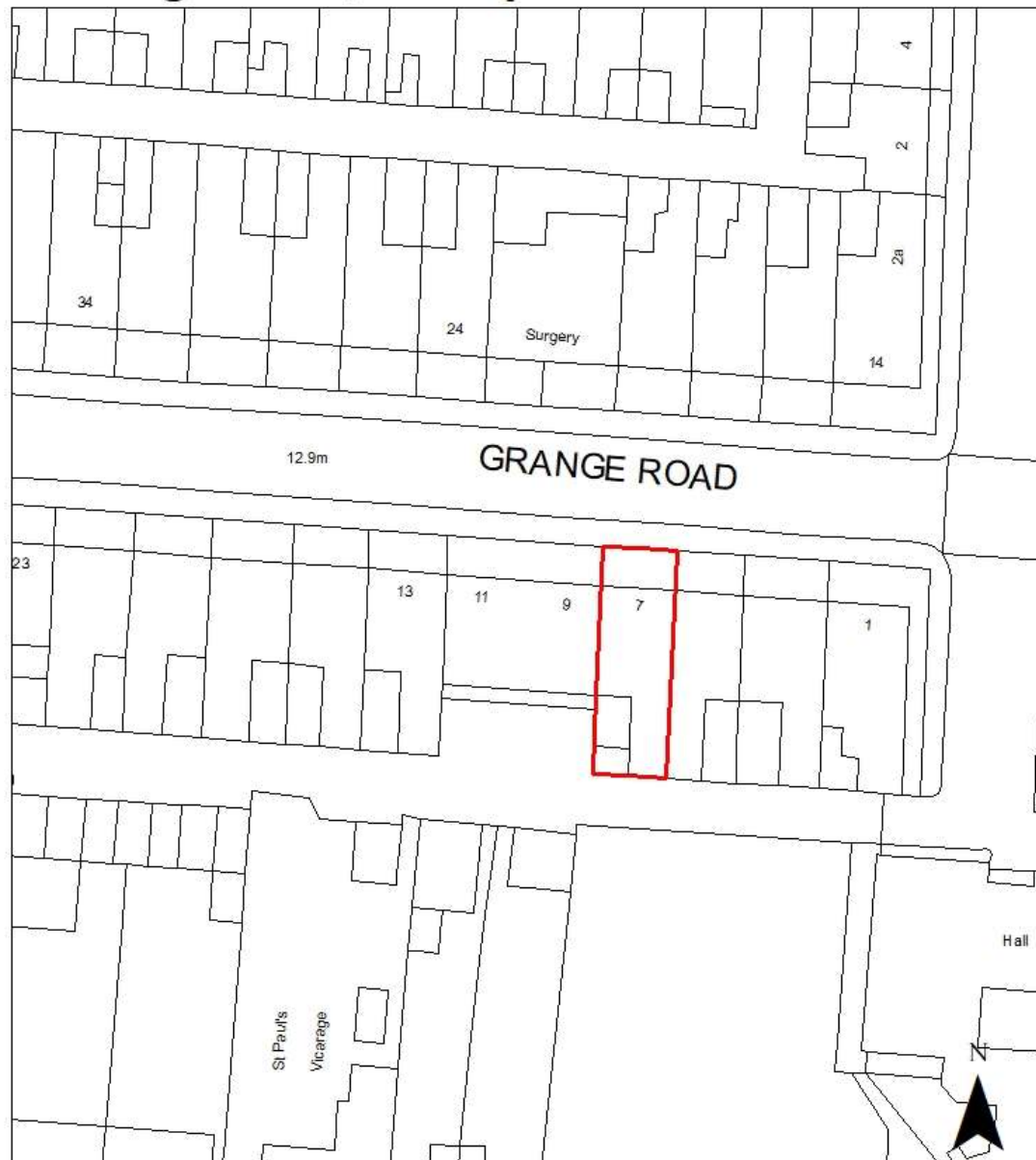
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## 7 Grange Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2023/0124</b>	REV



**No:** 4.  
**Number:** H/2023/0129  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL STEVEN WILKIE  
 CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24  
 8AY  
**Date valid:** 23/05/2023  
**Development:** Provision of 7no. modular units incorporating 9no. toilets  
 and 2no. accessible toilets. 1no. cleaning store and 1no.  
 changes places unit  
**Location:** SEAVIEW COACH AND CAR PARK THE FRONT  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 H/2019/0215 – Extension of the existing car park into the adjacent former fairground site, approved 08/08/2019.

## PROPOSAL

4.3 Permission is sought for the installation of seven beach hut style modular units to provide toilet, changing and cleaning facilities on land to the north of the Seaview Coach and Car Park, Seaton Carew. The proposed development is intended to replace existing toilet facilities at the Seaton Carew clock tower.

4.4 The proposed buildings would have an overall footprint of approximately 23.5m by 3.6m. The buildings would have pitched roofs with an eaves height of approximately 2.23m rising to 2.9m at the ridge. The proposals include nine ambulant toilets, two accessible toilets, a changing places facility and a cleaning storage unit. The buildings are to be finished in timber cladding of varying colours, and grey steel roof tiles.

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

## SITE CONTEXT

4.6 The application site is located on a parcel of land to the north of the existing Coach and Car Park to the east of Tees Road and south of the Seaton Carew Bus

Station, which is Grade II listed. The site is also adjacent to the southern boundary of the Seaton Carew Conservation Area.

## PUBLICITY

4.7 The application has been advertised by way of neighbour letters (16), site notice and press notice. To date, there have been three objections and one response neither for nor against.

4.8 The concerns and objections can be summarised as follows;

- The concerns raised can be summarised as follows:
- Use of materials,
- Separate male and female toilets would be preferable,
- Lack of detail on opening hours and cleaning regime,
- Lack of detail on proposed charges/should not be a charge,
- Query regarding plans for existing toilet facilities,
- Queries regarding finances of the project,
- Existing beach huts could be used instead to save money,
- Not everyone uses contactless payment methods,
- Money to be spent could be used to maintain the existing facilities,
- Existing facilities are in a more convenient location,
- Flood risk.

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

4.10 The period for publicity has expired.

## CONSULTATIONS

4.11 The following consultation replies have been received:

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

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

**HBC Public Protection** – I have no objections to this application and no comments to make.

**HBC Estates** – The land is HBC owned.

**HBC Ecology** – This proposal covers the provision of new toilet, accessible toilet and changing facilities (including a cleaning store to replace the existing Seaton Carew clock tower toilets facilities. The proposals include the provision of 7 no. modular units incorporating 9 no. ambulant toilet cubicles, 2 no. accessible cubicles,

1 no. cleaning store cubicle and 1 no. Changing Places cubicle. These toilets are proposed as a replacement for the existing public toilets located in the Grade II Listed Seaton Carew bus station clock tower. The units are a pitched roof construction with walls, floors and internal roof elements constructed from pressed steel sheets. The units will convey the aesthetic of a beach hut style building.

The case for the development is presented in the Design and Access Statement (Hartlepool Borough Council, March 2023, Rev.B).

The site is adjacent to the Teesmouth and Cleveland Coast, which incorporates the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), the Teesmouth and Cleveland Coast Special Protection Area (SPA), and the Teesmouth and Cleveland Coast Ramsar. There will be no loss of habitat within the designated sites and no increase in disturbance from recreational sources.

A nutrient neutrality statement has been submitted. It is proposed that the foul water is connected to the main sewer through a new connection, discharging to Seaton Carew WWTW.

The ecology team has reviewed the Design and Access Statement and various plans submitted as part of the application.

An HRA Stage 1 has been which concludes No Likely Significant Effect (LSE).

The Ecologist does not object to the proposal in terms of NPPF paragraph 180 and 182, as there will be no significant harm to biodiversity.

**HBC Heritage and Open Spaces** – The application site is located within Seaton Carew Conservation Area and is within the setting of the grade II listed, Seaton Bus Station, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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



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

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

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

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

The proposal is the provision of 7 modular units incorporating 9 toilets, two accessible toilets and a changes places unit, along with a cleaning store. The design of the units is in the style of beach huts.

As evidenced within the heritage statement supporting this application beach huts were situated along the prom in Seaton for a number of years. More recently a short terrace of modern huts have been installed to the rear of the play area on The Front. It is therefore acknowledged that the design of this proposal is accepted within the conservation area. In this instance it is considered that the proposed design, including the style and colours are appropriate to the conservation area and will not impact on its significance.

With regard to the impact on the setting of the Bus Station evidence is provided that in the past a number of beach huts were located to the rear of the bus station. It is

there considered that the location of these huts is acceptable and will not impact on the significance of the setting of this designated heritage asset.

**HBC Building Control** – no comments received.

**HBC Landscape Architect** – no comments received.

**Civic Society** – no comments received.

## **PLANNING POLICY**

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

### Local Policy

4.13 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of 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

PARA056: Planning conditions and obligations

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA190: 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

PARA206: Conserving and enhancing the historic environment

PARA218: Implementation

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

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

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

CC1: Minimising and adapting to climate change

CC2: Reducing and Mitigating Flood Risk

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings and Structures

HE7: Heritage at Risk

LS1: Locational Strategy

LT1: Leisure and Tourism

LT3: Development of Seaton Carew

NE2: Green Infrastructure

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

### **HBC Planning Policy Comments;**

4.15 The proposed development is located in Seaton Carew in an area that is allocated for tourism development (Local Plan policies LT1 and LT3), as a civic green space (policy NE2f) and is within a conservation area (policy HE3). There will be a need to demonstrate that the character and appearance of the conservation area is protected and positively enhanced as outlined in policy HE3 and the Seaton Carew SPD. The design of the structure and materials used will be required to be of a high quality and complement the character of the conservation area. Planning Policy notes that the proposed development will add more tourist/visitor facilities at Seaton, which is generally welcomed to promote it as a seaside resort. The green space is subject to Policy NE2. Given the siting, small scale and nature of the proposal, it is not considered to be inappropriate within this Green Infrastructure designation.

4.16 Provided the above requirements are met, Planning Policy has no objections to this proposal.

### **PLANNING CONSIDERATIONS**

4.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, impact on the historic environment and visual amenity of the surrounding area, ecology, amenity and any other planning matters, as set out below.

## PRINCIPLE OF DEVELOPMENT

4.18 The application site is within an area allocated for tourism development (Local Plan policies LT1 and LT3), given the proposals are intended to improve the visitor facilities in Seaton Carew, it is considered this is in line with the site's allocation. The site is currently an area of open space, it is therefore subject to policy NE2 of the Local Plan; the Council's Planning Policy team note that given the siting, small scale and nature of the proposal, it is considered to be appropriate within this designation.

4.19 While noting comments received from members of the public indicate a preference to using alternative locations for such a facility, ultimately this application has to be determined on its own merits and as submitted. Notwithstanding that, the proposed location is considered to be appropriate, adjacent to a large coach and car park it would allow visitors to use the facilities on arrival or before their departure. The facilities are also in close proximity to the existing facilities, the main attractions along The Front and the sea front/beach itself. It is understood that use of the existing beach huts in Seaton Carew for such a facility is not feasible, and while these proposals are similar in appearance, they are purpose built, bespoke units and are not like for like.

4.20 In light of the assessment above, the proposed development is considered to be acceptable in principle (including its location), subject to further considerations below.

## IMPACT ON HISTORIC ENVIRONMENT AND VISUAL AMENITY OF THE AREA

4.21 The application site is located within Seaton Carew Conservation Area and is within the setting of the grade II listed, Seaton Bus Station, both of which are considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

4.22 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 the Planning (Listed Buildings and Conservation Areas) Act requires a Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. With respect to the consideration of listed buildings, attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Act 1990.

4.23 It is considered that the proposals would not see a significant change that would be detrimental to the character and appearance of the site, as noted by the Council's Heritage and Open Spaces Manager, as modern beach huts are already present in the area, but also characteristic historically of Seaton Carew and the conservation area. As such, the proposed design, including colours of the units, are deemed appropriate to the conservation area in this instance.

4.24 The site is also adjacent to the grade II listed Seaton Bus Station and therefore impacts upon its setting should also be considered. It is noted beach huts

were located to the rear of the bus station historically, the Council's Heritage and Open Spaces Manager therefore considers the proposals to be acceptable and that they will not impact on the significance of the listed building.

4.25 The structures are of a relatively modest scale and appearance, and are positioned in a relatively discreet location, away from the main public highway of Tees Road. The palette of materials and colours proposed are a departure from the properties along the main road, but given the separated position it is considered this would not detract from the appearance of the area. It would be apparent the facilities were intended to replicate beach hut style architecture and colours found elsewhere in Seaton Carew and would be read accordingly in the street scene.

4.26 Given the above assessment, the proposed development is considered to be acceptable in relation to potential impacts on the historic environment or the visual amenity of the wider area.

## ECOLOGY

4.27 The application site is adjacent to, but not within, the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), Teesmouth and Cleveland Coast Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar. The proposals would not result in the loss of habitat within a designated site. The proposals would also serve existing tourists visiting the area (by virtue of replacing existing toilet facilities rather than creating entirely new facilities) and as such, are not anticipated to result in increased disturbance from recreational sources as confirmed by the HBC Ecologist.

4.28 It is proposed that foul water from the development will be connected to the mains sewer and will therefore discharge to Seaton Carew Waste Water Treatment Works. HBC Ecology have carried out a Habitat Regulations Assessment Stage 1, which concludes there would be no Likely Significant Effects on the designated sites in relation to nitrate enrichment and therefore Natural England do not need to be consulted on the proposals.

4.29 No objections have been raised by HBC Ecology on the basis there would be no "significant harm" to biodiversity in terms of paragraphs 180 and 182 NPPF. The proposals are therefore considered to be acceptable in relation to ecology.

## AMENITY OF NEIGHBOURING LAND USERS

4.30 The proposed units are to be located a substantial distance from the nearest neighbouring properties in residential use (approximately 89.5m) along The Front. At such a distance it is considered there would be no adverse impact on amenity and with regards to light, loss of outlook or overbearing appearance on occupiers of those properties. Given there are no windows proposed within the units, it is considered that the privacy of neighbouring land users would not be adversely affected.

4.31 The nearest building to the site is the Seaton Carew Golf Club, which is not considered to be a sensitive neighbouring use with regards to amenity, however

despite that the proposals would be approximately 17.5m away in any event. As such, it is considered there would not be any adverse impact in terms of light, loss of outlook or overbearing appearance in any event. As above, as there are no windows in the proposals, it is considered that privacy of the neighbouring land user would not be adversely affected.

4.32 No objections or requirements have been received from HBC Public Protection.

4.33 Given the assessment above, the proposals are considered to be acceptable with regards to amenity and privacy impacts.

#### OTHER PLANNING MATTERS

4.34 It is noted one of the objections received raised concerns regarding flooding, however the site is within flood zone 1 and therefore is not vulnerable to flooding, while the Council's Flood Risk Officer has confirmed there are no objections in this regard or in respect of contaminated land. The application is therefore considered to be acceptable in relation to flood risk and contaminated land.

4.35 The Council's Traffic and Transport team have advised there are no highway or traffic concerns in relation to the proposals, which are therefore considered to be acceptable in this regard.

#### OTHER MATTERS

4.36 Concerns have been raised in relation to the intended cleaning schedule for the facility, this is not a material planning consideration and a lack of detail in this regard cannot inform the outcome of a planning application. Notwithstanding that, it is noted from the applicant that the intention of the new facilities is, in part, to ensure cleaning arrangements be made easier than is the case with the current facilities.

4.37 Queries have been raised in relation to the cost of the proposals, whether more affordable options are available and whether the funding could be used to maintain the existing facilities. These are not material planning considerations.

#### CONCLUSION

4.38 The proposed development offers the opportunity to improve public facilities within Seaton Carew, which would assist in supporting tourism in the area. In principle, this is in line with local planning policies. The proposals would not have a significant negative impact with regards to impacts on the historic environment, ecology or amenity or any other planning matters, as such it is considered the proposed development is acceptable and can be supported, subject to the planning conditions detailed below.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

4.39 There is no evidence of equality or diversity implications.

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

4.40 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.

4.41 There are no Section 17 implications.

**REASON FOR DECISION**

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: drawing number 522-16 L004 (Location Plan) and drawing number 511-16 L005 (Sewer Connections Existing and Proposed), received by the Local Planning Authority 02/05/2023; and drawing number 511-16 L006 (Proposed Elevations & Plans), received by the Local Planning Authority 10/05/2023.  
For the avoidance of doubt.
3. The development hereby approved shall be completed in accordance with the materials and colour scheme as specified on drawing number 511-16 L006 (Proposed Elevations & Plans), received by the Local Planning Authority 10/05/2023 unless similar colours and materials are otherwise agreed in writing with the Local Planning Authority.  
To ensure a satisfactory form of development.

**BACKGROUND PAPERS**

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

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

## CONTACT OFFICER

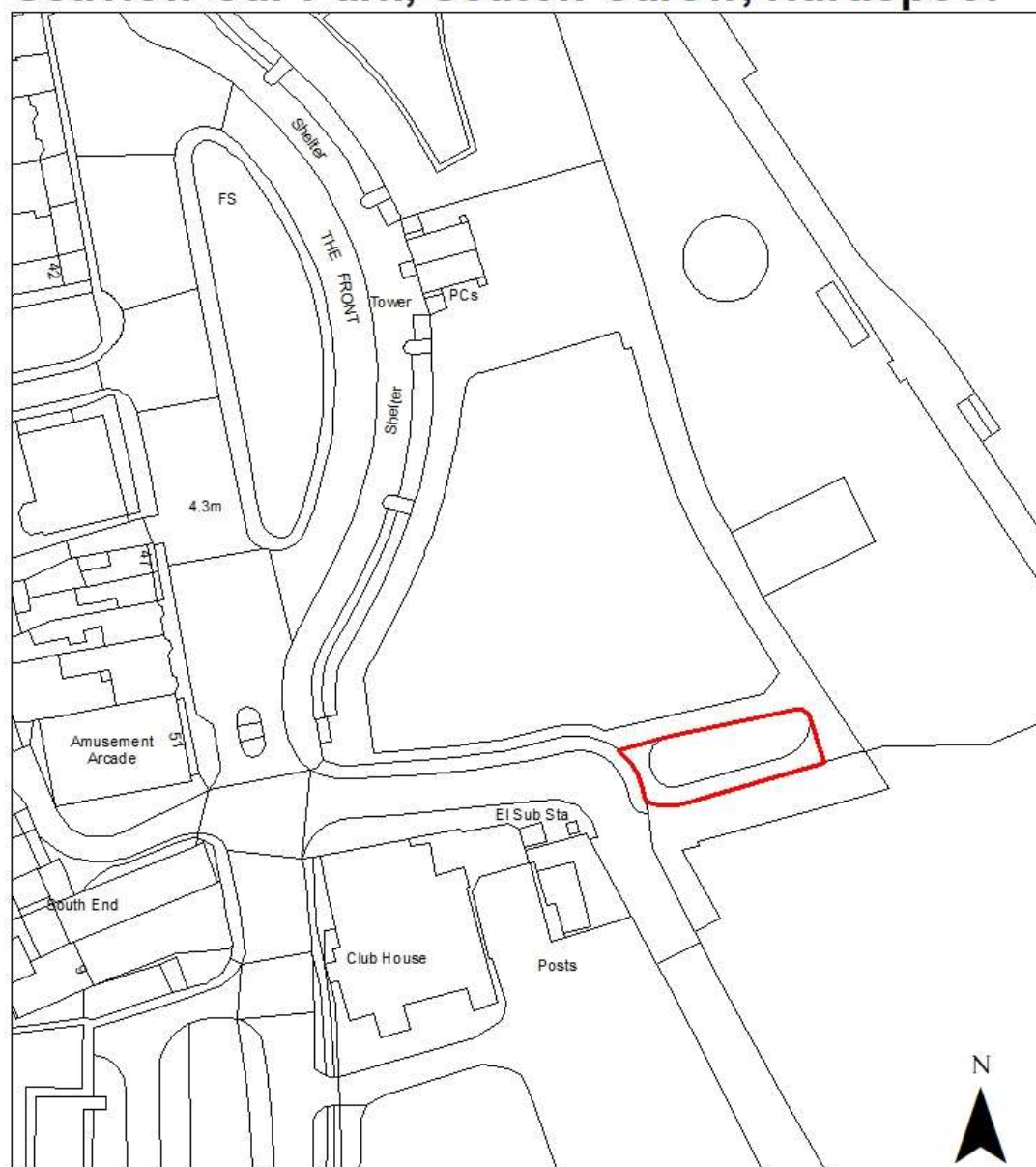
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## Seaview Car Park, Seaton Carew, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:1,000</b>	
	DRG.NO <b>H/2023/0129</b>	REV

**No:** 5.  
**Number:** H/2023/0073  
**Applicant:** MR BRIAN CARTER, 7 HENRY SMITH TERRACE,  
HARTLEPOOL TS24 0PB  
**Agent:** MR BRIAN CARTER, 7 HENRY SMITH TERRACE,  
HARTLEPOOL TS24 0PB  
**Date valid:** 25/04/2023  
**Development:** Removal of existing single glazed timber windows to front,  
side and rear and installation of new upvc sliding sash  
windows to front, side and rear. With refurbishment and  
repainting of existing timber front door and removal of  
existing timber rear door and installation of upvc rear and  
side doors.  
**Location:** 7 HENRY SMITH TERRACE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

5.2 The following applications are considered relevant to the current proposals:

H/1982/0462 – Change of use of dwelling to two flats and erection of separate rear access to first floor flat, approved 31/08/1982.

H/2007/0196 – Alterations and change of use to provide single dwelling, approved 01/05/2007.

## PROPOSAL

5.3 Permission is sought for the replacement of the majority of the existing single glazed timber framed windows to the front, side and rear with uPVC vertical sliding sash windows, refurbishment and repainting of the existing timber front door, the replacement of the existing timber basement door (in side elevation at the front of the property) and two timber doors in the side elevation of the rear offshoot both with uPVC doors.

5.4 The proposals include:

- Replacing all windows to the front, including those within the two-storey bay window to front, three first floor windows to front, windows within two dormer windows to front all with uPVC sliding sash windows.
- Replacing the majority of the windows within the main rear elevation, windows within dormer window to rear with uPVC sliding sash windows, two

existing uPVC windows in the rear elevation are to be retained and a third uPVC window is being replaced,

- Replacing five windows within the side elevation of the rear offshoot with uPVC sliding sash windows, two existing uPVC windows within the side elevation of the rear offshoot are to be retained,
- Existing front door of the property is to be retained, repaired and repainted,
- Door serving the basement, within the side elevation to the front of the property, is to be replaced in uPVC (white),
- Two doors within the side elevation of the rear offshoot are to be replaced in uPVC (white).

5.5 This application has been referred to planning committee at the request of a local ward councillor with the agreement of the Chair of committee, in line with the Council's scheme of delegation.

## SITE CONTEXT

5.6 The applicant property is an end of terrace, four storey dwelling, including basement and rooms in the roof served by dormer windows. The property has a two storey bay window serving the basement and ground floor, 2no windows at first floor and 2no dormer windows at roof level, reflective of the other properties in the terrace. The property is in the Headland area, Henry Smith Terrace is set back from but runs parallel with Moor Parade, there is an area of public open space to the front (east) of the property with the sea front beyond. The site is within the Headland Conservation Area.

## PUBLICITY

5.7 The application has been advertised by way of neighbour letters (9), site notice and press notice. To date, one response of no objection has been received.

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

5.9 The period for publicity has expired.

## CONSULTATIONS

5.10 The following consultation replies have been received:

**HBC Heritage and Open Spaces Manager** – The application site is located in the Headland conservation area which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The

National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

The conservation area is considered to be at risk due to the cumulative loss of traditional details such as timber windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is the replacement of traditional timber windows to the front and rear of the property and a replacement door to the front ground floor basement and rear of the house. It is proposed that double glazed UPVC windows will be used and the doors will be in the same material.

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

UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. Therefore both UPVC windows and doors will differ significantly in appearance both at the outset and critically as they age from elements constructed in wood.

A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area. It is particularly noted that in this instance, a number of the windows which will be replaced, particularly within the side elevation of the rear offshoot are multi-paned with margin lights glazing, such detailing would be lost in the replacement windows.

Similar to timber windows it is contended that the proposed doors would not replicate the detailing of a traditional timber door. It is noted that the door to the front is already uPVC however, para 197 looks for new development to make 'a positive contribution to local character and distinctiveness' it is therefore considered that in looking to carry out works to replace previous alterations, regard should be had for the character of the area, and in particular the traditional detailing which contributes to this.

It is accepted that to the rear off shoot and elevation are three non-traditional openings where uPVC windows already exist, two are to be retained and the third to be replaced in uPVC, in these instances there are no objections to these works are these are accepted to have a neutral impact on the significance of the area, however it should be noted that these are only a small element of the overall windows within the property that are proposed to be replaced.

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

**Civic Society** – no comments received.

**Headland Parish Council** – no comments received.

## PLANNING POLICY

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

### Local Policy

5.12 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of 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

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

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

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

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

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

HE1: Heritage Assets

HE3: Conservation Areas

HSG11: Extensions and alterations to existing dwellings

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

### **HBC Policy Comments;**

5.14 Planning policy has concerns with the type of windows being used to replace the original ones. They could have an adverse effect on the appearance of the conservation area. The views of the Heritage and Open Spaces manager will be paramount.

## **PLANNING CONSIDERATIONS**

5.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the building and surrounding conservation area.

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

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

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

5.18 As identified in the comments received from the Council's Heritage and Countryside Manager above, Headland Conservation Area derives its significance from Victorian domestic residential architecture, notably vertical sliding sash timber windows. It is the loss of such features and their replacement with non-traditional alternatives that has meant the conservation area is considered to be 'at risk'.

5.19 When considering the replacement of some of the windows proposed to the rear of the property, the Heritage and Open Spaces Manager notes that there are

three uPVC windows of non-traditional opening already in situ (that are in a relatively less conspicuous location than others to be replaced), replacing or retaining these windows is considered to have a neutral impact on the significance of the area and therefore there are no objections specifically regarding these. Notwithstanding that, this is only a small proportion of the windows that is proposed to be replaced which are currently original timber sash windows.

5.20 The existing bay windows to the front are original, albeit they are understood to be in poor condition. It is proposed to replace the windows within the existing openings with uPVC sliding sash windows, of similar proportions, albeit uPVC windows tend to have thicker frames as it is not possible to replicate the slender frames achievable in timber. It is also noted that uPVC has a smoother, more regular surface finish that is more reflective and ages differently than a timber equivalent would. While detailing such as tenoned corner joints and glass held with putty also have a different appearance than glazing beads and mitred corner joints found in uPVC windows.

5.21 The existing front door to the property is a substantial panelled timber door with glazed panels either side and arched glazed panels above. There are steps up to the front door from street level and a timber canopy over the door. The glazing to the right of the front door and that above, retain the original stained glass. Overall the impression of the property at street level is that it has an impressive, detailed entrance way. It is positive that this feature of the property is to be retained and repaired to restore it.

5.22 The doorway serving the basement of the property is located down some steps from street level and is within the side elevation of the staircase serving the front door. It is not readily apparent when viewing the front elevation of the property directly, but is visible when viewed from street level looking north. The existing door is timber, panelled, with a glazed fan light within the door itself. It is proposed to replace this door with a white colour, uPVC door with glazed section at the top and panelling below (approximately one third to two thirds proportions).

5.23 Two timber doors within the side elevation of the rear offshoot of the property are to be replaced in white uPVC. One of these doors serves the basement level of the property and is situated beneath the staircase serving the main ground floor of the property. Given its location and the substantial boundary wall to the yard area (approximately 2m in height), it is unlikely views of this door would be achieved from the alley to the rear of the property. Due to the scale of the property and its proportions, the ground floor is raised above the external ground level and achieves access to the rear yard via a metal staircase. The position and height of the doorway means this door is visible from the rear alley above the yard wall.

5.24 While the Council's Heritage and Open Spaces Manager has acknowledged that some of the windows are already uPVC and replacement or retention of these would not negatively impact the character of the conservation area, a further and significant introduction of modern materials both to the windows and the doors (replacing windows and doors of a traditional design and material) would result in less than substantial harm to the conservation area.



5.25 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused.

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

5.27 While the applicant has sought to replicate a traditional method of opening for the windows and noting it is very positive that the applicant is retaining the impressive front door, it is still considered the proposed uPVC windows and installation of uPVC doors (and loss of traditional materials and design) would cause less than substantial harm to the character and appearance of Headland Conservation Area (and that of the main dwelling) due to the design, detailing and use of non-traditional materials, and are therefore unacceptable in this respect.

5.28 Paragraph 202 of the NPPF (2021) requires that works that would result in 'less than substantial harm' (which is within the scale of harm set out in the NPPF, namely "substantial harm, total loss or less than substantial harm" to the significance of a heritage asset) requires that this harm be weighed against any public benefits of the proposal. The Council's Head of Service for Heritage & Open Space has identified these works as causing less than substantial harm where no public benefits have been identified by the applicant. In this instance, it is considered that the applicant has not sought to identify any clear public benefits but notes that the proposal would address "years of neglect" and their view that the proposed replacement windows would "visually benefit the conservation area".

5.29 In response, whilst there may be some benefits gained through an enhancement of a property's thermal efficiency (compared to existing) and upkeep to its fabric, this would be of solely private benefit to the applicant and therefore does not weigh in favour of the proposals. Furthermore, it is considered that any benefits should they exist (none have not been readily identified by the applicant) would not outweigh or justify the harm caused by the proposed development. Finally, Officers are not persuaded that any (public) benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage asset i.e. through the use of appropriate materials and detailing.

5.30 The proposal is therefore considered to conflict with the provisions of the NPPF (2021) and relevant policies of the Hartlepool Local Plan (2018), which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

## OTHER PLANNING MATTERS

5.31 It is considered that the proposals would not have a significant negative impact on the privacy of neighbouring occupiers as no new window openings are proposed that could create overlooking. As the proposals would not alter the footprint of the property, it is considered that there would not be any impact in terms of loss of light or overbearing appearance on neighbouring occupiers.

## CONCLUSION

5.32 It is considered that the introduction of windows of non-traditional design and materials causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials (including the loss of traditional materials). Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 130, 194, 195, 197, 199, 202, 203 and 207 of the National Planning Policy Framework 2021.

## EQUALITY AND DIVERSITY CONSIDERATIONS

5.33 There is no evidence of equality or diversity implications.

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

5.34 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.

5.35 There are no Section 17 implications.

## REASON FOR DECISION

5.36 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 following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows and doors would cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials (including the loss of traditional materials). It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1, HE3 and HE5 of the Hartlepool Local Plan (2018) and

paragraphs 189, 194, 195, 197, 199, 202, 203 and 207 of the National Planning Policy Framework 2021.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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## 7 Henry Smith Terrace, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2023/0073</b>	REV



**No:** 6.  
**Number:** H/2023/0065  
**Applicant:** MISS G H LINDEN GROVE HARTLEPOOL TS26 9PU  
**Agent:** ASP Service Ltd OFFICE 206 ADVANCED HOUSE  
 WESLEY SQUARE HARTLEPOOL TS24 8BX  
**Date valid:** 12/04/2023  
**Development:** Demolition of rear canopy and erection of single storey  
 rear extension  
**Location:** 23 LINDEN GROVE HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 The following planning history is considered to be relevant to the current planning application;

H/2010/0520 – Tree works including crown reduction and felling. Approved 21/10/2010.

H/2020/0475 – Tree works in a conservation area. Approved 11/02/2021.

H/2021/0283 – Tree works in a conservation area to trim Cherry Blossom Tree. Front garden shrubs to also be trimmed back. Approved 10/08/2021.

H/2022/0106 – Demolition of rear canopy and erection of single storey rear extension. Withdrawn 30/05/2022.

## PROPOSAL

6.3 This planning application seeks permission for the demolition of an existing rear canopy and erection of a single storey rear extension. The proposed single storey rear extension would project from the ground floor rear elevation and along the northern boundary for approximately 5.2m and approximately 4.04m from the existing two storey projecting rear element along the southern aspect of the dwelling.

6.4 The proposal would feature a width of approximately 6.5m, with an overall height of approximately 3m, featuring a flat roof with 2no. flat sky lights set behind a parapet wall. The proposed extension would feature a four-pane set of bi-fold doors and a two-pane window on its rear/east elevation (proposed to serve an open-plan kitchen-diner). The side/north and side/south elevations would be blank. The

proposed extension would be finished in materials to match those on the existing main dwelling.

6.5 The submitted plans indicate that a proposed roof light would be installed in the rear/east elevation of the main roof which is likely to fall under Permitted Development. In any event, this is not considered as part of this application.

6.6 The application has been called in to planning committee at the request of a local ward councillor and in agreement with the Chair of Planning Committee, in line with the Council's scheme of delegation.

## **SITE CONTEXT**

6.7 The application site relates to 23 Linden Grove, a west-facing, semi-detached, two-storey dwelling, situated in a residential area (Linden Grove) within the Burn Valley ward of Hartlepool. The application site falls within the Grange Conservation Area, a designated heritage asset.

6.8 The main dwelling features a two-storey element that projects off the main rear/east elevation on the southern element by approximately 1.2m, in addition to a canopy at ground floor on the rear/east elevations northern part that projects approximately 1.2m, resulting in the ground floor rear access door, with glazing either side and above being recessed by approximately 1.17m.

6.9 To the side/north is the adjoining neighbour of 21 Linden Grove and to the side/south are the rear gardens of a number of neighbouring dwellings, namely 46, 44, 42 and 40 Wilton Avenue (running west to east). The rear/east garden boundary abounds the rear garden of 38 Wilton Avenue (the main dwelling being located to the south east) and to the front/west is the highway of Linden Grove.

6.10 The rear garden is accessed via a gate on the side/south elevation of the main dwelling and the rear garden is enclosed on its side/north boundary by an approximately 1.8m high close board timber fence which extends along to the rear/east boundary, with its side/south boundary comprises an approximately 1.8m high brick wall. The rear garden features a number of trees along the side/south boundary that extend to the rear/east.

## **PUBLICITY**

6.11 The application has been advertised by way of neighbour letters (13), a site notice and a press advert. To date, there have been no responses received.

6.12 Background papers can be viewed via the 'click to view attachments' link on the following public access page:  
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157178>

6.13 The period for publicity has expired.

## CONSULTATIONS

6.14 The following consultation replies have been received:

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

The application site is located in the Grange Conservation Area. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The proposal comprises the demolition of rear canopy and erection of single storey rear extension. It is considered that the works will not impact on the significance of the conservation area, no objection.

**HBC Arboricultural Officer:** There are no arboricultural concerns regarding this application.

**Tees Archaeology:** Thank you for the consultation on this application. There are no archaeological concerns regarding the proposed development.

**HBC Building Control:** no comments received.

**Civic Society:** no comments received.

## PLANNING POLICY

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



Local Policy

6.16 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  
 HE1: Heritage Assets  
 HE3: Conservation Areas

National Planning Policy Framework (NPPF)(2021)

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

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  
 PARA130: Achieving well-designed places  
 PARA134: Achieving well-designed places  
 PARA190: Positive strategy for conservation and enjoyment of historic environment  
 PARA197: Determining applications affecting heritage assets  
 PARA206: Enhancing heritage assets  
 PARA218: Implementation

## PLANNING CONSIDERATIONS

6.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on amenity and privacy of neighbouring land users, the impact on the character and appearance of the host dwelling and surrounding street scene, including the conservation area, the impact on trees and any other planning matters.

### IMPACT ON NEIGHBOUR AMENITY

6.19 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.

6.20 The above requirements are reiterated in the Council's Residential Design SPD (2019).

#### Impact on 21 Linden Grove (north)

6.21 This neighbouring property attaches to the side/north of the application site and comprises a two-storey, semi-detached dwelling. The rear/east elevation of this property features at ground floor a set of French doors with glazing either side and above (understood to serve a dining room/habitable room) with a large two-pane window beyond that (understood to serve a kitchen/non-habitable room). (All rooms/windows were observed by the case officer on a site visit and on the basis that No 21 is a 'handed' version of the host dwelling, save for the 'infill' to the ground floor rear elevation). The shared boundary treatments comprise an approximate 1.8m high close board timber fence. This neighbouring property comprises the same house type as the application property, however the rear ground floor previously recessed French doors (as per the host dwelling) have been brought forward approximately 1.17m and now sit flush with the rear of the original canopy. A separation distance from the proposed extension to the shared boundary of approximately 0.2m would remain and approximately 0.3m to the nearest identified ground floor windows would remain.

6.22 The proposal would project approximately 5.2m along the northern elevation, adjacent to the rear elevation of No 21 however owing the aforementioned infill element to the rear of No 21, the proposal would project approximately 4.04m beyond the ground floor windows and doors in the immediately adjacent rear elevation of No 21 that are understood to serve a habitable room.

6.23 As a result, the proposal would in effect result in an approximately 3m high wall projecting approximately 4.04m along the immediate rear boundary to No 21 and beyond its nearest ground floor rear elevation.

6.24 Owing to the scale, massing and projection of the proposed single storey rear extension with a flat roof design (approximately 3m in height), in addition to its close proximity to the identified ground floor habitable room windows and doors in the rear elevation of no.21, it is considered that the proposed extension would result in an unacceptable adverse impact on the amenity of existing and future occupiers of this neighbouring property in terms of overbearing, overshadowing and loss of outlook to the identified ground floor habitable room windows and French doors in the rear elevation of no.21 and the immediate private outdoor amenity space of no.21 Linden Grove. Due to these reasons, it is considered that the proposed extension would result in such an unacceptable impact on the amenity of this neighbouring property as to warrant a reason to refuse the application in this instance.

6.25 It is also of note that the proposed scheme would contravene the 60 degree 'rule' or 'code' (or Daylight Standard) which seeks to ensure that development does not cross a line drawn at 60 degrees from the centre of the nearest window/doors to a ground floor habitable room in a neighbouring property. Where a proposed extension contravenes or 'breaks' this 60 degree angle, it is said to result in an adverse impact on daylight to the identified window and the room that it serves; these tests are often incorporated in local supplementary planning documents and whilst this does not form part of Hartlepool Borough Council's guidance and is therefore only given limited weight, it is noted that when applied from the nearest ground floor habitable room windows/doors in the rear of No 21, that the proposal would break this angle. This is considered to further underline the LPA's view that the impacts of the proposal would, on balance, warrant a refusal of the application in respect to the identified impacts on the amenity of No 21 Linden Grove.

6.26 In terms of privacy, the proposed extension would feature windows and doors on its rear/east elevation only. It is considered that these proposed windows would have an oblique relationship with the identified neighbouring windows in the rear/east elevation of no.21 and its immediate private outdoor amenity space. Furthermore, it is considered that the shared boundary treatment would provide partial screening, as such views towards the remaining garden space are considered to be satisfactorily screened from the proposed openings. Therefore and in view of the above, it is considered that the proposed extension would not result in an adverse overlooking impact for the existing and future occupiers of the neighbouring property in terms of overlooking.

6.27 As a result of Officers concerns regarding the proposal, the case officer has suggested potential alternative options to the applicant's agent that could potentially seek to address and overcome the above, identified impacts primarily by i) setting the proposal substantially off the boundary, ii) reducing the projection of the proposal closer to the 'fall back' position of permitted development or iii) applying a chamfer to the corner of the projecting element to reduce its massing. However, the applicant has confirmed that they do not wish to amend the scheme and the application has therefore been considered accordingly.

6.28 It is also acknowledged that no objections have been received from the neighbouring occupier, however the LPA are obliged to consider the impacts on the amenity of existing and future occupiers as required by the NPPF (2021) which states that decisions should produce a “high standard of amenity for existing and future users” (para. 130).

#### Impact on 46, 44, 42 and 40 Wilton Avenue (south)

6.29 The rear gardens of 46, 44, 42 and 40 (running west to east) Wilton Avenue adjoin the southern boundary of the application site. The shared boundary treatments to each dwelling comprises of an approximately 1.8m high brick wall.

6.30 No.46 Wilton Avenue (south west) is situated to the west of the proposed extension and features a rear extension that extends up to the shared boundary, with no windows on its rear/north or side/east elevation, with all ground floor windows on its side/west elevation (no known planning history). A separation distance from the proposed extension to the shared boundary and nearest blank side/north elevation of approximately 3.4m would remain. Owing to the offset and oblique relationship and that there are no windows in the rear/north or side/east elevation of this neighbouring property (or the side/south elevation of the proposal), it is considered that the proposed extension would not result in any adverse impact on the amenity and privacy of no.46 Wilton Avenue in terms of overbearing, overshadowing, loss of outlook and overlooking.

6.31 In terms of no.44 Wilton Avenue (south), this neighbouring dwelling features a single storey rear extension that adjoins and extends up to the shared boundary with the application site (no known planning history). The neighbour's extension features a roof light in its side/east elevation, in addition to a number of windows and doors in its rear/north and side/east elevation of the main dwelling that are likely to serve habitable and non-habitable rooms. A separation distance of approximately 3.6m would remain from the side elevation of the proposal to the shared boundary, approximately 5.4m to the roof light and approximately 9.7m to the nearest ground floor window in the rear/north elevation of No 44 Wilton Avenue. It is noted that the separation distance between no.44 Wilton Avenue's ground floor window in its rear/north elevation of the main dwelling to the proposed extension would not meet the required 10m separation distance under Policy QP4 of the Hartlepool Local Plan and the Residential Design Guide.

6.32 However, it is considered that owing to the set-back of the proposed extension from the shared boundary, the screening provided by the shared boundary treatment, the oblique relationship with the proposed openings in the rear/east elevation of the proposed extension and that the side/south elevation of the proposed extension would be blank, it is considered that the proposed development would not result in a significant adverse impact on the amenity and privacy of the occupants of no.44 Wilton Avenue in terms of overbearing, overshadowing, loss of outlook and overlooking as to warrant a reason to refuse the application.

6.33 In terms of no.42 and no.40 Wilton Avenue (south east), these neighbouring dwellings feature ground floor windows in their rear/north elevation that are likely to serve habitable and non-habitable rooms. A separation distance from the proposed

extension to the shared boundary of no.42 Wilton Avenue of approximately 5.9m would remain and a separation distance of approximately 22.6m from the proposal to the nearest elevation and ground floor windows in the rear/north of No 42 Wilton Avenue would remain.

6.34 A separation distance from the proposed extension to the shared boundary of no.40 Wilton Avenue of approximately 16.5m would remain and a distance of approximately 26m to the nearest elevation and ground floor windows in the rear/north of No 40 Wilton Avenue would remain.

6.35 Owing to these satisfactory separation distances that accord with the requirements of Policy QP4 and the Residential Design Guide, it is considered that the proposed extension would be not result in an adverse impact on the amenity and privacy of no.42 and no.40 Wilton Avenue in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on 38 Wilton Avenue (east)

6.36 Abounding the rear/east boundary of the application site is no.38 Wilton Avenue, with the main dwelling situated to the south of the plot. The shared boundary treatments comprise the approximate 1.8m high close board timber fence. A separation distance of approximately 27.8m would remain from the proposal to the shared rear/eastern boundary and an oblique distance of approximately 38.3m would remain to the nearest elevation (rear/north) of No 38 Wilton Avenue. Owing to these satisfactory separation distances that accord with the requirements of Policy QP4 and the Residential Design Guide, it is considered that the proposed extension would be not result in an adverse impact on the amenity and privacy of no.38 Wilton Avenue in terms of overbearing, overshadowing, loss of outlook and overlooking.

#### Impact on properties to the front/west

6.37 The proposed development would not project beyond the side/south, side/north or above the roof height of the main dwelling and therefore would be entirely screened by the presence of the host dwelling. Due to this reason, it is considered that the proposed development would not result in an adverse impact on the amenity and privacy of neighbouring properties to the west in terms of overbearing, overshadowing, loss of outlook and overlooking.

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

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

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

positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

6.41 The proposed single storey rear extension would not extend beyond the side/north or side/south elevations of the main dwelling, nor would it extend above the existing roof, as such the proposed rear extension would not be readily seen when viewing the principal elevation of the host dwelling or on view of the surrounding street scene, including the conservation area. The proposed extension is considered to be of a design, scale and layout which respects the proportions of the host dwelling and the application site as a whole (notwithstanding the identified impacts on the amenity of the adjoining neighbouring property). The proposed extension would be finished in materials and fenestration to match existing on the host dwelling.

6.42 Furthermore, the Council's Heritage and Open Spaces Manager has commented on the application and considered that the proposed works will not impact on the significance of the conservation area, as such they provide no objection to the application.

6.43 Therefore, it is considered that the proposed extension would not adversely affect the character and appearance of the application site or adversely affect the visual amenity of the surrounding street scene, including the character and appearance of the conservation area.

## IMPACT ON TREES

6.44 The rear garden of the application site features a number of trees situated adjacent to the side/south boundary and extends to the rear/east, none of these trees are covered by a Tree Protection Order, however they are protected by the Conservation Area status of the application site. The Council's Arboricultural Officer commented on the application and confirmed that there are no arboricultural concerns with the proposed development. In light of this, the application is considered acceptable in this respect.

## OTHER PLANNING MATTERS

6.45 Tees Archaeology commented on the application and confirmed that there are no archaeological concerns regarding the proposed development. The application is considered acceptable in this respect.

## CONCLUSION

6.46 In light of the above considerations identified within the Hartlepool Local Plan (2018) and paragraph 130 of the National Planning Policy Framework (2021), it is considered that the proposed development by virtue of its siting, scale and design would result in an unacceptable loss of amenity for existing and future occupiers of the neighbouring property to the north at 21 Linden Grove. It is therefore considered that the proposed development is contrary to Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraph 130 of the NPPF (2021) and the application is recommended for refusal.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

6.47 There is no evidence of equality or diversity implications.

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

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

6.49 There are no Section 17 implications.

## **REASON FOR DECISION**

6.50 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 below:**

1. In the opinion of the Local Planning Authority, the proposed single storey rear extension would have a detrimental impact on the amenity of the neighbouring property at 21 Linden Grove (north), in terms of its overbearing and overshadowing effect and loss of outlook to the habitable room windows/doors in its ground floor rear elevation (east) as well as to their immediate outdoor amenity space, contrary to the requirements of Local Plan Policies QP4 and HSG11 and contrary to one of the core principles of the National Planning Policy Framework (2021) (para.130) which states that all new developments should achieve a high standard of amenity for existing and future users.

## **BACKGROUND PAPERS**

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157178>

6.52 Copies of the applications are available on-line:

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

## CONTACT OFFICER

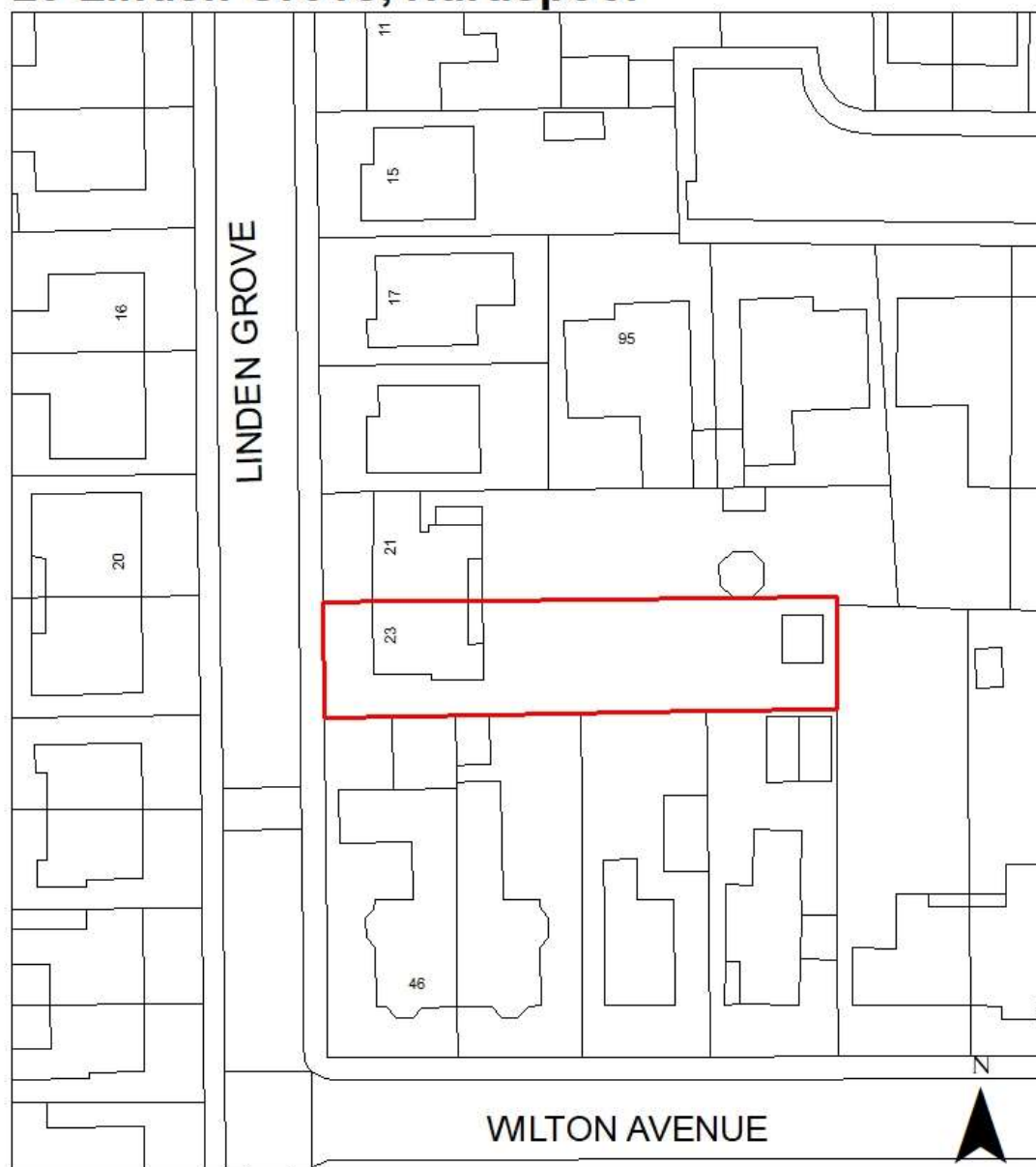
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## 23 Linden Grove, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>05.07.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2023/0065</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

19<sup>th</sup> July 2023



**Report of:** Assistant Director – Neighbourhood Services

**Subject:** DEVELOPMENT MANAGEMENT PERFORMANCE  
– FOURTH QUARTER 2022-23

---

### 1. PURPOSE OF REPORT

1.1 This report is for information.

### 2. PURPOSE OF REPORT

2.1 To update the Planning Committee on performance of the Development Management service for the fourth quarter of 2022/2023.

### 3. BACKGROUND

- 3.1 The Development Management service focuses on determining planning applications. The service encourages the use of an advisory service (One Stop Shop) to enable proposals to be considered informally before applications are submitted, helping to improve the quality of development where appropriate. The section is also responsible for monitoring development and, where necessary, implementing enforcement action against unauthorised development.
- 3.2 The Government's current statutory determination periods for planning applications are 8 weeks for non-major development, 10 weeks for technical details consent, 10 weeks for development relating to major public service infrastructure projects (excluding EIA development) involving schools, hospitals and criminal justice accommodation, 13 weeks for major development and 16 weeks for EIA (Environmental Impact Assessment) development.
- 3.3 The Government sets stringent standards for performance, if these are not met then an authority can come under special measures which would mean that an applicant could apply to the Planning Inspectorate to determine its application rather than the planning authority. The Government's criteria for special measures designation require that, in terms of speed of decision making, 60% of major and 70% of non-major applications are determined within the statutory periods (or within an agreed extension of time). In terms of quality of decision making the criteria require that less than 10% of an authorities total decisions are overturned on appeal.

#### 4. PERFORMANCE FOR THE FOURTH QUARTER

##### *Speed of decision making*

- 4.1 For the fourth quarter the service recorded that 100% of major applications were determined within the statutory periods (or within an agreed extension of time). For non-major ('minor' or 'other') applications 100% of applications were determined within the statutory periods (or within an agreed extension of time). For county matters (mineral and waste) no applications were determined in quarter 4.
- 4.2 In all cases, the service is far exceeding the government's performance targets. Furthermore, of these applications, some 91% were approved.

##### *Quality of decision making*

- 4.3 For the fourth quarter of the year, 2 appeals were dismissed (two enforcement appeals), and three were allowed. Notwithstanding the allowed appeals, again the authorities performance far exceeds the government's target of less than 10% of its decisions overturned.

#### 5. RECOMMENDATION

- 5.1 That members note the report.

#### 6. CONTACT OFFICER

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# PLANNING COMMITTEE

19 July 2023



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

**Subject:** UPDATE ON CURRENT COMPLAINTS AND  
ENFORCEMENT ACTIONS

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## 1. PURPOSE OF REPORT

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

1. The erection of a high timber fence at the rear of a residential property in Kesteven Road.
2. The installation of a step at the front of a residential property in Ashfield Close.
3. The change of use of a residential property in Bright Street to a house in multiple occupation.
4. The erection of a high timber fence at the side and rear of a residential property in Cranwell Road.
5. The change of use of a residential property in Farndale Road to use as holiday accommodation/short term let.
6. The display of a banner sign on the side of a residential property in Mayfair Gardens.
7. The erection of a large timber gazebo at the rear of a residential property in Middlewood Close.

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

1. Running a car and caravan sales business at a residential property in Crowland Road. It is considered that the activity does not give rise to a material change of use.

2. The erection of an extension at the rear of a residential property in Colenso Street. A part retrospective planning application seeking to regularise the erection of the extension has since been approved.
  3. Non-compliance with a working hours condition at a residential development site at land off Elwick Road. The site is now operating in compliance with the working hours condition.
  4. Non-compliance with a working hours condition at a residential development site at land east of Brenda Road and south of Seaton Lane. The site is now operating in accordance with the working hours condition.
  5. Non-compliance with a working hours condition at a residential development site at land off Coniscliffe Road. The site is now operating in accordance with the working hours condition.
  6. The erection of an outbuilding at the front of a residential property on South Crescent. The outbuilding has since been removed.
  7. Non-compliance with a condition requiring external materials to match those of the existing building at a householder development on Torcross Close. The works required by the condition have now been completed.
- 1.3 No enforcement actions have been taken within this reporting period:

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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