

PLANNING COMMITTEE

AGENDA



Wednesday 16 August, 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 19 July 2023 (*to follow*)

4. **ITEMS REQUIRING DECISION**

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

1. H/2023/0065 23 Linden Grove (page 1)
2. H/2023/0156 The Star Centre, 198 Flint Walk (page 13)

5. **ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Appeal at 234 Stockton Road - *Assistant Director, Neighbourhood Services*

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

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.

FOR INFORMATION

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

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 13 September 2023 at 10.00 am.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19 July 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, Sue Little, Melanie Morley, Karen Oliver, Carole Thompson and Mike Young

In accordance with Council Procedure Rule 4.2 Councillor Brian Cowie was in attendance as substitute for Councillor Andrew Martin-Wells and Councillor David Nicholson was in attendance as substitute for Councillor Veronica Nicholson.

Also Present: Councillor Phil Holbrook

Officers: Kieran Bostock, Assistant Director (Place Management)
Sylvia Pinkney, Assistant Director (Regulatory Services)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Coast, Countryside and Heritage Manager
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Steve Wilkie, Architect and Landscape Team Leader
Kieran Campbell, Senior Planning Officer
Neil Harrison, Senior Trading Standards Officer
Stuart Edwards, Flood Risk Officer
Chris Scaife, Countryside Access Officer
Helen Robinson, Legal Advisor
Jo Stubbs, Democratic Services Officer

9. Apologies for Absence

Apologies were submitted by Councillors Andrew Martin-Wells and Veronica Nicholson.

10. Declarations of interest by members

Councillor Mike Young declared a personal interest in H/2022/0472 (1 Woodlands Grove) as he had been lobbied on this matter.

Councillor Sue Little declared a personal interest in H/2022/0032 (49 & 50 The Front) and H/2023/0129 (Seaview Coach and Caravan Park) as both were in her Ward

Councillor Tom Feeney declared a personal interest in H/2022/0032 (49 & 50 The Front) as the objector was a friend but confirmed this would not influence his vote.

11. Confirmation of the minutes of the meeting held on 21st June 2023

Minutes confirmed

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

Number:	H/2022/0472
Applicant:	MR MRS S CARROLL WOODLANDS GROVE HARTLEPOOL
Agent:	PYRAMID ARCHITECTURAL DESIGNS MR BEN WEARS UNIT 8 LEXINGTON BUILDINGS MARSKE BY THE SEA
Date received:	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

Consideration of this application was previously deferred to allow for a site visit. The application was recommended for refusal.

The Planning Team Leader confirmed that 1 Woodlands Grove was not located in the Park Conservation Area. While members acknowledged that the changes made to the property were not in keeping with the original design they felt that any adverse effect was minimal due to it being partially screened. It was also noted that the White House public house was located in the Park Conservation Area and felt that this was essentially a matter of personal preference.

Councillor Moss Boddy moved that a vote to approve this application be put, against the officer recommendation. This was seconded by Councillor Melanie Morley. A recorded vote was taken.

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Against – Councillor Karen Oliver

Abstained – none

Members clarified their decision to go against the officer recommendation as being related to the changes having an acceptable impact on the character and appearance of the locality with no adverse effect. The Planning and Development Manager confirmed that the planning conditions would be delegated to the officer in consultation with the Chair.

A recorded vote to refuse the application as per the officer recommendation was taken.

For – Councillor Karen Oliver

Against - Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Abstained - none

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

Number: H/2022/0032

Applicant: HORIZON VIEW LTD FAREHAM CLOSE
HARTLEPOOL

Agent: ASP ASSOCIATES JONATHAN LOUGHREY 8
GRANGE ROAD HARTLEPOOL

Date received: 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 and the erection of boundary fence to side (north). Rendered external finish to building. (Demolition of existing two storey rear extension) .

Location: 49 & 50 THE FRONT SEATON CAREW
HARTLEPOOL

This application was recommended for refusal. The Senior Planning Officer clarified the tabled and updated reason for refusal with an explanation of the additional National Planning Policy Framework (2021) policies but confirmed that these additions were reflective of the consideration within the published committed report and the tabled changes were for completeness.

In response to member queries the Senior Planning Officer confirmed that the flats would be self-contained and designed for residents with medical and physical disabilities. This meant there would be communal and care facilities included. The existing windows on the property were UPVC casement. A member highlighted the length of time the building had been unoccupied and suggested that rectifying this was more important than concerns around the conservation area, particularly as the proposed extension would be largely masked from public view and adjacent to a single storey amusement arcade. The Planning and Development Manager acknowledged these comments but felt that officers should seek to improve the appearance of conservation areas rather than repeat what was already in place. They were required to improve conservation areas by guidance and legislation. The Senior Planning Officer also confirmed that 5 new parking spaces would be created at the rear of the property.

The Agent (Jonathan Loughrey) attended the meeting and addressed members. He confirmed that timber windows as a replacement of the current UPVC had been considered but the cost would have doubled. He felt that the reasons for objection were unjustified when balanced against the benefits of bringing the building back into use and preventing further deterioration. He confirmed the flats would have a locked door policy with 2 members of staff working on a shift pattern. This would enable residents to be independent while still having assistance when needed. The site would be secure with rear gating as per police recommendations.

Members felt that the arguments put forward in terms of bringing a disused building back into use were acceptable given that the proposed design did not appear to go against the core principles. Mr Loughrey confirmed that the UPVC panels could be designed to reflect the Georgian style, however the Chair advised that the applicant could not be required to do this. A member raised concerns that approval of an application should not come at any cost, noting the proposed back extension did not retain the character of the existing building. Other members felt it should be noted that making the building more

energy efficient through the use of UPVC would make the building more economically viable.

Councillor Moss Boddy moved that a vote to approve this application be put, against the officer recommendation. This was seconded by Councillor Mike Young. A recorded vote was taken.

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Against – Councillor Karen Oliver

Abstained – none

Members clarified their decision to go against the officer recommendation as being that the development would have an acceptable impact on the conservation area, bringing a disused building back into use and making it more energy efficient. A member requested that parking, security and UPVC window design be conditioned if possible. The Planning and Development Manager advised that conditions would be delegated to officers with planning obligations and Section 106 requirements.

A recorded vote to refuse the application as per the officer recommendation was taken.

For – Councillors Tom Feeney and Karen Oliver

Against - Councillors Moss Boddy, Paddy Brown, Rob Darby, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Abstained - none

Decision:	Minded to Approve subject to the completion of a legal agreement under S106 of the Planning Act and planning conditions, both delegated to the Planning and Development Manager.
------------------	---

The committee considered representations on this item.

Number: H/2023/0124

Applicant: AJ STRANTON PROPERTIES GRANGE ROAD
HARTLEPOOL

Agent: PYRAMID ARCHITECTURAL DESIGN MR BEN
WEARS UNIT 8 LEXINGTON BUILDINGS
MARSKE BY THE SEA

Date received: 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

This application was recommended for approval. The Planning Team Leader updated Members on the tabled, updated conditions (2 and 4) and explained that they reflected additional plans that had been received since the publication of the committee report to provide details of the proposed cycle storage and boundary fence to the rear. As such, the original condition wording was updated as tabled before Members.

A member queried what assurances there were that any future purchasers of the property would retain it in a manner in keeping with the conservation area. The Planning Team Leader advised that any future changes to the appearance of the property would require planning permission. The function of the property was not a planning matter but primarily one of management and licensing. A member noted there were a large number of HMO's on Grange Road and queried whether a community impact assessment had been carried out. The Planning and Development Manager advised that only HMO for more than 6 people need a licence so the Council would be unaware of their existence unless an application was made for planning permission. Those applying for a licence would have conditions attached.

A recorded vote to approve the application, as per the officer recommendation, was taken.

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Karen Oliver and Carole Thompson and Mike Young

Against – none

Abstained – none

Decision: **Planning Permission Approved (subject to updated, tabled conditions 2 and 4).**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans: 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, Proposed Bike Store Elevations - Page 08, Rev 1, received by the Local Planning Authority 17/07/2023.
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, the cycle store and 'separating fence' (and gate) 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 implemented in accordance with plan Proposed Bike Store Elevation Page 08 Rev 1 (received by the Local Planning Authority 17/07/2023). Both the cycle store and separating fence (with gate) shall be stained a dark oak/brown colour unless an alternative similar colour is agreed in writing with the Local Planning Authority. Thereafter and following the implementation of the scheme, the agreed scheme shall be retained 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.

Number:	H/2023/0129
Applicant:	HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD HARTLEPOOL
Agent:	HARTLEPOOL BOROUGH COUNCIL STEVEN WILKIE CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
Date received:	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

This application was recommended for approval.

Members were supportive of the application, particularly the inclusion of a disabled access changing room.

A recorded vote to approve the application, as per the officer recommendation, was taken.

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Karen Oliver and Carole Thompson and Mike Young

Against – none

Abstained – none

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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

Number:	H/2023/0073
Applicant:	MR BRIAN CARTER HENRY SMITH TERRACE HARTLEPOOL
Agent:	MR BRIAN CARTER 7 HENRY SMITH TERRACE HARTLEPOOL
Date received:	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

This application was recommended for refusal.

Lee McPherson (the applicant) addressed the Committee and answered questions. They had moved into the property the previous year and spent time and money renovating in an effort to keep everything the same as possible. They had retained the original architecture and the replacement of the existing timber windows would assist greatly in terms of both cost and thermal capacity. He also intended to replace the stained glass as it had previously

been. The replacement windows would be difficult to see from the road. In terms of upkeep UPVC was also preferable to timber provided it was cleaned regularly. A member acknowledged this comment but felt that the protection of the Headland as a heritage site was equally important.

The Chair read a letter in support of the applicant from Councillor Shane Moore, Ward Councillor for Headland and Harbour.

Members were supportive of the applicant, given the amount of work he had put into the property.

A recorded vote was taken to approve the application, against the officer recommendation.

For – Councillors Paddy Brown, Rob Darby, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Against – none

Abstained – Councillors Moss Boddy and Tom Feeney

The Planning and Development Manager confirmed that members had chosen to go against the officer recommendation as they felt the proposal would have an acceptable impact.

A recorded vote to refuse the application as per the officer recommendation was taken.

For – None

Against - Councillors Paddy Brown, Rob Darby, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Carole Thompson and Mike Young

Abstained – Councillors Moss Boddy and Tom Feeney

Decision: **Planning Permission Approved with planning conditions delegated to the Planning and Development Manager**

The committee considered representations on this item.

Number: H/2023/0065

Applicant: MISS G H LINDEN GROVE HARTLEPOOL

Agent: ASP Service Ltd OFFICE 206 ADVANCED
HOUSE WESLEY SQUARE HARTLEPOOL

Date received: 12/04/2023

Development: Demolition of rear canopy and erection of single storey rear extension

Location: 23 LINDEN GROVE HARTLEPOOL

Councillor Moss Boddy moved that this item be deferred for a site visit.
Councillor Tom Feeney seconded this. A recorded vote was taken.

For – Councillors Moss Boddy, Paddy Brown, Rob Darby, Tom Feeney, Sue Little, Brian Cowie, Melanie Morley, David Nicholson, Karen Oliver and Carole Thompson and Mike Young

Against – none

Abstained – none

Decision: Deferred for a site visit

13. Development Management Performance – Fourth Quarter 2022-23 (*Assistant Director – Neighbourhood Services*)

Members were updated on the performance of the Development Management Service for the fourth quarter of 2022/23. All major applications and non-major applications had been dealt with within the statutory periods or agreed time extensions. There had been no county matters. 2 enforcement appeals had been dismissed by the planning inspectorate and 3 were allowed. This performance far exceeded current Government targets.

Members praised the officers for their performance. The Vice-Chair requested a full breakdown on the statistics for future fourth quarter reports including information around extension requests.

Decision

That the report be noted

14. Update on Current Complaints and Enforcement Actions (*Assistant Director (Place Management)*)

Members were advised of 7 ongoing investigations and 7 which had been completed. There had been no recent enforcement actions.

Members requested that an update on Bright Street and Farndale Road be sent out to all committee members.

Decision

That the report be noted

The meeting concluded at 12:10pm

CHAIR

No: 1.
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

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.

1.2 The application was deferred for a site visit by Members at the previous planning committee meeting of 19th July 2023.

BACKGROUND

1.3 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

1.4 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.

1.5 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.

1.6 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.

1.7 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

1.8 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.

1.9 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.

1.10 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.

1.11 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

1.12 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.

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

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 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

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

Local Policy

1.17 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)

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

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

1.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the 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

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

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

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

Impact on 21 Linden Grove (north)

1.22 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.

1.23 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.

1.24 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.

1.25 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.

1.26 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.

1.27 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.

1.28 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.

1.29 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)

1.30 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.

1.31 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.

1.32 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 Avenues 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.

1.33 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.

1.34 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.

1.35 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.

1.36 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)

1.37 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

1.38 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

1.39 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.

1.40 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).

1.41 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.'

1.42 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.

1.43 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.

1.44 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

1.45 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

1.46 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

1.47 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

1.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.50 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE, for the 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

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

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

1.53 Copies of the applications are available on-line:

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

CONTACT OFFICER

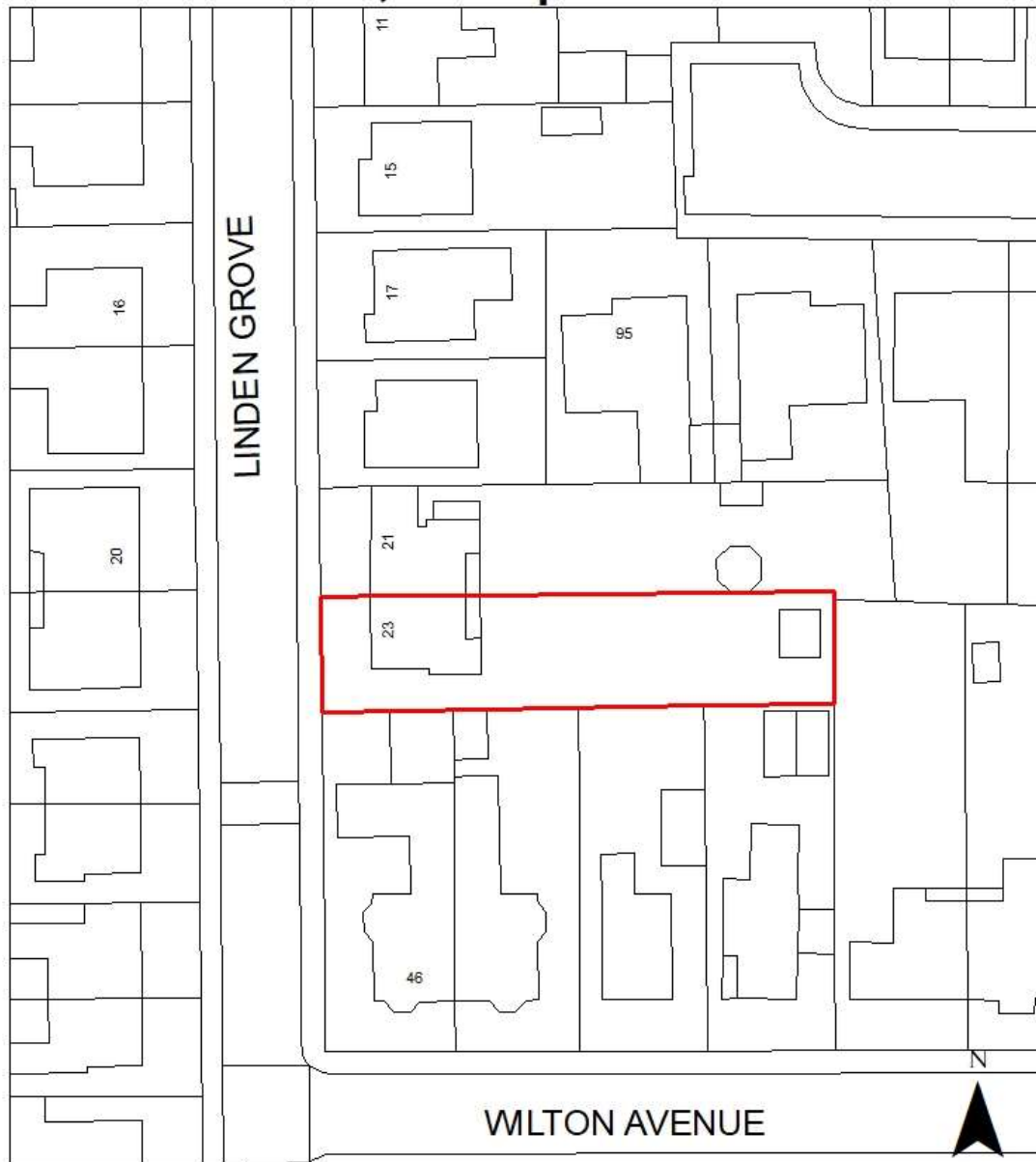
1.54 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

1.55 Nick Robertson
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 806908
E-mail: Nick.Robertson@hartlepool.gov.uk

23 Linden Grove, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2023).

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2.
Number: H/2023/0156
Applicant: HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD
 HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL DAVE KELLY
 CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24
 8AY
Date valid: 31/05/2023
Development: Change of use from office accommodation to 2no.
 childrens homes
Location: THE STAR CENTRE 198 FLINT WALK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/1975/0369 - planning permission was granted in March 1975 for the construction of a residential hostel for girls, however it is unclear if this permission was ever implemented.

H/2015/0404 - planning permission was granted in November 2015 for the installation of solar panels to the host property, where it is understood from the site description included in the case officer's report that the host property was in use as offices.

2.3 In view of the above planning history, it is unclear what the last permitted use of the building is but based on the above mentioned (and limited) available planning history, this would appear to be as offices.

PROPOSAL

2.4 This application seeks planning permission for the change of use and subdivision of the host property to create 2 childrens' care homes.

2.5 The proposed floor plans indicate that the 1st care home would include:

a dining room, lounge, wash room, games room, kitchen, laundry room, lobby and boiler room at ground floor; 2no. bedrooms, 2no. bedrooms/offices and a bathroom at first floor.

2.6 The proposed floor plans indicate that the 2nd care home would include: A dining room, lounge, disabled W.C., office, games room, kitchen, hall and store room at ground floor; 1no. bedroom, 1no. bedroom/office, a bathroom, laundry room, 2no. store rooms and a staff W.C. and shower room at first floor.

2.7 The plans indicate a shared access and lobby on the eastern side, a garage on the western side (accessed from the northern side), and an external yard area to the southern side, which would allow access from the occupants of both care homes.

2.8 The submitted Design and Access Statement notes that the layout of the proposed facility will remain unchanged, except for the division into two separately accessed facilities with such works primarily facilitated by internal modifications, maintenance and repair works (works of which would not ordinarily require planning permission). There are no proposed external alterations to the host property although the submitted application forms note the replacement of a timber door on the north elevation with a composite door with glazed side panel.

2.9 The submitted Design and Access Statement indicates that *“The site has remained in use by Children’s Services, originally being developed as a children’s home, before being used by staff as office space. There is now a requirement to continue to use the site as a children’s home in order to prevent looked after children having to be sent out of the Hartlepool area for accommodation and care.”*

2.10 The application has been referred to be determined in the planning committee due to the number of objections that have been received (more than 3), in line with the Council’s Scheme of Delegation.

SITE CONTEXT

2.11 The application site comprises the Star Centre, at 198 Flint Walk, in Hartlepool. The detached building is self-contained and set within wider garden/grounds, accessed by Radnor Grove, which extends to the north. To the north east is a car parking area, providing car parking for residential properties along Flint Walk and Tredegar Walk.

2.12 A footpath (Flint Walk) extends around the eastern, southern and western boundaries of the application site, with a low level wall forming the boundary.

PUBLICITY

2.13 The application has been advertised by way of neighbour letters (48) and a site notice.

2.14 To date, there have been 11 objections received (including more than 1 representation from the same address on two occasions). The concerns and objections raised can be summarised as follows:

- The centre is already being used as a children's care home;
- Issues with anti-social behaviour including shouting and screaming;
- Potential for crime, including arson and vandalism;
- Fear of crime;
- Congregation of young people around the property;
- Parking and increased traffic;
- Unsuitable location, host property is surrounded by residents that are elderly or disabled;
- Noise and disturbance;
- Lack of consultation/issues with consultations to residents;
- Property devaluation

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157934>

2.16 The period for publicity has expired.

CONSULTATIONS

2.17 The following consultation replies have been received:

HBC Public Protection: I have no objections to this application and no comments to make regarding it.

HBC Economic Development: No objections from Economic Growth.

HBC Housing, Hardship and Welfare Support: To confirm, I am fully supportive of this application, it will help a young person in our care live safely and supported in their own home.

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

HBC Ecology: No Ecology surveys required.

The project has been HRA assessed and is compliant with the legislation.

This project is a change of use from office to residential (for children). As the children that will be catered for already live within the borough, the project is assessed as not increasing the number of visits to European Sites and is screened out.

Natural England: I would agree with the logic for screening out for impacts on European sites. Based on this, Natural England does not have any specific comments to make on this proposal.

Cleveland Police: I note from the Design and Access Statement that the property has previously been used as a Childrens Home. It's important to have good levels of security in relation to these types of premises, where multiple looked after children live, particularly windows and doors security. Speaking to my colleagues from our 'Missing From Home Team', one of their concerns is children escaping from windows, so we would be grateful if a solution could be looked at to help deal with that issue.

A robust and secure access control system from the entrance into the building from Flint Walk should be considered, preferably with an 'air lock' type setup that lets the inner door to open when the outer door is closed. A vision panel (outward viewing only)/door viewer in the access door will help to check callers or activity outside prior to opening it. Similarly I would recommend a vision panel with one way viewing (mirrored type film) /door viewer in the rear door too.

Doors to accommodation should be fitted with door viewers.

Secure mail delivery should be provided along with secure bin storage.

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

PAS 24:2022/2016, or equivalent

Doorsets should also be certificated by one of the UKAS certification bodies, to the following materials specific standards:

BS 6510:2010 (Steel)

BS 7412:2007 (PVCu)

BS 644:2009 (Timber)

BS 8529:2010 (Composite)

BS 4873:2009 (Aluminium)

Good dusk 'til dawn lighting on all elevations with a doorset will provide reassurance and reduce fear of crime and facilitate natural and passing surveillance. Advice is available free of charge from us, to social services to help meet this element of the proposal. In addition to my recommendations above, 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 and Engagement: I have had a look at the planning application and Community Safety would have no concerns.

The property was originally designed and built to be used as a Children's Home.

It is physically separate from other properties around it with its own garden and boundary brick wall, then public footpaths, followed by surrounding properties own boundary fencing/walls and gardens between it and other nearby properties.

There is already another Children's Home operating in the area with the nearby Exmoor Grove Children's Home.

As a Children's Home supervising staff will remain on site on a 24/7 basis to look after children residing in the property.

I would agree with the comments made by the police designing out crime officer.

There is however no mention of external CCTV for the building which I believe would be of benefit. Any such CCTV system should be installed to BS EN 62676 -4 – Video Surveillance Systems for use in security applications, and operated to BS 7958: 2009 Closed Circuit Television (CCTV) Management and Operation code of practice.

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.

Anglian Water: this is not relevant to Anglian Water and we have no comment to make.

HBC Building Control: A Building Regulation application will be required for the 'Change of use'.

HBC Children and Adult Joint Commissioning: No comments received.

HBC Estates: No comments received.

Cleveland Fire Brigade: No comments received.

HBC Waste Management: No comments received.

HBC Housing Standards: No comments received.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

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

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

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

PARA060: Delivering a sufficient supply of homes

PARA062: Housing needs for different groups in the community

PARA092: Promoting healthy and safe communities

PARA124: Achieving appropriate densities

PARA126: Achieving well-designed places

PARA218: Implementation

2.21 HBC Planning Policy comments: Planning Policy has no objections to this proposal.

PLANNING CONSIDERATIONS

2.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular principle of development, the amenity of neighbours, highway safety and parking, safety and security, the impact of the character and appearance of the surrounding area, ecology, safety and security and any other planning matters. These and any other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.23 The primary use in this location is residential, and as such it is necessary to ensure that like or complimentary uses are maintained to protect the character and amenity of the area. The application site is located within the limits to development within walking distance of existing shops and services, and close proximity to local

bus services which provides access to the public transport network. Therefore the site is considered to be in a sustainable location.

2.24 Paragraph 62 of the NPPF (2021) sets out that LPAs should assess the size, type and tenure of housing needed for different groups in the community. This has been echoed by the Government as recently as the 23rd May 2023 whereby the Minister of State Housing and Planning issued a written ministerial statement setting out ‘the Government’s commitment to support the development of accommodation for looked after children, and its delivery through the planning system’. The statement sets out that the planning system should not be a barrier to providing homes for the most vulnerable children in society.

2.25 The written ministerial statement further notes that

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.

2.26 In view of the above, the proposed change of use to 2no. children’s care homes (C2 Use Class), being principally a residential use, would be in keeping with the wider residential area and would be located within a sustainable location close to shops and services. On this basis, the Council’s Planning Policy team have raised no objections to the proposal. Furthermore, the Council’s Housing team have confirmed no objections to the proposed scheme.

2.27 As such the principle of development is considered to be acceptable subject to the scheme satisfying other material planning considerations as set out below.

NEIGHBOUR AMENITY

2.28 Objections received raise concerns regarding the impact on the privacy and amenity of neighbouring properties including in terms of noise disturbance.

Amenity and Privacy

2.29 In terms of amenity and privacy, the proposal does not intend to introduce any additional windows nor extend the property or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. It is noted from the submitted plans that some of the existing window openings would primarily continue to serve rooms of a similar nature i.e. existing ‘habitable room’ windows (bedrooms, lounges etc) continuing to serve proposed habitable room windows and existing non-habitable room windows (bathrooms, landing etc.) serving proposed non-habitable rooms. The proposals would include the subdivision of 2no. offices at first floor into 2no. bedrooms, 1no. bedroom/office and 1no. office to serve the children’s care home proposed on the southern side of the host property; and the conversion of a visitor 1-1 room to a games room.

2.30 It is considered that the proposed room layout would not appreciably alter the scale or massing of the building or reduce the existing separation distances and relationships between the application property windows and distances/relationships to neighbouring properties. It is acknowledged that 7 windows in the first floor eastern side elevation will serve bedrooms and offices that would primarily look onto the blank elevation of the neighbour to the east, No. 196 Radnor Grove, at a separation distance of approximately 12m. An oblique separation distance of approximately 13m would remain between the closest windows in the east side elevation of the building toward the windows (in the south elevation) of this neighbour, with public footpaths between. Although this would fall short of the 20m required distance, given the oblique distances and existing relationship, it is considered that the proposal would not result in unacceptable overlooking to any windows or private garden amenity space of No. 196 Radnor Grove and other properties extending to the east at 188-194 (evens) Radnor Grove. Furthermore, to a degree, it is acknowledged that similar relationships are likely to exist with the existing building and adjacent properties.

2.31 It is noted that 2 of the 6 first floor windows in the west facing elevation would serve habitable rooms (bedrooms). A separation distance of approximately 13.4m to the boundary and approximately 20m to the rear elevations of Nos. 24 and 25 Portmadoc Walk (west) would remain from the western side elevation of the proposed children's care homes. Given the existing relationships between the host property and these neighbours to the west, it is considered that the proposal would not result in unacceptable overlooking to any windows or private rear garden amenity space of Nos. 24 and 25 Portmadoc Walk.

2.32 To the south, a separation distance of approximately 10.3m would remain between the ground floor off-shoot and a distance of approximately 15m would remain between the first floor element of the application site and the nearest property at No. 200 Flint Walk to the south, with the rear boundaries (and footpath) in between. Given that there are no windows in the side of No. 200 Flint Walk, and taking the above context and existing relationships into consideration, it is considered that the proposal would not result in unacceptable overlooking to any windows or private rear garden amenity space of No. 200 Flint Walk or properties beyond to the south.

2.33 To the front/north, a separation distance of approximately 26m (oblique) would remain between the host property and the closest neighbour at No. 1 Radnor Grove (north). Given the relationship including a separation distance that meets the requirements (of 20m) of Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), it is considered that the proposal would not result in unacceptable overlooking to any windows or private rear garden amenity spaces of any properties to the front/north of the host property.

2.34 In view of the above, it is considered that the proposals would not adversely affect existing separation distances to adjacent properties or result in an unacceptable loss of amenity or privacy for surrounding properties in terms of outlook, overbearing, overshadowing and overlooking.

2.35 In terms of the amenity of occupiers of the host property itself, it is noted that the proposal would result in the conversion of a large building into 2no. children's care homes, with the subdivision of 2no. offices into 4no. offices and bedrooms, and the conversion of some rooms at ground floor, e.g. a visitor 1-1 room to a games room. Owing to the established relationship of the host property to which no external alterations (such as windows) are proposed, as well as the orientation of the windows and the above identified relationship, it is considered that there would be no unacceptable overlooking from any communal rooms at ground floor or from any other habitable room windows in the first and second floor of the proposed children's care homes.

Noise and Disturbance

2.36 Given that the host property is a detached building set within self-contained grounds, it is considered, on balance that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues.

2.37 In this respect, the Council's Public Protection team have raised no objection (or requirements) to the scheme. 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 children's care homes in terms of noise disturbance.

2.38 The site also features an enclosed rear yard/garden area that would provide access to external amenity space for the occupants of the proposed children's care homes and the proposal is considered to be acceptable in this respect.

Amenity of Neighbouring Properties Conclusion

2.39 In view of the above considerations, it is considered that the proposal would not result in a significant adverse loss of amenity and privacy for neighbouring land users or future occupiers of the children's care homes in terms of loss of outlook, overbearing, overshadowing and overlooking.

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

2.40 It is acknowledged that objections have been received in respect of traffic and car parking. The Council's Traffic and Transport team have been consulted on the proposals and have confirmed no objections. As such, the proposed development is unlikely to worsen any existing highway safety or parking concerns in the area. In addition, the site is within a short walking distance local services and public transport links.

2.41 In view of the above, it is considered the proposed development would not have a significant impact on highway safety or parking. The proposed development is therefore considered to be acceptable in this respect.

SAFETY & SECURITY

2.42 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder.

2.43 An established principle in law is that fear of crime can be a material consideration in planning; however that fear has to be objectively justified rather than just perceived.

2.44 It is acknowledged that a number of objections have been received in respect of crime, fear of crime and anti-social behaviour, and the potential for issues arising as a result of the proposed use.

2.45 Cleveland Police have been consulted on the application and whilst not objecting, they have provided advice in respect to security of the building. An informative can relay this advice to the applicant and the proposal is therefore considered to be acceptable in this respect.

2.46 Further HBC Community Safety and Engagement have confirmed no concerns regarding the application noting that the building is physically separate from other properties around it whilst as a Children's Home supervising staff will remain on site on a 24/7 basis to look after children residing in the property. HBC Community Safety and Engagement agree with the comments of Cleveland Police and also recommend external CCTV which can be relayed to the applicant by way of an informative.

2.47 In the event of any concerns in this regard, this could be controlled/considered under the requirements imposed by other legislative powers including by other authorities (i.e. the Police), Ofsted registration (which is understood to fall within the Children's Homes Regulations and therefore outside of the controls of planning) and ultimately by appropriate management by the operator (as reflected in the HBC Community Safety and Engagement team's comments).

2.48 Therefore, in light of the above, it is considered that the impact of the proposal is acceptable in this regard.

CHARACTER & APPEARANCE OF THE SURROUNDING AREA

2.49 Policy QP4 of the Hartlepool Local Plan (2018) seeks to ensure that the design of proposals do not affect the visual amenity of the area.

2.50 Whilst it is recognised that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and wider surrounding area, as the proposal primarily seeks to make internal alterations only with no notable external alterations to the host property as part of this application (save for the replacement of a timber door on the north elevation with a composite door with glazed side panel, final details of which can be secured by a planning condition) and therefore there would be minimal changes to the building and its

frontage, and it is therefore considered that the proposal would remain compatible with the character and appearance of the area.

2.51 In view of the above, the proposed development is considered to be to be appropriate for this location and would not adversely affect the character and appearance of the existing building and the surrounding area.

ECOLOGY

2.52 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.

2.53 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 in turn would be treated by the Seaton Carew Waste water Treatment Works. HBC Ecology have advised that any Likely Significant Effects from the application can therefore be screened out at Stage 1 of the Habitats Regulations Assessment. Natural England have also confirmed they have no objections in this respect.

2.54 HBC Ecology have screened out the potential for recreational disturbance and any Likely Significant Effects on the designated sites, confirming that as the proposal is for the change of use from offices to children's care homes, whereby children that will be catered for already live in the borough, the project is assessed as not increasing the number of visits to European Sites. Natural England have been consulted and have confirmed their agreement with the Council's assessment.

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

OTHER MATTERS

2.56 With reference to the objections that the applicant (HBC) has not consulted neighbouring properties, there is no formal requirement of the applicant to do so on this type of application. As stated above, the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and a site notice.

2.57 Property de-valuation is not a material planning consideration.

CONCLUSION

2.58 On balance and in light of the considerations detailed above, it is considered that the principle of the proposed change of use to 2no. children's care homes (C2 Use Class) is acceptable. It is considered that the proposal would not give rise to

adverse impacts upon the visual amenity, neighbour amenity, highway safety or any other planning matter including safety and security. It is therefore considered the development accords with the relevant policies of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

2.59 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.60 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.

2.61 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans Dwg. No. 822-07-1001 (Site Location Plan, scale 1:1250), Dwg. No. 822-07-1002 (Site Plan, scale 1:500), Dwg. No. 822-07-2002 (Existing and Proposed Elevations), and Dwg. No. 822-07-2003 (Proposed Plans) received by the Local Planning Authority on 10th May 2023.
For the avoidance of doubt.
3. The premises shall be used for 2no. children's care homes (C2 Use Class) and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
In the interests of the amenities of occupants of neighbouring properties.
4. Prior to the replacement of any external doors, details shall be first submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
To ensure a satisfactory form of development.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=157934>

2.64 Copies of the applications are available on-line:

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

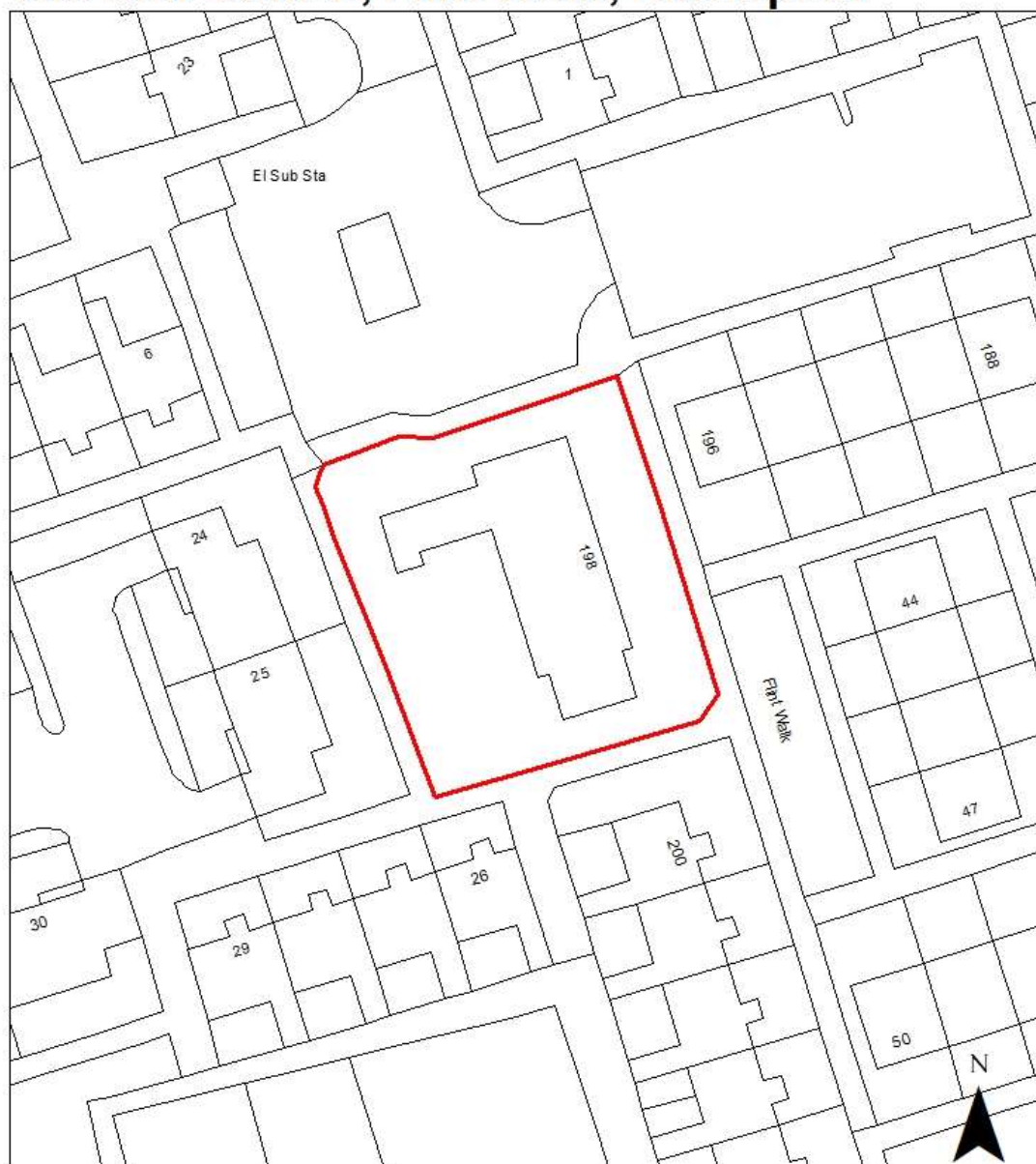
CONTACT OFFICER

2.65 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

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

The Star Centre, Flint Walk, Hartlepool



© Crown Copyright. All rights reserved AC0000849987 (2023).

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 02.08.2023
	SCALE 1:500	
	DRG.NO H/2023/0156	REV

POLICY NOTE

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

HARTLEPOOL LOCAL PLAN POLICIES

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

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN

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

MINERALS & WASTE DPD 2011

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

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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

PLANNING COMMITTEE

16 August 2023



Report of: Assistant Director (Neighbourhood Services)

Subject: UPDATE ON CURRENT COMPLAINTS AND
ENFORCEMENT ACTIONS

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 two timber outbuildings at the rear, and running a decorating business at a residential property in Mayfair Gardens.
2. The poor condition of a building on Elwick Road.
3. Alterations to the ground levels in the rear garden of a residential property in Willow Drive.
4. The installation of uPVC windows at the front of a residential property in Clifton Avenue.
5. The siting of a laundromat at a retail local centre on Belle Vue Way.
6. Non-compliance with the working hours condition and construction management plan at a housing development site at land west of Middle Warren.
7. The provision of an outdoor seating area at a recreational premises on Harbour Walk.
8. The change of use of a residential property in Southburn Terrace to a house in multiple occupation (one of two).
9. The erection of a high timber fence and external lighting at a residential property in Ashwood Close.
10. The rendering of the front of a residential property at The Front.

11. The removal and replacement of the upper floor windows at a residential property in Grange Road.
12. The installation of a replacement rooflight at a residential property in Grange Road.
13. The installation of an extract system at the rear of a commercial premises in Raby Road.

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

1. The installation of an air source heat pump at the rear of a residential property in Palace Row. Permitted development rights apply in this case.
2. The change of use from a dwellinghouse to a house in multiple occupation at a residential property in Grange Road. Permitted development rights apply in this case.
3. The erection of an outbuilding at the rear of a residential property in Davison Drive. Permitted development rights apply in this case.
4. The erection of rooftop decking with surrounding fence and timber canopy at the rear of a licensed premises in Front Street, Hart Village. The rooftop decking, surrounding fence and timber canopy have now been removed.
5. The erection of an outbuilding at the rear of a residential property in Rosedale Avenue. Permitted development rights apply in this case.
6. The deposit of spoil to raise ground levels at an area of land at Old Cemetery Road. The site benefits from planning permission for a housing development, and the development works are now underway.
7. The change of use of a residential property in Dorset Street to a bike shop. It was found that no material change of use requiring planning permission had occurred.
8. The installation of a ground floor window at the side of a residential property in Kesteven Road. Permitted development rights apply in this case.
9. The change of use of a residential property in Southburn Terrace to a house in multiple occupation (one of two). Permitted development rights apply in the case.
10. The erection of a wall at the front of a residential property in Hylton Road. Permitted development rights apply in this case.

1.3 The following enforcement actions have been taken within this reporting period:

1. An enforcement notice has been served in respect of the erection of a high timber fence at the side of a residential property in Skelton Street.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

3.1 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284291
E-mail kieran.bostock@hartlepool.gov.uk

AUTHOR

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

PLANNING COMMITTEE

16th August 2023



Report of: Assistant Director - Neighbourhood Services

Subject: APPEAL AT 234 STOCKTON ROAD, HARTLEPOOL
TS25 5DE
APPEAL REF: APP/H0724/W/23/3317885
Section 73 planning application to remove condition
15 (hours of use restriction) of planning approval
H/2021/0573 (Demolition of existing kiosk building
and forecourt canopy and erection of a roadside
service facility, including a petrol filling station (sui
generis) with ancillary retail shop, associated access,
car parking and landscaping arrangements) to allow
24-hour operation of the roadside service facility.
(H/2022/0440)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of a Section 73 application to remove condition 15 (hours of use restriction) of planning approval H/2021/0573 (Demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements) to allow 24-hour operation of the roadside service facility, at 234 Stockton Road, Hartlepool (H/2022/0440).
- 1.2 The appeal was allowed. A copy of the Inspector's decision is attached. **(Appendix 1)**

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director - Neighbourhood Services
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4. AUTHOR

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

Appendix 1.



Appeal Decision

Site visit made on 6 June 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/H0724/W/23/3317885
234 Stockton Road, Hartlepool TS25 5DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by SRJ Convenience Ltd against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0440, dated 16 November 2022, was refused by notice dated 12 January 2023.
 - The application sought planning permission for demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including petrol filling station (sui generis) with ancillary retail shop, associated access, car parking and landscaping arrangements without complying with a condition attached to planning permission Ref H/2021/0573, dated 3 August 2022.
 - The condition in dispute is No 15 which states that: *The fuel filling station, ancillary kiosk building and associated development hereby approved shall only be open to the public between the hours of 07:00 and 23:30 Monday to Sunday including Public and Bank Holidays.*
 - The reason given for the condition is: *In the interests of the amenities of the occupants of neighbouring properties.*
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing kiosk building and forecourt canopy and erection of a roadside service facility, including a petrol filling station (sui generis) with ancillary retail shop with associated access, car parking and landscaping arrangements at 234 Stockton Road, Hartlepool TS25 5DE in accordance with the application Ref H/2022/0440 dated 16 November 2022 without compliance with condition 15 previously imposed on planning permission Ref H/2021/0573 dated 3 August 2022 and subject to the conditions set out in the schedule below.

Background and Main Issue

2. Planning permission for the erection of a roadside service facility comprising a petrol filling station and ancillary retail included a condition that development should only be open to the public between the hours of 7am to 11:30pm. The appellant seeks to vary it through its removal to enable the 24-hour operation of the premises. The Council refused the application on the basis that it would result in significant adverse impact on the occupiers of nearby residential properties in relation to noise.

3. Taking the above into account, the main issue is the effect that removing the condition and the 24-hour operation of the development would have on the living conditions of nearby residents, with particular regard to noise.

Reasons

4. The nearest dwellings to the appeal site are 232 and 230 Stockton Road. There are also dwellings further away on the opposite side of Stockton Road, and to the rear on Stockton Road and Whistlewood Close. Given the site's proximity to existing residential development, there is the potential for increased noise to occur as a result of the proposed 24-hour operation of the site. The appellant has provided a noise impact assessment, undertaken by a suitably qualified person, which sets out detailed evidence, produced in accordance with the relevant standards for assessing commercial noise impacts on residential properties.
5. The assessment provides a baseline noise survey to capture the existing background noise levels between 9pm and 7:30am, which represents the proposed night time opening. A measurement position was chosen to represent the rear of the nearest dwellings to the site. The noise survey also had regard to a number of measures that have a bearing on the potential noise levels, including the erection of an acoustic boundary fence between the appeal site and the nearest dwellings and a restriction on the hours of delivery. No corrections have been applied as the potential noise is not impulsive or tonal.
6. I observed the area surrounding the appeal site to have a mixed-use character, with commercial, residential and community uses. Stockton Road is a wide dual carriage way. The primary source of noise would relate to vehicle movements, and this would include engine and car radio noise, and doors opening and closing. There may also be a degree of customer conversations on the forecourt and noise generated by the operation of the development. In seeking 24-hour opening, noise would consequently occur at night-time when the effects would be most keenly experienced when neighbouring occupiers are likely to be at home and sleeping.
7. It is not disputed that background noise levels at the site drop as the night progresses, but it is indicated in the noise survey that this would be matched by similar drops in activity at the petrol fillings station. Having considered all potential noise arising from the use of the site the survey found that the proposed activity noise would not be distinctly noticeable given the existing noise climate within the vicinity of the site and its mixed-use character. Overall, the survey concludes that impact should be low, albeit additional mitigation is proposed of acoustic fencing around the mechanical equipment.
8. In their statement, the Council has presented generalised concerns about the effect of the appeal site's adjacency to nearby dwellings and the schemes possible effects on the living conditions of the residents. Based on the evidence before me, the noise survey was completed correctly, and all relevant matters were taken into account. There is no detailed evidence to suggest that the technical conclusions of the survey are incorrect or unreliable, or that the imposition of planning conditions relating to a second acoustic fence and restricted delivery hours, in addition to the acoustic boundary fence between the site and nearest dwellings, would not protect the living conditions of neighbouring residents.

9. Accordingly, I have no clear reason to disagree with the findings of the noise impact assessment. I am satisfied that through the imposition of conditions there would not be any unacceptable effect on the living conditions of nearby residents from the 24-hour operation of the site. Overall, for the purposes of paragraph 185 of the National Planning Policy Framework (the Framework), a significant adverse impact would not occur.
10. As such, removing the condition and the 24-hour operation of the development would not be unduly harmful to the living conditions of nearby residents, with particular regard to noise. It would be in accordance with policies QP4 and QP6 of the Hartlepool Local Plan (2018) (HLP) which require proposals to investigate and satisfactorily address the effects on, or impacts of, general disturbance including noise development so that development does not negatively impact upon the relationship with existing neighbouring land uses and the amenity of occupiers of nearby properties. It would also align with the provisions of the Framework at paragraph 185.
11. The Council also allege a conflict with Policy RC17 of the HLP. It is not disputed that the appeal site is not located within the late night uses area designated under this policy, where the Council would expect late night commercial activity. However, Policy RC17 deals primarily with food, drink and the night time economy and seeks to ensure that such uses are located within the late night uses area. The policy provides a closed list of the businesses where the only appropriate location for operating during late night is the designated late night area. This list does not include petrol filling stations. Therefore, despite the appeal site's location outside of the late night uses area, I do not consider that the proposal would be in conflict with this policy as the site's use as a petrol filling station would not fit within the definition of the night time economy set out within the policy. As such, Policy RC17 has not been determinative in my decision.

Other Matters

12. Given that I observed the surrounding area to have a mixed-use character, the 24-hour operation of the site would not be detrimental to the character of the street scene. An objection has been raised from a local resident, including concerns about highway safety. However, any increase in traffic during the extended opening hours would be minimal and I note that the Council's traffic and transport section did not object to the scheme. Concerns were also raised about potential contamination. Conditions are imposed to ensure that any contamination is dealt with appropriately and that details are submitted regarding the disposal of surface water so that an appropriate scheme is secured.

Conditions

13. It should be noted that as I am allowing the appeal, a new permission is created, and the original permission remains extant and unaltered along with the conditions attached to it. The grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission unless they have already been discharged. As I have no information before me about the status of the conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.

Appeal Decision APP/H0724/W/23/3317885

14. I shall remove the disputed condition and impose a condition restricting hours of deliveries to protect the living conditions of neighbouring occupiers. I have amended the condition relating to hours of construction for clarity to make it clear this relates to deliveries during the construction phase. I shall also impose a condition requiring the provision of an additional acoustic fence around the mechanical equipment in the interests of protecting neighbouring occupiers living conditions. For clarity I have amended the condition regarding boundary enclosure to make reference to both acoustic fences.

Conclusion

15. For the reasons given above, I conclude that the proposal accords with the development plan. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans and details: Dwg. No. 1 (Site Location Plan), Dwg. No. 11 (Electric Meter Kiosk), Dwg. No. 10 (Petrol Canopy) received by the Local Planning Authority on 24th December 2021; Dwg. No. 12a (Site Elevations), Dwg. No. 15 (Bin Store Detail), received by the Local Planning Authority on 25th January 2022; Dwg. No. 1 (Below Ground Tank Section) received by the Local Planning Authority on 24th February 2022; Dwg. No. 8b (PPS Plans & Elevations) and Dwg. No. 7a (Planning [Proposed Site Plan] at a scale 1:100) received by the Local Planning Authority on 29th April 2022; Dwg. No. 17/01166 Rev 2 (Sales & Installation Drawing for Envirofence 1.2k – 2.0m high) received by the Local Planning Authority on 12th May 2022.
- 3) Prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site.
- 4) Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels of the site including the finished floor levels of the buildings to be demolished and erected (within and out with the site) and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme for the protection during construction works of all trees adjacent to the site (within the Tees Valley North Scout Centre), in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
- 6) Prior to the commencement of the development hereby approved, a scheme detailing the proposed means of disposal of surface water shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the approved scheme.

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

- 8) The development hereby permitted shall not commence until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, shallow groundwater level, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.
- 9) Notwithstanding the submitted details and prior to above ground construction, details of all external finishing materials for the proposed development and application site shall be first submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter, the development shall be carried out in accordance with the approved details.
- 10) Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This

shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the first use of the development or completion of the development, whichever is the sooner.

- 11) Notwithstanding the submitted details and the requirements of condition 12 and 13, and prior to above ground construction of the development hereby approved, full details of all walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.
- 12) Prior to first use of the development hereby approved, the 2m high acoustic fence as annotated on Dwg. No. 7a (Proposed Site Plan, received by the Local Planning Authority on 29th April 2022) and as detailed in Dwg. No. J7/01166 ('Sales & Installation Drawing for Envirofence 1.2k – 2.0m high' received by the Local Planning Authority on 12th May 2022) shall be implemented at the application site in accordance with the agreed details. The acoustic fence shall be designed to have a minimum mass of 15kg/m² and shall remain in place for the lifetime of the development hereby approved.
- 13) Prior to first use of the development hereby approved, details of an acoustic fence around the mechanical equipment, as shown in the 'Assessment of the noise impact of the recently consented Petrol Filling Station (PFS) and Shop, with particular regard to a proposed extension of hours' (dated 26 October 2022), shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be constructed prior to the first use of the development and shall remain in place for the lifetime of the development hereby approved.
- 14) Prior to the installation of any photovoltaic (PV) panels and electric vehicle (EV) charging apparatus, details of the location and specification for such works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed/installed in line with the approved scheme prior to the installation of PV panels or EV charging apparatus.
- 15) No demolition/construction/building works or deliveries/dispatches during the construction phase shall be carried out except between the hours of 8am to 6pm on Mondays to Fridays and between 9am to 1pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 16) Deliveries to the fuel filling station shall be taken at or despatched from the site only between the hours of 8am to 6pm on Mondays to Sundays including Public and Bank Holidays.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the kiosk building hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

- 18) Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises shall be used as a fuel filling station (Use Class Sui Generis) and associated ancillary kiosk including a retail shop as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use.
- 19) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements, applications, banners or other covers should be displayed at the application site hereby approved at any time without the prior written approval of the Local Planning Authority.
- 20) The development hereby approved shall be laid out and operate solely in accordance with the approved layout as detailed on Dwg. No. 7a (Proposed Site Plan, received by the Local Planning Authority on 29th April 2022), including the commercial unit, servicing areas, car parking and ingress/egress to/from the site, unless an amendment to the layout is agreed in writing with the Local Planning Authority. The proposed ancillary kiosk including a retail shop (shall only operate as an ancillary use to the approved petrol filling station use only. In the event of the petrol filling station use no longer trading, the ancillary kiosk including a retail shop shall cease to trade.
- 21) The ancillary kiosk building hereby approved shall be laid out and operate in general conformity with drawing Dwg. No. 7a (Proposed Site Plan, received by the Local Planning Authority on 29th April 2022) and there shall be no increase in the total sales area shown therein (187.64sqm), without the prior written consent of the Local Planning Authority.
- 22) Prior to the installation of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

*****End of Conditions*****